

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Friday, 29th November, 2019

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Friday, 29 November 2019 at 10.00 am
Council Chamber, Sessions House, County Hall,
Maidstone

Ask for: **Georgina Little**
Telephone: **03000 414043**

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (15)

Conservative (11): Mr M A C Balfour (Chairman), Mr A Booth, Mr T Bond, Mr D L Brazier, Mr A Cook, Mr N J Collor, Mr S Holden, Mr A R Hills, Mr R C Love, OBE, Mr J M Ozog and Mr H Rayner
(please note that Mr M Payne is no longer a Member of the Committee)

Liberal Democrat (2): Mr R H Bird and Mr I S Chittenden

Labour (1) Mr B H Lewis

Independents Mr M E Whybrow
Green Party) (1)

Webcasting Notice

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council.

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Introduction/Webcast announcement
- 2 Apologies and Substitutes
To receive apologies for absence and notification of any substitutes present

3 Election of Chairman

In accordance with section 18.25 of the Constitution Mr Holden has been nominated as Chairman of the Committee by the Leader.

- 4 Election of Vice-Chairman
- 5 Declarations of Interest by Members in items on the Agenda
To receive any declarations of interest made by Members in relation to any matter on the agenda. Members are reminded to specify the agenda item number to which it refers and the nature of the interest being declared.
- 6 Minutes of the meeting held on 10 October 2019 (Pages 7 - 22)
- 7 Verbal Update
- 8 Kent & Medway Energy and Low Emissions Strategy - consultation response and next steps (Pages 23 - 88)
- 9 Performance Dashboard (Pages 89 - 100)
- 10 Strategic Delivery Plan Monitoring: Quarter 2 2019/20 (Pages 101 - 118)
- 11 19/00085 - Thanet Parkway Railway Station - Delivery (Pages 119 - 160)
- 12 Fly Tipping Enforcement Plan - Update (Pages 161 - 172)
- 13 19/00091 - Adoption of Household Waste Recycling Centre Enforcement Policy (Pages 173 - 212)
- 14 19/00092 - SC18031 - Re-commissioning of contracts for the Management and Operation of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent, including Haulage Services (Pages 213 - 226)
- 15 19/00090 - Clinical Waste Collection, Reception and Disposal Services - SC18063 (Pages 227 - 238)
- 16 Flood Risk Management Policies (Pages 239 - 248)
 - a) 19/00088 - Drainage and Planning Policy Update 2019 (Pages 249 - 340)
 - b) 19/00087 - Land Drainage Policy (Pages 341 - 368)
 - c) 19/00089 - Section 19 Flood Investigation Reporting Policy (Pages 369 - 384)
- 17 19/00086 - Kent County Council Flood Response Emergency Plan (Pages 385 - 516)
- 18 19/00074 - Kent Resilience Forum Animal and Plant Health Emergency Plan (Pages 517 - 534)
- 19 Ash Dieback in Kent (Pages 535 - 552)
- 20 Gypsy and Traveller Service: Proposed approach to the setting of fees and charges (Pages 553 - 562)
- 21 Work Programme (Pages 563 - 568)
- 22 Highways Term Maintenance Contract - Position Paper (Pages 569 - 584)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Thursday, 21 November 2019

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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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 Thursday, 10 October 2019.

PRESENT: Mr M A C Balfour (Chairman), Mr R H Bird, Mr A Booth, Mr T Bond, Mr D L Brazier, Mr A Cook, Mrs P M Beresford (Substitute for Mr N J Collor), Mr S Holden, Mr A R Hills, Mr R C Love, OBE, Mr J M Ozog, Mr I S Chittenden, Mr B H Lewis, Mr M E Whybrow and Mr H Rayner

ALSO PRESENT: Mr P M Hill, OBE, Mr M Whiting and Mr A M Ridgers

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr S Jones (Director of Highways, Transportation and Waste), Mrs K Stewart (Director of Environment Planning and Enforcement) and Miss G Little (Democratic Services Officer)

UNRESTRICTED ITEMS

202. Apologies and Substitutes

(Item 2)

Apologies were received from Mr Collor, Mrs Beresford attended as a substitute.

203. Declarations of Interest by Members in items on the Agenda

(Item 3)

1. Mr Whybrow declared an interest in item 14 on the agenda (*Revised Detailed Emergency Planning Zone (DEPZ) for Dungeness B Nuclear Power Station*) as he lived within a 30km radius of the site.
2. Mr Balfour declared an interest in item 11 on the agenda (*Food waste processing contract*) as the anaerobic digestion plant under development at Blaise Farm was within his division

204. Minutes of the meeting held on 16 July 2019

(Item 4)

RESOLVED that the minutes of the meeting on 16 July 2019 are a correct record and that they be signed by the Chairman.

205. Verbal Update

(Item 5)

1. Mr M Hill, OBE (Cabinet Member for Community and Regulatory Services) provided an update on the Trading Standards event 'Scams: The true cost – Working together to Tackle Financial Abuse' that took place on 1 October 2019.

The event focused on the impact that scams had on the individual, to services and the economy as a result of the psychological and financial abuse incurred and the importance of joint working across the relevant agencies to help minimise future detriment.

2. Mr Hill informed Members that district licensing had adopted a new approach to authorising developments that affected great crested newts and that new site-based assessments and mitigation processes had been put in place to drive strategic habitat improvements. He had recently visited the project undertaken by Countryside Partnerships to see appropriate habitats in the Egerton area. Similar projects were being constructed in other parts of the county.
3. Mr M Whiting (Cabinet Member for Planning, Highways, Transport and Waste) provided a verbal update on the following issues:
 - (a) Kent County Council received 144 responses for the Kent Biodiversity Strategy consultation. The majority were from individuals. There was strong support for the strategy but also some criticism that it needed to be more ambitious. The comments had been addressed and a final draft of the Strategy was due to return to the Committee in the new year.
 - (b) Last month, Government announced that the A28 Birchington, Acol and Westgate-on-Sea Relief Road scheme had been approved to the next stage of project development for Major Road Network funding. The scheme would provide an alternative route and would utilise the existing Shottendane Road which ran south of and parallel to the A28. The new road would link to the A28 south of Birchington and to Manston Road and Hartsdown Road, east of Westgate-on-Sea, through future development sites. It would also provide a southern link through an extension to the existing Columbus Avenue, providing traffic relief to the village of Acol. The scheme was part of the Thanet Transport Strategy to support the draft Thanet Local Plan. The Government's announcement provided confidence to progress the scheme to the next stage of the Strategic Outline Business Case.
 - (c) With regard to the Thanet local Plan, the examination hearings had recently finished. A decision on the soundness of the draft Local Plan was expected early 2020.
 - (d) KCC owned eight windmills, spread across the County, and continued to prioritise where the capital investment was required to maintain the iconic agricultural heritage of Kent for future generations as well as to support the volunteers who continued to open them for the benefit of the community. Where possible there was a desire to maintain them in working condition as at Cranbrook, Herne, Stelling Minnis and Margate. Others were to be found at Chillenden, West Kingsdown, Whittersham and Meopham and all were listed buildings representing some of the best examples of their kind in the country.
 - (e) Surrey County Council had committed to facilitate 1.2 million trees within the Surrey region by 2023. Mr Whiting commended the initiative and had asked

Kent County Council officers to review ways in which Kent could mirror the initiative with its 1.8 million trees.

4. The Cabinet Members and officers responded to comments and questions as follows:
 - (a) Mr Whiting assured the Committee that Kent County Council was not divesting its responsibility for the maintenance of windmills and had actively sought support from Trusts and volunteers to help operate them. Kent County Council had received £300,000 funding to help repair the iconic landmarks and continued to work with local communities to ensure their continued use. Mrs Stewart (Director of Environment, Planning and Enforcement) said that a Capital Programme was in place to help maintain the windmills and this was linked to the Heritage Conservation Strategy which identified the best way to conserve Kent's historical landmarks.
 - (b) Mr Whiting thanked Members for their comments concerning the facilitation of trees and said that work was being carried out by officers to review the scheme adopted within Surrey. A report detailing Kent County Council's plan would be brought back to a future Committee.
5. It was RESOLVED that the verbal update was received, with thanks.

206. Heritage Service: Current Priorities and Future Strategy (Item 6)

Lis Dyson (Heritage Conservation Manager) was in attendance for this item.

1. Mrs Stewart (Director of Environment, Planning and Enforcement) introduced the report that set out the current priorities and future strategic direction of the Heritage Conservation Service. The report sought agreement for a KCC Member Archaeology Champion role be created and that both the existing Member Heritage Champion and the proposed Member Archaeology Champion form part of a Member Working Group to help inform the drafting of the Heritage Conservation Strategy.
2. Ms Dyson presented a series of slide that set out the current priorities and future strategies and responded to Members comments and questions as follows:
 - (a) With regard to the Highspeed CTRL excavation finds, Ms Dyson informed Members that the Kent County Council Conservation Team was working in conjunction with Sussex County Council to generate a proposal for a Deepstore Salt Mine in Cheshire which was a cost-effective solution to preserving unearthed artefacts. The identified Deepstore had been storing Cambridgeshire archaeological archives for a period of time and had established a good transfer system. The Conservation Team had also submitted an expression of interest to the Heritage National Lottery Fund Bid to help support the transference of artefacts in and out of Deepstore to display certain items of high interest at local museums/ pop up exhibitions. Ms Dyson

confirmed that KCC had commissioned a conservation assessment of the Highspeed 1 Archive and that the team could progress with the bid.

- (b) In response to the conservation of the Meopham and West Kingsdown windmills, Ms Dyson said that both sites required extensive work in order to transform them into a state of operation, however, this was beyond the allocated current capital programme spend. Emergency restoration work works were being carried out to make sure the windmills were weatherproof throughout the winter season to limit their deterioration. An expression of interest to the National Lottery Heritage Fund for £1.4m for the restoration of windmills had been submitted.
- (c) Ms Dyson informed Members that the National Planning Policy Framework provided clear instruction to developers that they need to have regard to the historic environment and undertake both archaeological evaluation and excavation as mitigation or preservation. The Government's approach wants to speed up the planning process which created potential issues regarding the pre-commencement conditions, however, the framework was in place to deal with the historical environment properly, providing that the Conservation team knew that the historical remains were there. In terms of unearthed artefacts, it was often more difficult to persuade developers to sign up to the S106 agreements as there may not have been storage facilities within the local area.
- (d) The Conservation team worked in close liaison with English Heritage which looked after property and Historic England who were the Governments advisors on the historic environment.
- (e) In response to comments regarding utility companies and sufficient charging, Ms Dyson informed Members that utility companies were not governed by the planning process and were dependent on various acts of parliament which did not contain the preferred regulations as set out within the National Planning Policy Framework. The team quite often relied on the good will of the utilities companies, however, acknowledged that this was an on-going problem that needed to be addressed.
- (f) The Committee commended the work carried out by Mr Payne to help drive the strategic ambitions of the Conservation Service.

3. It was RESOLVED that:

- (a) the information set out in the presentation and given in response to comments and questions be noted; and
- (b) that Mr Ridgers be appointed as the KCC Member Archaeology Champion, and that both the existing Member Heritage Champion and the newly appointed Member Archaeology Champion form part of a Member Working Group to help inform the drafting of the Heritage Conservation Strategy,

be endorsed.

207. Performance Dashboard (Item 7)

Rachel Kennard (Chief Analyst) was in attendance for this item.

1. Ms Kennard introduced the Performance Dashboard which showed progress made against targets set for Key Performance Indicators (KPIs) up to July 2019. Thirteen of the eighteen KPIs achieved target and were RAG rated green. The remaining five KPIs were below target, however, did achieve floor standard and were RAG rated amber. No KPIs were RAG rated as red. Ms Kennard addressed the increased target levels as raised at the previous Cabinet Committee and welcomed Members comments.
2. Officers responded to comments and questions as follows:
 - (a) In response to underperforming targets, Mr Jones (Director of Highways, Transportation and Waste) informed Members that April and May of 2019 saw significantly increased workload and pressure points due to the pothole blitz and repair work. The work required for the Pothole Blitz was protracted due to shortage of staff combined with severe weather events which caused resources to be deployed elsewhere throughout the county to resolve drainage issue. However, work had been done with the Highways Term Maintenance contractor to ensure that a recovery plan was put in place and fruition of that plan was successful.
 - (b) Thanks was paid to Mr Beaver (Head of Waste Management) and Mr Payne (Deputy Cabinet Member for Planning, Highways, Transport and Waste) on their work carried out to address the waste and recycling Key Performance Indicators which reflected more ambitious targets.
 - (c) In response to KPI EPE14 (*Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes*) and whether the revised target was a reflection on KCCs reduction in estate or good management, Mrs Stewart (Director of Environmental, Planning and Enforcement) said that work was being done with the property team to understand the KPIs and that the quarterly update report in December would provide clarity.
3. It was RESOLVED that the report be noted.

208. Gypsy and Traveller Service: Draft Pitch Allocation and Site Management Policy (Item 8)

Helen Page (Head of Countryside and Community Development Group) and Pal Sandher (Head of Gypsy and Traveller Service) were in attendance for this item.

1. Mr M Hill, OBE (Cabinet Member for Community and Regulatory Services) introduced the report that set out the key features of the draft Pitch Allocations and Site Management Policy, the development of a new draft Gypsy and Traveller

Service Fee Setting and Charges Policy for presentation in November 2019, and by the end of the financial year, an Unauthorised Encampment Strategy.

2. Ms Page informed the Committee that the draft Pitch Allocation and Site Management Policy was the first of three policies that would be presented to the Environment and Transport Cabinet Committee over the autumn period ahead of one public consultation.
3. Mr Sandher said that respondents from the 2017 consultation highlighted their concerns regarding the approach taken by Kent County Council and wanted the policy to be realigned to mirror the social housing policies adopted by the district and borough councils to improve outcomes for the Gypsy and Traveller community. The newly proposed draft Pitch Allocation and Site Management Policy directly complemented the existing social housing policies and promoted independence for applicants. The enforcement process had also been strengthened to ensure that residents fully understood their obligations and the expected site standards. Following comments received from the Committee, the consultation on the draft Pitch Allocation and Site Management Policy was planned to begin in December 2019.
4. Officers responded to comments and questions as follows:
 - (a) Mr Sandher informed Members that the transit population was catered for within the allocation process and they received the same opportunities as anyone else within the Gypsy and Traveller community. Kent County Council also provided an Unauthorised Encampment service to the county, however, those who fell within that category still had access to apply for pitch allocation. Ms Page informed Members that Members were due to receive a report later in the year that looked at the policy for Unauthorised Encampment, however, the Pitch Allocation and Site Management Policy primarily focused on the eight settled Gypsy and Traveller sites that KCC owned and managed.
 - (b) Mr Sandher confirmed that an easy-read version of the Policy was in the process of being produced and this would be published ahead of the public consultation. Other methods of communication to encourage feedback from the Gypsy and Traveller communities were also being developed, including roadshows.
 - (c) The work carried out by the Gypsy and Traveller Service was governed under the Housing Act 2004 and Mobile Homes Act 1983. The Pitch Allocation and Site Management Policy, and the actions taken within the Gypsy and Traveller community were governed by legislation.
 - (d) In response to queries regarding the actions that could be taken by the Gypsy and Traveller service to evict/ take possession of a pitch from someone who is engaged in criminal activity, Mr Sander informed Members that there was a significant difference between what housing providers could do and what the Gypsy and Traveller service could do. The Gypsy and Traveller service was governed under the Mobile Homes Act 1983 which for social housing (bricks and mortar), the act would not apply. However, the Gypsy and Traveller

service were strict in managing and maintaining the settled sites and did have the power to evict and take recovery of a pitch if that person is found guilty of engaging in criminal activity.

(e) The officers noted Members request to ensure that the consultation clearly reflected the primary objective of the consultation.

(f) Mr Sandher confirmed that an allocated pitch could not be bestowed to a persons next-of-kin. When an individual reached the age of 18, they would be able to apply for a pitch and would have to go through the same banding system. This would provide those who have a need for a pitch to have equal opportunity.

5. It was RESOLVED that the draft Pitch Allocations and Site Management Policy for public consultation beginning in December 2019, be noted.

209. 19/00050 - A20 Coldharbour Roundabout

(Item 9)

Russell Boorman (Senior Manager, Capital Programme Manager) and Lee Burchill (Major Capital Programme Manager) were in attendance for this item.

1. Mr Boorman introduced the report that set out the proposed improvements to and around Coldharbour roundabout on the A20 to the north west of Maidstone town centre and sought approval to take the highway improvement through the next stages of development and delivery which included authority to progress statutory approvals and to enter into funding and construction contracts.
2. Officers responded to comments and questions as follows:
 - (a) Mr Boorman informed Members that the projected number of vehicles for 2031 included local planned growth and background growth and that based on the 2017 figures, it was anticipated that there would be a 50% increase of traffic capacity numbers through the A20 junction which totalled 4,500 vehicles.
 - (b) In response to concerns regarding landscape proposals, Mr Boorman assured Members that the design of the Coldharbour roundabout accounted for the native species of the area i.e. inclusion of the Tommy Silhouette, poppy planting, semi-mature trees, and that work had been done in conjunction with Tonbridge & Malling Borough Council to ensure that the design proposal was correct.
 - (c) With regard to the traffic capacity constraints on Poppy Fields roundabout, Mr Boorman provided assurance that the roundabout had been reviewed for inclusion as part of the planning application and if approved, the roundabout would be enlarged and incorporated into the current design model.
 - (d) Mr Boorman confirmed that consultations had already been carried out in relation to other proposed schemes as part of the Maidstone Integrated Transport Package, particularly around the A20 corridor and that these would be presented to the Cabinet Committee in the near future.
3. Mr Bird proposed and Mr Chittenden seconded that an amendment be made to the recommendation to include investigation of the inclusion of full/part time signalisation as part of the design for the A20 Coldharbour roundabout.

4. The Chairman put the amended recommendation to the vote and agreement was unanimous.
5. It was RESOLVED that the proposed decision (19/00050) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to:
 - (a) give approval to the outline design scheme for the A20 Coldharbour roundabout in Tonbridge & Malling for development control and land charge disclosures, drawing number **CLDHBR-CAP-HGN-00-DR-C-0035 S3-P01**;
 - (b) give approval to progress all statutory approvals or consents required for the scheme, drawing number **CLDHBR-CAP-HGN-00-DR-C-0035 S3-P01**;
 - (c) give approval to enter into land agreements with third parties as necessary;
 - (d) give approval to enter into construction contracts as necessary for the delivery of the scheme subject to the approval of the Infrastructure Construction Board to the recommended procurement strategy,
 - (e) give approval to undertake engagement with all relevant stakeholders as identified in the communication plan; and
 - (f) investigate the inclusion of full/part time signalisation as part of the design for the A20 Coldharbour roundabout.

be endorsed.

210. 19/00067 - Waste Management Bulk Transfer Station Services - East Kent *(Item 10)*

David Beaver (Head of Waste Management) and Kay Groves (Waste Services Manager) were in attendance for this item.

1. Mr Beaver introduced the report that set out the proposal for Kent County Council (KCC) to enter into a contract with a number of suppliers to secure waste transfer station facilities for kerbside waste collected by Canterbury City Council, Dover and Thanet District Councils. The contract covered reception, bulking and hauling of multiple waste streams collected by the Waste Collection Authorities from their weekly collection services and due to the limited KCC waste infrastructure in East Kent, there was continued requirement to commission Waste Transfer Station services from third parties to deliver KCC's statutory role as Waste Disposal Authority. Members of the Committee were asked to comment on and endorse the proposal to award contractual arrangements to Canterbury City Council, Dover District Council and Thanet District Council of variable terms to cover KCC's Statutory requirement as the Waste Disposal Authority.
2. Officers responded to comments and questions as follows:
 - (a) In response to Members comments regarding the referenced policies and strategies, the officers agreed to review these to ensure that the most current documents were being used when compiling future reports.

- (b) Mr Beaver confirmed that a separate Capital bid for a new transfer station in Folkestone & Hythe had been prepared and submitted to the Project Approval Group; the success of that bid was due to be determined in November. Mr Beaver informed Members that whilst a number of sites had been identified, the process of securing an appropriate location was sometimes protracted due to approved housing developments agreements.
3. It was RESOLVED that the proposed decision (19/00067) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to award contractual arrangements for three contracts across Canterbury City Council, Dover District Council and Thanet District Council of variable terms to cover KCC's Statutory Requirement as the Waste Disposal Authority, be endorsed.

211. 19/00068 - Food Waste Processing Contract

(Item 11)

David Beaver (Head of Waste Management) and Kay Groves (Waste Services Manager) were in attendance for this item.

1. Mr Beaver introduced the report that outlined the business case and sought approval to commission a contract with a appropriate supplier for the provision of food waste treatment using a new anaerobic digestion plant.. A food processing facility plant would allow the Authority to enter into a single contract and cease extensive haulage to facilities outside of the county, reduce cost and create sustainable re-processing solutions.
2. Officers responded to comments and questions as follows:
 - (a) With regard to queries about the level of C02 emissions, Mr Beaver agreed to seek professional guidance and relay the information back to Members.
 - (b) In response to concerns regarding the Governments Resources and Waste Strategy and the impact on local residents should they object to proposed changes in service delivery as a result of legislation, Mr Beaver informed the Committee that Kent County Council could not enforce a service upon a District or Borough Council and that it was predominantly an issue for the Department for Environment, Food and Rural Affairs (DEFRA) and the District/ Borough Council to resolve.
 - (c) Mr Beaver informed Members that Kerbside collected food waste amounted to approximately 36,000 tonnes per annum and said that the Government's resources and waste strategy may mandate that all Collection Authorities provide the same level of service from 2023 which was likely to generate a further 8,000 tonnes per annum from the remaining two Districts; Dartford and Sevenoaks.
 - (d) In response to whether consultations had been carried out with residents regarding the impact of traffic congestion as a result of Blaise Farm, Mr Beaver confirmed that the food waste treatment plant at the site was already close to completion and that consideration of those elements affecting the local residents would have been measured and consulted on prior to planning permission being granted.
 - (e) Mr Beaver welcomed the suggestion from Members to arrange a visit to the site if it generated sufficient interest.

- (f) Mr Jones (Director of Highways, Transportation and Waste) assured Members that the waste industry was highly regulated and that all health and safety issues had been accounted for and embedded within the Policy.
3. It was RESOLVED that the proposed decision (19/00068) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to approve the decision to openly tender & award a new food waste processing services to a supplier within the County, be endorsed.

212. 19/00069 - Provision of a new Household Waste Recycling Centre (HWRC) to serve the needs of Tonbridge and Malling Borough and West Maidstone Residents

(Item 12)

David Beaver (Head of Waste Management) and Kay Groves (Waste Services Manager) were in attendance for this item.

1. Mr Beaver introduced the report that set out the proposal for Kent County Council (KCC) to enter into a contract for a new Household Waste Recycling Centre (HWRC) to serve the needs of Tonbridge and Malling Borough and West Maidstone to resolve affiliated capacity issues at waste disposal sites in Tovil and Medway. Mr Beaver confirmed that pending Members comments and approval from the Cabinet Member, the new HWRC would be operating by September 2020.
2. Officers responded to comments and questions as follows:
 - (a) Mr Beaver noted Members requests for a new HWRC to facilitate Ashford and Cranbrook residents.
3. Mr Rayner proposed, and Mr Chittenden seconded that an amendment be made to the recommendation to include that the Cabinet Member for Planning, Highways, Transport and Waste take action as required to endeavour to retain access to Medway HWRC for Kent residents until the new facility is ready.
4. The Chairman put the amended recommendation to the vote and agreement was unanimous.
5. It was RESOLVED that the proposed decision (19/00069) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to:
 - (a) award a contract for a new Household Waste Recycling Centre (HWRC) to serve the needs of Tonbridge and Malling Borough and West Maidstone; and
 - (b) to take action as required to endeavour to retain access to Medway HWRC for Kent residents until the new facility is ready,be endorsed.

213. 19/00065 - Public Rights of Way Asset Management Plan 2019

(Item 13)

Graham Rusling (Public Rights of Way and Access Service Manager) was in attendance for this item.

1. Mr M Hill, OBE (Cabinet Member for Community and Regulatory Services) introduced the report that provided an overview of the Public Rights of Way (PROW) asset management plan 2019 and informed Members of the ongoing annual investment requirements to maintain the asset in a steady state. Mr Hill commended the officers and their continued endeavours to maintain standards in spite of the significant investment gap.
2. Mrs Stewart (Director of Environment, Planning and Enforcement) reiterated Mr Hill's commendations and the ongoing efforts to increase investment in the service, however, the secured investment was considerably less than the required amount to sustain service provisions and mitigate risks due to the strain on current resources to prioritise assets.
3. Mr Rusling informed Members that the Asset Management Plan 2019 brought benefits in targeting investment in the network, managing risk and evaluating new products and materials which would help reduce long term expenditure and sought approval to adopt the revised plan and its approach to managing risk.
4. Officers responded to comments and questions as follows:
 - (a) Members commended the work of the officers involved in delivering the service and asked that their thanks be recorded in recognition of their ongoing endeavours.
 - (b) The officer noted Members' request for innovative pilot schemes of shared cycle ways and invited Members to share their ideas with the Public Rights of Way team.
 - (c) Mr Rusling informed Members that the report focused on the Asset Management Plan, however, it sat within a suit of policy documents. The key, overarching document was the Public Rights of Way improvement Plan which Kent County Council had a statutory obligation to produce and emphasised the importance of the public rights of way network to tourism, active travel, health and the local economy.
 - (d) Mr Hill welcomed the cross-party recommendation for increased funding where opportunities arose.
5. It was RESOLVED that the proposed decision (19/00065) to be taken by the Cabinet Member for Community and Regulatory services to agree:
 - (a) The Public Rights of Way and Access Service Asset Management Plan,
 - (b) The approach taken to managing the risks associated with not fully funding the maintenance of the PROW network in line with asset management principles; and
 - (c) The proposed Service Level Risk Assessments which set out our approach to the management of risk on the PROW network,

be endorsed.

214. 19/00066 - Revised Detailed Emergency Planning Zone (DEPZ) for Dungeness B Nuclear Power Station
(Item 14)

Tony Harwood (Resilience and Emergency Planning Manager) was in attendance for this item.

1. Mr M Hill, OBE, (Cabinet Member for Community and Regulatory Services) introduced the report that set out the Revised and updated Radiation Emergency Preparedness and Public Information Regulations (REPPIR) that were published in May 2019 and the new Associated Code of Practice for offsite planning, which required the County Council to comprehensively review and update its offsite plan for Dungeness B Nuclear Power Station. The report presented a summary of how KCC aimed to carry out those duties.
2. Mr Harwood informed the Committee that REPPIR 2019 placed a duty upon upper tier local authorities to 'make, maintain and test' at least every 3 years offsite emergency plans for nuclear installations. They further described duties relating to informing the public and to health protection countermeasures which were to be taken in the event of a radiation emergency. Revised and updated REPPIR regulations were published in May 2019 alongside an associated Code of Practice for offsite planning, which required KCC to comprehensively review and update its offsite plan for Dungeness B Nuclear Power Station. Mr Harwood confirmed that the Consequence Report for Dungeness B Nuclear Power Station was received on 20th September. It was recommended that a revised DEPZ be developed, which remained at approximately 2.4km radius, by the County Council in consultation with key stakeholders, but which was adjusted to respond more effectively to the geography and demography of the local area. This enabled a precautionary approach in relation to countermeasures and better reflected the pattern of development in the locality.
3. Officers responded to comments and questions as follows:
 - (a) Mr Harwood informed Members that the 2.4km proposal was the most practical layout to administer and that stakeholders, including local residents, were familiar with this established configuration. The 2.4 km DEPZ countermeasures for the public included 'shelter in situ', stable iodine tablet distribution or evacuation from the area. Currently the Dungeness B Nuclear Power Station operator (EDF Energy) distributed public information to all residents and businesses within the DEPZ. Residents and businesses were also issued with a calendar detailing required countermeasures, a supply of stable iodine tablets and advice for residents and others within the DEPZ to 'go in, stay in, tune in', close all doors, windows and turn off air-conditioning in the event of a radiation emergency. Previously, the aforementioned duties fell within the remit of the operator (EDF Energy), however, under the REPPIR 2019, the responsibility fell to upper tier authorities. Mr Harwood assured Members that the proposed 2.4km was practical and pragmatic and was based on risk, empirical evidence and data.
 - (b) In terms of duties and responsibilities of staff, Kent County Council operated a 24/7 Duty Emergency Planning Officer system which was backed up by on-call 24/7 Duty Recovery Directors, Tactical Managers and an on-call emergency response team which enabled administrative support. Mr Harwood

assured Members that KCC always placed its resident's safety at the heart of its decisions and that KCC had the correct command and control architecture and structures in place to ensure appropriate protection.

- (c) The officers noted Members support in communicating with residents and supporting emergency planning education in schools.
- (d) Mr Harwood said that prior to the Fukushima Daiichi nuclear disaster in 2011, emergency planning for nuclear facilities had been predicated on reference incidents (worst case scenario industrial accidents), however, the impact of the 2011 nuclear disaster was so profound it led to the reconsideration of emergency planning and resilience for nuclear plants and these fed into the 2019 Regulations.
- (e) In response to resources to manage the additional responsibilities, the new regulation enabled cost recovery from the operator. EDF had complied with the figure submitted by KCC and funding was due to be recouped for the work that had been carried out.
- (f) In terms of contingency for fishermen, Mr Harwood confirmed that data had been collected around the different times and reasons why fishermen entered the emergency planning zone, however, more work needed to be done to better understand the complexities of this work. The Regulation made reference to the environment and biodiversity and these need to be accounted for in contingency planning.

4. It was RESOLVED that:

- (a) the timetable and work programme to deliver Kent County Council compliance with REPPiR 2019 be noted; and
- (b) the proposed decision (19/00066) to be taken by the Cabinet Member for Community and Regulatory services to confirm the Detailed Emergency Planning Zone (DEPZ) for Dungeness B Nuclear Power Station to remain at the 2.4km radius, be endorsed.

215. ADEPT Kent Live Labs Project

(Item 15)

Andrew Loosemore (Head of Highways Asset Management) was in attendance for this item.

1. Mrs Loosemore introduced the report that set out the innovative technology project undertaken by Kent County Council Highways and the Highways Term Maintenance contractor. Funding for the project was provided by the Department for Transport in conjunction with Association of Directors of Environment, Economy and Place (ADEPT) following an open competition for bids from English highway authorities. KCC was successful in the bidding process and was awarded £1.95m over two years to deliver the project. Mr Loosemore informed the Committee that Decision 19/00056 could not be reasonably deferred and therefore had been taken in accordance with the process set out in Appendix 4 Part 6 of the Council's constitution to accept the DfT funding to enable the Live

Labs project to be delivered with delegated authority to the CD of GET to spend the grant funding.

2. The officer responded to comments and questions as follows:

(a) In response to queries regarding smart cycling sensors, Mr Loosemore informed Members that this had been incorporated into one of the successful bids submitted as part of the Live Labs competition. Kent County Council hoped to explore innovation within asset management on the local network and dependent on available funds, hoped to pilot drone technology. The bid allowed councils to trial a number of innovative technologies and further information regarding the ADEPT SMART Places winners could be accessed via the following link:

<https://www.adeptnet.org.uk/documents/adept-smart-places-winners>

(b) With regard to how innovative technologies could improve the maintenance of gullies, Mr Loosemore said that the sensors themselves would not enable a change or improvement to Policy in terms of cyclist-cleansing or reactive cleansing to residential roads. A change in policy would need to be made first which would require further investment into the current funding available for drainage. The main purpose of the gully sensors on scheduled sites of work enabled resources to be deployed efficiently by analysing the collected data.

(c) The purpose of the trial was to see and understand the quality of data collected from the sensors and to use that information to improve services. The initial trial would be carried out on the primary, resilient and strategic road networks (highest risk roads) to understand the benefits and if successful, the technology would be rolled out to other networks dependent on available funding.

3. It was RESOLVED that:

(a) Members noted that decision 19/00056 had been taken in accordance with Appendix 4 Part 6 of the Council's constitution to accept the DfT funding to enable the Live Labs project to be delivered with delegated authority to the Corporate Director of Growth, Environment and Transport, to spend the grant funding; and

(b) that an interim report be presented to the Committee in due course.

216. Winter Service Policy

(Item 16)

Andrew Loosemore (Head of Highways Asset Management) was in attendance for this item.

1. Mr Loosemore introduced the report that set out the Council's Winter Service Policy and the proposed workplan to implement the lessons learned from previous winter service delivery. In particular, the report set out the proposed

implementation of the changes made to the Winter Service Policy regarding cab technology for digitalised salting routes and the allocation of salt bin numbers.

2. The officer responded to comments and questions as follows:

(a) Mr Loosemore confirmed that Kent County Council continued to trial alternative products to salt, however, these were inherently more expensive. Salt remained the preferred treatment method for all authorities across the country and provided a cost efficient and quick solution to ensuring safety for residents on Kent's roads and footpaths.

(b) Mr Loosemore informed Members that the Winter Service campaign was due to be launched on 17 October 2019 which provided up to date information on ice alerts, weather forecast and gritting schedules. The Government had also issued information for the public on how to clear ice and snow from pavements.

To access the information issued by Government on how to safely clear snow and ice, please use the link provided:

<https://www.gov.uk/clear-snow-road-path-cycleway>

(c) Mr Loosemore confirmed that the map which identified the primary and secondary salting routes was available on the Kent County Council website.

To access the Kent County Council map for primary and secondary salting routes, please use the link provided:

<https://webapps.kent.gov.uk/KCC.MyNearestGIS.Web.Sites.Public/Default.aspx?lyrs=35&xmin=510905&xmax=671095&ymin=91716&ymin=191284&bg=osColour>

(d) Mr Whiting (Cabinet Member for Planning, Highways, Transport and Waste) thanked the Highways officers and colleagues within Parish and District Councils for their continued efforts in clearing Kent's roads and footpaths.

3. It was RESOLVED that the changes to the Winter Service Policy at:

(s.5.2) For the 2019/20 season, 23 primary salting routes will be utilising in-cab technology with digitised salting routes pre-programmed into a navigation unit. These will run on identified primary routes; and

(8.1.3) From October 2019 all salt bins will have a unique number that will be utilised by the contractor for filling and will assist members of the public to accurately report empty bins, be noted.

217. Work Programme (Item 17)

1. It was RESOLVED that the Work Programme be noted, subject to the inclusion of the following items:

(a) Adept Live Labs

(b) Brexit update

From: Susan Carey, Cabinet Member for Environment
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 29 November 2019

Subject: Kent & Medway Energy and Low Emissions Strategy – consultation response and next steps

Classification: Unrestricted

Electoral Division: All

Summary:

This report outlines the results of the Energy and Low Emissions Strategy public consultation which was carried out from 1 July to the 23 September 2019. It sets out the proposed responses and suggested alterations to be made to the Strategy for consideration by the Environment and Transport Cabinet Committee. The report also sets out next steps for the approval of the Strategy 23 January 2020.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to consider and make recommendations to the Cabinet Member for Environment as to the:

1. Proposed responses to the feedback from the public consultation and alterations if appropriate; and
2. Next steps for formal agreement of the Strategy in early 2020

1. Introduction

- 1.1 The purpose of the Kent and Medway Energy and Low Emissions Strategy is to identify an evidence-based pathway to deliver clean growth and specifically strategies and actions to eliminate poor air quality, reduce fuel poverty and deliver an affordable, clean and secure energy supply for Kent and Medway.
- 1.2 The Energy and Low Emissions Strategy is timely as it outlines a Kent and Medway approach to achieving the target of net zero emissions by 2050 in line with the Committee on Climate Change recent recommendation to the Government <https://www.theccc.org.uk/2019/05/02/phase-out-greenhouse-gas-emissions-by-2050-to-end-uk-contribution-to-global-warming/> and can be part of the solution to tackling the climate emergency as recognised in the Kent County Council Motion on 23 May 2019. In addition to this, Kent County Council is undertaking work to establish its own net zero baseline, set an accelerated target

and develop actions to deliver Kent County Council's part of the Energy and Low Emissions Strategy.

- 1.3 This report outlines the results of the Energy and Low Emissions Strategy public consultation which was carried out from 1 July to the 23 September 2019. It sets out proposed responses and suggested alterations to be made to the Strategy for consideration by the Environment and Transport Cabinet Committee. The report also sets out next steps for the approval of the Strategy in early 2020

2. Public Consultation Responses

- 2.1 A total of 365 responses were received; 288 from people responding in an individual capacity, 18 responding in a professional capacity, and 57 responding on behalf of public, private and voluntary organisations - including 10 local authorities.
- 2.2 Most respondents agreed (either "strongly agree" or "tend to agree"), with the draft strategy's vision and the priorities identified for each theme. In total, within the 365 responses there were 1,518 individual 'free text' comments, providing a wealth of information and constructive suggestions that will be integrated into the final strategy, evidence base and implementation plan.
- 2.3 Whilst many of the comments were positive about the creation of a dedicated energy and low emissions strategy, there was one clear and consistent message in the feedback that the strategy is not ambitious enough and the speed of action must be quicker. It has always been intended that the strategy be ambitious, and the revised strategy will seek to make this ambition clearer and highlight the link to the climate emergency.
- 2.4 Appendix 1 provides the full consultation feedback and proposed responses which have been recommended by the Kent County Council Kent Environment Strategy Cross Party Member Group. Table 1 below provides a summary of the main feedback and proposed responses.

Table 1: Consultation feedback and suggested responses

Consultation Feedback	Suggested response to feedback and proposed alterations to the Strategy where appropriate
<p>The strategy is not ambitious enough and the speed of action must be quicker. This was by far the strongest and most frequently mentioned concern raised by all respondent types and age groups. There was a fear that the 2050 target was too far in the future to be meaningful; that action would be delayed or abandoned until a future date; and that the vision did not reflect the urgency of council's climate emergency declarations.</p>	<p>The vision's 2050 net-zero target will not be changed as it is in line with the scientific advice provided by the Intergovernmental Panel on Climate Change (IPCC) and UK Committee on Climate Change and follows the target set in the Climate Change Act. However, we will add a new page setting out interim milestones for 2025, 2030 and 2040, to show how our 2050 target will be achieved.</p> <p>We will also ensure the introduction clearly references the climate emergency and the scale and urgency of the action required. We will also incorporate five-year carbon budgets.</p>
<p>There's a lack of detail on what and how actions will be implemented and monitored. Many respondents wanted to know specific details, including who would be responsible, how it will be funded and timescales. It should be noted that much of this detail will be set out in the implementation plan, which will be published alongside the final strategy.</p>	<p>We will be publishing a detailed operational implementation plan alongside the strategy, which will provide more information on specific actions, including who is responsible, what will be implemented and the timeframes for implementation.</p> <p>Action within the implementation plan will then be distilled down into a smaller number of bold cross cutting actions that will be included in the strategy itself to highlight that action is being taken. This will be developed with the Kent County Council Cross Party Member Group.</p>
<p>There's too much emphasis on electric cars and not enough focus on alternatives to the car. Whilst there was widespread support for accelerating the transition to electric vehicles of all types many respondents were disappointed by the lack of actions to support modal shift away from private vehicles. Many wanted to see greater investment in</p>	<p>We will review all the challenges to ensure the text adequately describes both the short- and long-term issues and priorities.</p> <p>We will change the emissions challenge title to reference net-zero.</p> <p>We will review the transport challenge and actions to ensure active travel and public transport are fully included</p>

<p>public transport, walking and cycling infrastructure, with some calling for strong disincentives to tackle congestion and poor air quality hot spots.</p>	
<p>The strategy should acknowledge the role of green infrastructure. Many felt that the strategy needed to include the importance of green infrastructure in balancing carbon dioxide emissions. They called for the strategy to include actions to increase tree coverage and wetland restoration and improve soil and land use.</p>	<p>We will add a new paragraph within the challenges section highlighting the role of natural carbon sequestration and incorporate high level activities within theme 1 and 2.</p>
<p>There's a potential conflict between this strategy's vision and other council policies. This concern primarily related to transport and planning policies, with many respondents feeling that the strategy would be undermined by council decisions made on road schemes; the location of, and infrastructure provided in new developments; and on subsidised public transport.</p>	<p>The strategy will make clear that all growth should be clean growth and not growth at any cost. In addition, partners will work together to produce an assessment framework for key decisions that allows them to be seen through the lens of clean growth and net zero so that if any negative impacts are identified they can either be mitigated or meaningfully offset applying agreed standards.</p>
<p>Continued growth is not compatible with a net-zero ambition. There was concern that the vision could not be achieved whilst there was continued growth in the county, with many stating that the strategy should challenge the scale of planned growth.</p>	<p>We will work with partners to ensure that all growth is seen through the lens of clean growth and net zero and if any negative impacts are identified they can either be mitigated or meaningfully offset applying agreed standards. We will look to provide more information and make the business case as to why future growth in Kent and Medway must be clean, zero-carbon and sustainable.</p>
<p>Achieving the vision will not be possible without changes to national policy or significant government</p>	<p>It will not be possible to achieve the vision without changes to government policy and new sources of funding. We will work together with partners to play a strong</p>

funding.	leadership role, working together and lobbying government for the necessary change.
The strategy should seek to reduce the total carbon footprint of residents and businesses in Kent and Medway. Some respondents called for the strategy to tackle greenhouse gas emissions from all sectors; including aviation, shipping and imported goods and services.	The Strategy will be amended to make it clear that all significant emissions including aviation, shipping and imported goods and services will be tackled utilising all partners' influence and powers as appropriate.

3. Financial Implications

- 3.1 This report relates to the Strategy itself and not individual costed actions. As projects that KCC are involved in are developed, the supporting evidence and any cost implications will be identified, and the business case developed through the appropriate governance processes.
- 3.2 Coordination of the Kent and Medway Energy and Low Emissions Strategy falls within the remit of the existing Sustainable Business and Communities team. Increased activity due to setting and delivering a net zero target will mean resources may need to be increased in the near future.

4. Policy Framework

- 4.1 This paper and the activity within it is directly linked to KCC Strategic Outcomes, the Kent Environment Strategy and its Implementation Plan and the emerging Kent and Medway Enterprise and Productivity Strategy. It is also relevant to the emerging Health and Wellbeing Strategy and Kent's Public Health Outcomes.

5. Equalities Impact Assessment

- 5.1 An Equalities Impact Assessment has been undertaken (Appendix 2) which has been updated as a result of the public consultation. There are no significant negative impacts. As this Strategy is aimed at improving health outcomes, there are likely to be more positive equality impacts than negative, particularly for Age, Maternity and Disability.

6. General Data Protection Regulation Considerations

- 6.1 A Data Protection Impact Assessment is not needed as this Strategy does not require the processing of personal data.

7. Conclusions, Next Steps and Timescales

- 7.1 As outlined above many of the comments were positive about the creation of a dedicated energy and low emissions strategy; however, there was one clear and consistent message in the feedback that the strategy is not ambitious enough and the speed of action must be quicker.
- 7.2 The intention of the Strategy has always been to be ambitious and to recognise the climate emergency and the need to take significant action in the next 10 years in order to be able to achieve net zero emissions by 2050. This ambition will be made clearer in the revised strategy and include the key significant action needed with the Strategy itself alongside the detailed implementation plan.

8. Next Steps and Timescales

- 8.1 Once the consultation responses have been approved by the Environment and Transport Committee these will be incorporated into the Strategy and will come back to the Committee in early 2020. The detailed implementation plan will also be provided, though this will be a live document that will be flexible enough to respond to changing circumstances.

9. Recommendation(s)

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to consider and make recommendations to the Cabinet Member for Environment as to the:

1. Proposed responses to the feedback from the public consultation and any alterations to the text if appropriate; and
2. Next steps for formal agreement of the Strategy in early 2020

8. Background Documents

Appendix 1 – Kent and Medway Energy and Low Emissions Strategy Consultation Report

Appendix 2 – Equality Impact Assessment

Kent Environment Strategy – www.kent.gov.uk/environmentstrategy

Papers presented to Environment & Transport Cabinet Committee [Jan 2018](#), [September 2018](#), [November 2018](#) and [May 2019](#).

9. Contact details

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KENT AND MEDWAY ENERGY AND LOW EMISSIONS STRATEGY

Public Consultation Report – DRAFT FOR ETCC

October 2019



EXECUTIVE SUMMARY

In response to the ambitious levels of growth planned for the county and considering the growing environmental risks posed by air pollution and climate change, Kent and Medway Chief Executives and Leaders endorsed the need for a dedicated *Kent and Medway Energy and Low Emissions Strategy* in November 2017. The development of the strategy, which sits within the framework of the Kent Environment Strategy, has been led by Kent County Council in close association with Medway Council, Kent district and borough councils and other key partners.

Following a year of evidence gathering and dedicated cross-sector engagement and informal consultation, the draft strategy was open for public consultation between 2 July and 23 September 2019. The consultation was promoted through press releases and social media, targeted emails and promotion at meetings, events and in public buildings. The consultation documents were available online at www.kent.gov.uk/energyandlowemissionsconsultation.

A total of 365 responses were received; 288 from people responding in an individual capacity, 18 responding in a professional capacity, and 57 responding on behalf of public, private and voluntary organisations; including 10 local authorities.

Most respondents agreed (either “strongly agree” or “tend to agree”), with the draft strategy’s vision and the priorities identified for each theme; with agreement ranging from 64% to 75% of respondents. Between 73% and 83% of respondents also agreed with the challenges identified in the draft strategy. A range is shown to account for a number of questions.

In total, 1,518 individual comments were received, providing a wealth of information and constructive suggestions that will be integrated into the final strategy, evidence base and implementation plan.

Whilst many of the comments were positive about the creation of a dedicated energy and low emissions strategy, there was one clear and consistent message in the feedback:

- **The strategy is not ambitious enough and the speed of action must be quicker.** This was by far the strongest and most frequently mentioned concern raised by all respondent types and age groups. There was a fear that the 2050 target was too far in the future to be meaningful; that action would be delayed or abandoned until a future date; and that the vision did not reflect the urgency of the council’s climate emergency declarations.

Other common concerns were:

- **There’s a lack of detail on what and how actions will be implemented and monitored.** Many respondents wanted to know specific details, including who would be responsible, how it will be funded and timescales. It should be noted that much of this detail will be set out in the implementation plan, which will be published alongside the final strategy.
- **There’s too much emphasis on electric cars and not enough focus on alternatives to the car.** Whilst there was widespread support for accelerating the transition to electric vehicles of all types (including buses and lorries), many respondents were disappointed by the lack of actions to support modal shift away from private vehicles. Many wanted to see greater investment in public transport, walking and cycling infrastructure, with some calling

for strong disincentives to private vehicle usage to tackle congestion and poor air quality hot spots.

- **The strategy should acknowledge the role of green infrastructure.** Many felt that the strategy needed to include the importance of green infrastructure in balancing (offsetting) carbon dioxide emissions and the additional benefits that it also provides for nature, air quality, economy and health. Respondents highlighting this concern called for the strategy to include actions to increase tree coverage and wetland restoration, improve soil and land use and other activities to increase natural carbon sequestration.
- **There's a potential conflict between this strategy's vision and other council policies.** This concern primarily related to transport and planning policies, with many respondents feeling that the strategy would be undermined by council decisions being made on road schemes; the location of, and infrastructure provided in new developments; and policies on subsidised public transport.
- **Continued growth is not compatible with a net-zero ambition.** There was concern that the vision could not be achieved whilst there was continued growth in the county, with many stating that the strategy should challenge the scale of planned growth.
- **Achieving the vision will not be possible without changes to national policy or significant government funding.** Many respondents noted that some of the actions necessary to achieve net-zero emissions were outside the scope of local government, such as changes to government policy, practices of public transport providers and utilities, or the ability to offer financial incentives to residents and businesses at the scale required. Respondents also highlighted the need for significant government funding to enable councils to transform buildings, services and infrastructure.
- **The strategy should seek to reduce the total carbon footprint of residents and businesses in Kent and Medway.** Some respondents called for the strategy to tackle greenhouse gas emissions from all sectors; including aviation, shipping and imported goods and services.

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1. Introduction

This document provides a summary of the comments received through the public consultation on the draft Kent and Medway Energy and Low Emissions Strategy and provides recommendations on how these comments should be addressed in the final strategy.

In November 2017, Kent and Medway Chief Executives and Leaders recognised the significant environmental risk posed by air pollution and the need for a step change in our approach to reducing greenhouse gas emissions. At the same time, they acknowledged the ambitious levels of growth planned for the county and the need to identify and deliver a more sustainable approach to energy generation.

In response to these growing challenges, they endorsed the need for a *Kent and Medway Energy and Low Emissions Strategy*, sitting within the framework of the Kent Environment Strategy. They agreed that Kent County Council would take the lead in co-ordinating its development, working collectively with Medway Council, Kent district and borough councils and other key partners.

The draft strategy describes how councils in Kent and Medway and their partners propose to reduce emissions to net-zero, tackle fuel poverty and poor air quality, and ensure the county benefits from a competitive, innovative and resilient low carbon economy. The strategy supports and builds on the Kent Environment Strategy and draws on the priorities and actions set out in the government's Clean Air Strategy, Industrial Strategy and Clean Growth Strategy. It also makes links to existing local strategies and policies, including district and borough council Air Quality Management Area Strategies and Local Plans.

2. Consultation process

The public consultation of the draft Kent and Medway Energy and Low Emission Strategy ran from 2 July to 23 September 2019. The consultation provided the opportunity for members of the public and stakeholder organisations to provide their views on the draft strategy and the ambition and priorities outlined within it.

The draft strategy, evidence base, equalities impact assessment and consultation questionnaire were available online at www.kent.gov.uk/energyandlowemissionsconsultation and in hard copy on request. The promotional postcard and poster were also available on the consultation webpage, along with a simplified 'bite-size' version of the strategy, which was added to the webpage in September.

The consultation was promoted in the following ways:

- Email to district, borough and unitary councils and other key public sector partnerships involved in the initial development of the draft strategy.
- Email to key stakeholder groups inviting them to take part and asking them to promote the consultation through their networks. These included Board of Invicta Chamber of Commerce, Kent Nature Partnership, Kent Environment Strategy Steering Group, Kent Environment Champions Group, Kent Housing Group, Kent Planning Policy Forum, all Kent colleges and universities and all Kent Citizen Advice Bureaus.
- Email to all relevant equality and diversity groups and charities in Kent.
- Emails to KCC apprentices and graduates, KCC area education officers, staff in youth services and youth service organisations and council staff groups.
- Entry on KCC consultation database and email invite to all those registered on the site.
- Promoted to council staff through intranet and email newsletter.
- Articles on the KELSI website for education professionals in Kent.
- Attendance at Kent Youth County Council.
- Social media – tweets from Explore Kent, Kent Environment Strategy, Kent Connected and KCC Corporate twitter feeds.
- Social media – promotional targeted Facebook adverts by Explore Kent.
- Social media – direct messaging to Kent-based followers, direct tweeting the key groups such as University of Kent's Sustainability Society.
- Promotional post from Low Carbon Kent (LoCASE) on LinkedIn, and an email was sent to all Low Carbon Kent and LoCASE grant recipients.
- Attendance and promotion to visitors at the KCC stand at the Kent County Show.
- Attendance and promotion to businesses attending an Environmental Awareness Open Day in Rainham, at a University of Kent Sustainability event, and at a Higham Library Community Event.
- Presentation and promotion at EU PASSAGE Project air quality seminar and subsequent email to all attendees.
- Attendance and promotion at scheduled partnership meetings.
- Article published on the Interreg Europe website.
- News post promoting the consultation on the Kent Housing Group website, Medway Council's website and Sevenoaks District Council's website.
- Promotional blog post on South Ashford's Community Forum website.

- Article published in Kent Association of Local Councils' newsletter.
- Posters and postcards displayed in all Kent libraries, gateways and main country parks.
- Briefing to KCC Members.
- Press releases.
- Promotion to Global Climate Strikers outside County Hall.

The draft Kent and Medway Energy and Low Emissions Strategy was downloaded 1,370 times from the consultation webpage (1,242 downloads for PDF and 128 downloads of the Word version). The evidence base was downloaded 421 times, (339 PDF downloads, 82 Word version downloads).

KCC undertook the following steps to ensure the consultation was accessible to all:

- All consultation documents and the questionnaire were available to view and respond to online.
- Hard copies of the documents and alternative formats and languages were available on request and all promotional materials included details on how these could be requested. We received 1 request for a hard copy of the evidence base during the consultation and no requests for alternative formats or languages.
- Microsoft Word versions of the strategy, evidence base and Equalities Impact Assessment (EQIA) were available online to ensure accessibility for people using audio transcription software.
- Following requests for a "young person friendly" version, a shorter 'bite size' version was made available in September.

3. Respondents

3.1 Who responded

The public consultation received 365 responses, of which 288 were from people responding in an individual capacity, 18 were responding in a professional capacity, and 57 were responding on behalf of organisations (Table 1). A list of the organisations that responded can be found in [Appendix 1](#). There were 377 incomplete responses to the consultation, which could not be included in this analysis.

Table 1: Are you responding on behalf of..?

	Number	Percentage
Yourself as an individual	288	78.9%
A local authority or council	25	6.8%
Yourself in your professional capacity	18	4.9%
A business	13	3.8%
On behalf of a charity, voluntary or community sector organisation (VCS)	7	1.9%
Any other group or in another capacity	6	1.6%
On behalf of an educational establishment, such as a school or college	5	1.3%
A health organisation, such as a CCG, Hospital Trust or GP Practice	1	0.3%
Not answered	2	0.5%
TOTAL	365	100.0%

3.2 How respondents heard about the consultation

45% of respondents received an email from KCC about the consultation, 17% received an email from another organisation or contact, 15% found out about the consultation through social media and 11% came across the consultation through other means.

3.3 Demographics of respondents

The consultation questionnaire included a series of optional 'about you' questions designed to capture anonymous information about the respondents' protected characteristics such as sex, age, religion and disability. This information is used to check whether there are any differences in the views of different groups and to check that our decisions are being made fairly and equally.

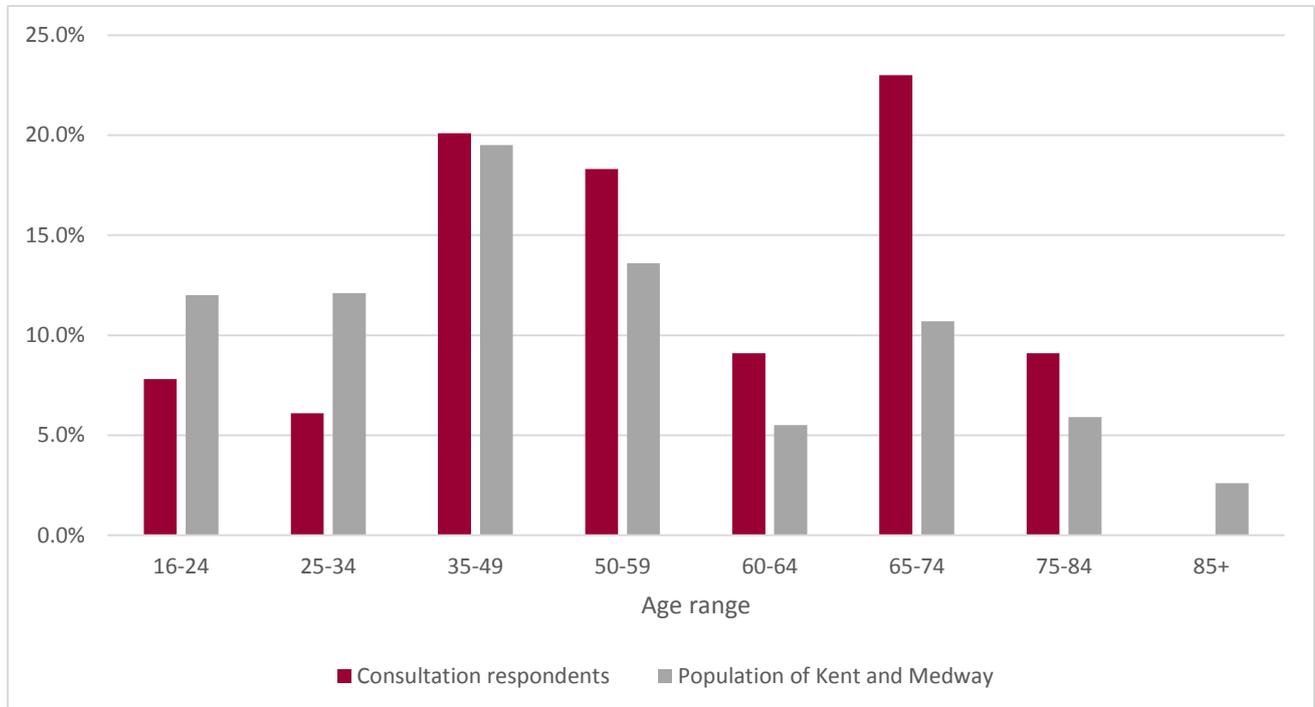
238 respondents chose to answer at least one of the 'about you' questions. The following analysis is based on those that provided information. A full profile of respondents and the Kent and Medway population is provided in [Appendix 2](#).

Of the individual respondents who provided information, 45.6% were male, which is slightly lower than the population of Kent and Medway (49.1%).

A higher proportion of people aged 65-74 responded to the consultation, than compared with the overall population of Kent and Medway (23% of respondents, compared to 10.7% of the population). The 16-34 age group was under-represented, making up only 13.9% of respondents, but 24.1% of

the population. Thirteen respondents stated that they were under 16. There were no respondents aged over 84. Figure 1 shows the breakdown of respondents' age compared to the Kent and Medway population.

Figure 1: Age of consultation respondents compared to population of Kent and Medway



Analysis of the results indicates that there is no significant variation in opinion between age groups, with all age groups showing similar levels of agreement to the questions.

Of those who provided information, 35.8% regarded themselves as belonging to a religion or belief, this is significantly lower than the proportion associated with the overall population of Kent and Medway (65.5%).

Of the 234 respondents providing information, 10.5% considered themselves to be disabled under the Equality Act 2010, which is slightly lower than the population of Kent and Medway (16.8%).

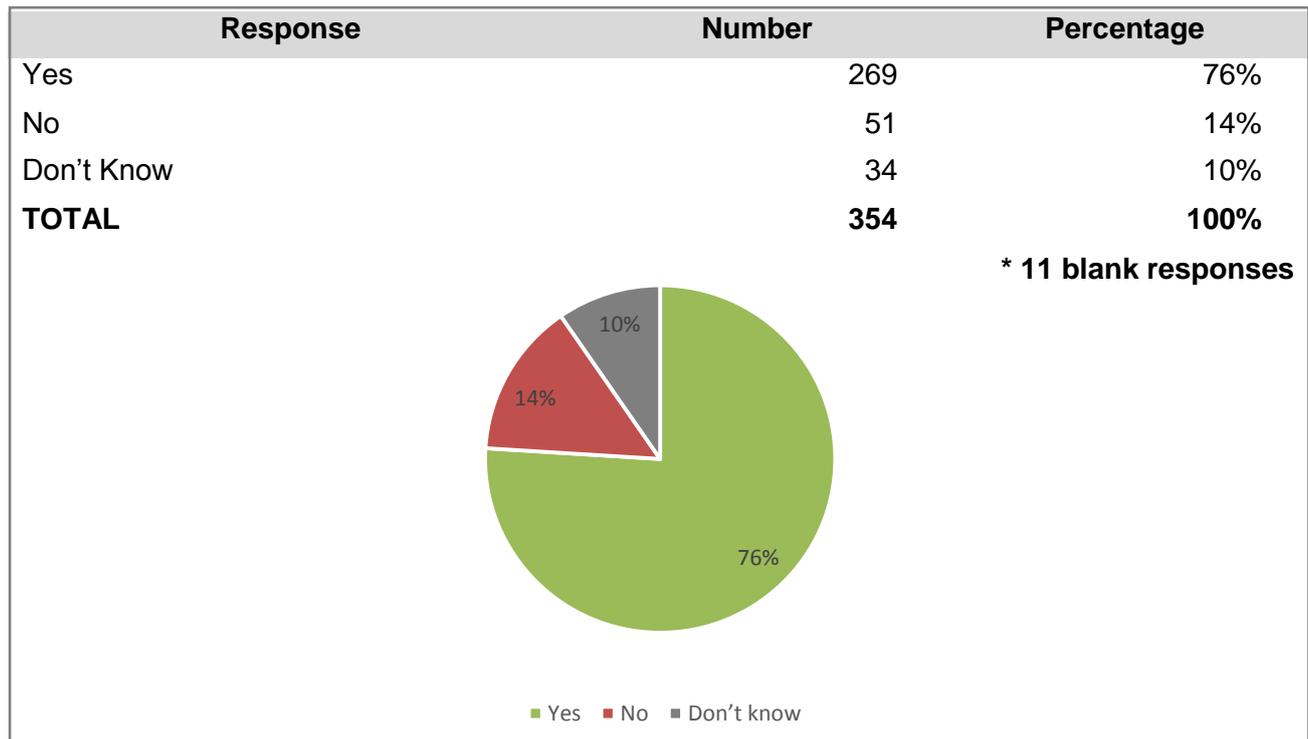
There is no significant trend for either those belonging to a religion or belief or those considering themselves disabled.

4. Consultation responses

4.1 Was the draft Kent and Medway Energy and Low Emissions Strategy easy to understand?

76% of respondents said that the draft Kent and Medway Energy and Low Emissions Strategy was easy to understand, with 14% saying that it wasn't and 10% stating that they didn't know (Figure 2). 120 respondents provided additional comments ([Appendix 3](#)).

Figure 2: Was the strategy easy to understand?



Most of the comments received related to the readability of the document. Whilst some comments were supportive, stating that the strategy was clearly written, informative, thorough and understandable; many described how the document could be improved. For instance, there was concern that the strategy was too long, repetitive and overly complicated; that there were too many acronyms and too much jargon; that it required a high level of literacy and was aimed at technical officers working in the sector; and that in places it was difficult to understand. Several comments acknowledged the complexity of the subject, with respondents stating that there was a lot to take in and comprehend. Many respondents requested a summary document, with some suggesting that a short, simple summary would appeal to a much wider public audience.

Other comments related to the content of the strategy, with many respondents stating that the language was too vague and that it wasn't clear what specific actions would be taken as a result of the strategy. Several respondents expressed concern that the action plan had not been included as part of the consultation, with others requesting that the strategy include more detail on actions, targets, funding and monitoring.

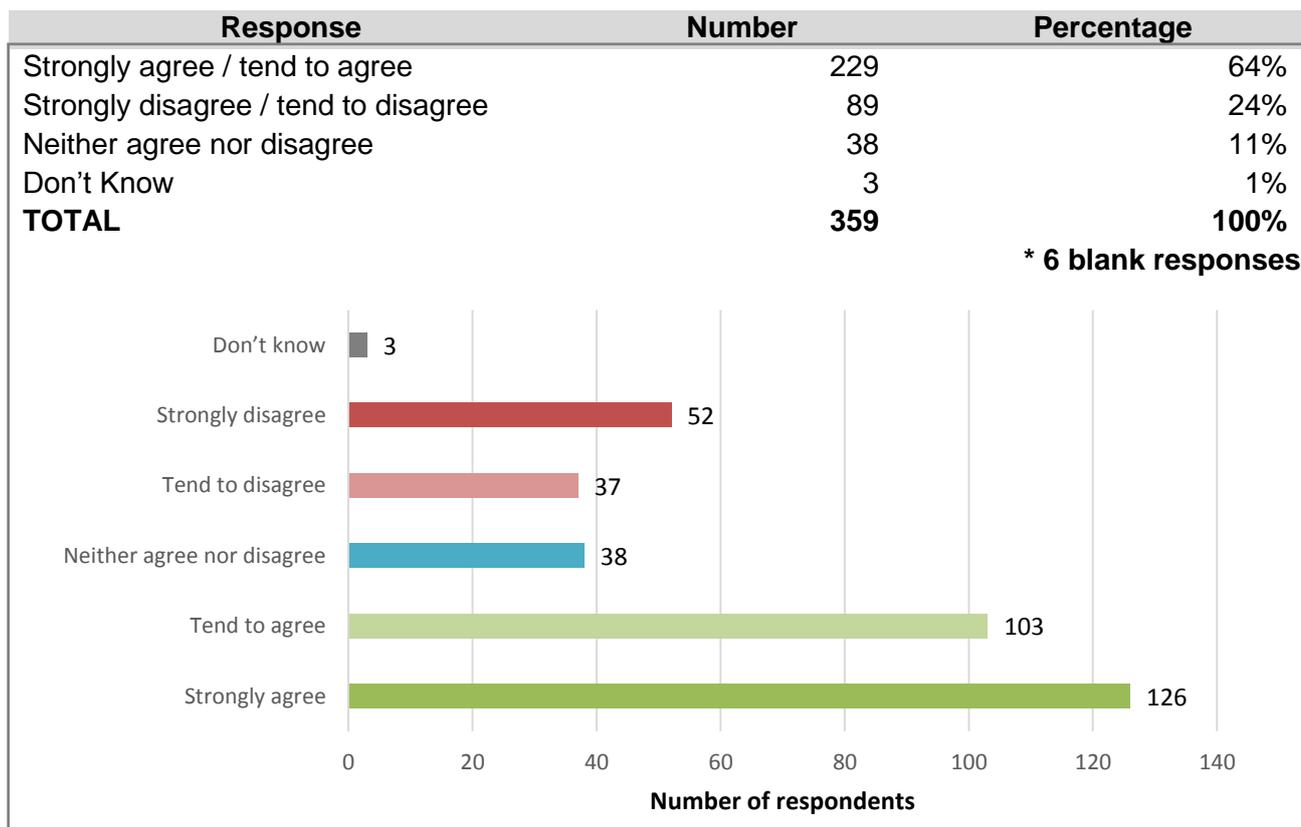
A small number of respondents found the layout and infographics confusing, however a larger number of comments expressed support for these aspects. One person experienced difficulties reading the document due to colour contrasts.

Comment summary	How we will revise the strategy
The strategy is too technical, with too much jargon and too many acronyms.	<ul style="list-style-type: none"> • We have used the consultation comments to identify the main phrases and sentences that have caused the most confusion and will replace them with clearer, simpler definitions. • We will ensure all acronyms are written in full and a full check for Plain English will be undertaken. • We will expand the glossary where necessary.
The strategy is too long and overly complicated and would benefit from a summary.	<ul style="list-style-type: none"> • We will produce a stand-alone summary document, written in a non-technical language that is suitable for a wide public audience.
It isn't clear what specific actions will be taken or how they'll be implemented.	<ul style="list-style-type: none"> • Details will be set out in the implementation plan, which will be published alongside the final strategy.
Some background colours made it visually difficult to read.	<ul style="list-style-type: none"> • We will ensure all text is on a white or high contrast background.

4.2 To what extent do you agree or disagree with the strategy's vision for Kent and Medway?

64% of respondents agreed with the strategy's vision, with just under a quarter of respondents (24%), disagreeing and 11% neither agreeing nor disagreeing (Figure 3). 195 respondents provided additional comments (A breakdown of responses is provided in [Appendix 3](#)).

Figure 3: To what extent do you agree or disagree with the strategy’s vision?



Most of the comments received related to the vision’s ambition; with over half of those providing comments expressing concern that the vision was not ambitious enough (101 comments). This comment was expressed by both those agreeing and disagreeing with the vision. Many suggested that the vision’s target date should be brought forward to dates ranging from 2025 to 2040. Local authority respondents also expressed this concern, with many stating that the 2050 target did not match the ambition set out in their own climate emergency declarations.

Some comments were supportive of the vision and others acknowledged that the vision was good but would be difficult to achieve. A small number of comments stated that the vision was not achievable, and three respondents stated that the vision was unnecessary and not a priority.

Several respondents raised concern that the vision could not be achieved whilst there was continued growth in the county, with many stating that the strategy should challenge the scale of planned growth. Several respondents commented that the 2050 target was too far in the future to be meaningful, and that interim targets or milestones should be incorporated into the vision.

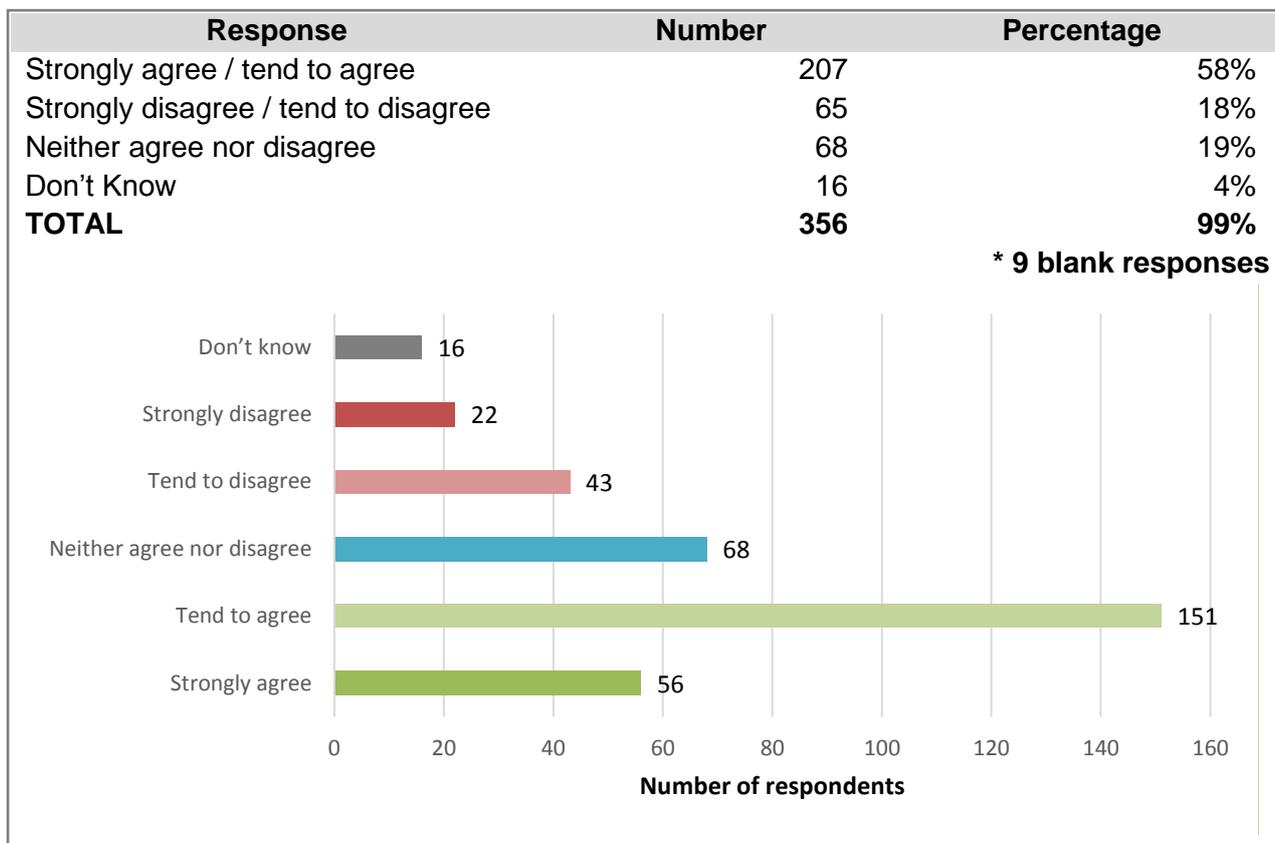
Aside from the target date and level of ambition, respondents were generally happy with the priorities contained within the vision. Some respondents commented that the vision should explicitly mention public transport and/or a commitment to reducing traffic. Others thought that the vision should reference the climate emergency and the role of the natural environment. A small number of comments raised concern about the term ‘net-zero’; with some confused about its meaning and the role of carbon offsetting, and others suggesting that the total carbon footprint of residents and the economy should be used instead.

Comment summary	How we will revise the strategy
<p>The vision is not ambitious enough. The 2050 target is too distant to be meaningful.</p>	<ul style="list-style-type: none"> • The vision itself will not be changed as the 2050 net-zero target is in line with the scientific advice provided by the Intergovernmental Panel on Climate Change (IPCC) and UK Committee on Climate Change and follows the target set in the Climate Change Act. • However, we will add a new page setting out interim milestones for 2025, 2030 and 2040, to show how our 2050 target will be achieved. • We will also ensure the introduction clearly references the climate emergency and the scale and urgency of the action required. • We will look to incorporate carbon budgets into the strategy and/or future monitoring.
<p>The strategy needs to re-examine the balance between continued economic growth and sustainability.</p>	<ul style="list-style-type: none"> • We will look to provide more information on why future growth in Kent and Medway must be zero-carbon and sustainable.
<p>The challenges around public transport, traffic and the climate emergency should be incorporated into the vision.</p>	<ul style="list-style-type: none"> • A vision must carefully balance succinct clarity against detail, so incorporating all challenges into a single vision is problematic. However, we will revise the vision to refer to the climate emergency and emphasise the challenges in the introduction.
<p>There should be a clear explanation of 'net-zero' and the role of carbon offsetting.</p>	<ul style="list-style-type: none"> • We will ensure there is an explanation of net zero within the introduction.

4.3 To what extent do you agree or disagree that the strategy will help Kent County Council and its partners achieve its vision?

Most respondents (58%) agreed that the Kent and Medway Energy and Low Emissions Strategy will help KCC and its partners achieve the strategy's vision (Figure 4). Just under a fifth of respondents disagreed (18%), and a similar amount (19%), neither agreed nor disagreed. 135 respondents provided additional comments (A breakdown of responses is provided in [Appendix 3](#)).

Figure 4: To what extent do you agree or disagree that the strategy will help KCC and its partners achieve its vision?



Of the comments received, the largest number related to the level of detail and language used within the strategy. Whilst some respondents thought that the strategy was a good starting point, many stated that the high-level nature of the document and the absence of an action plan meant it was difficult to judge whether the strategy would help partners achieve the vision.

Many comments also expressed doubts that the strategy would deliver the scale and speed of action required to achieve the vision. For instance, there was concern that the strategy failed to explain how small trials and case studies would translate into a countywide roll-out, and many felt that the 'business as usual' language was not sufficiently robust or ambitious enough to trigger the societal transformation required to achieve net-zero. There was some support for stronger and more radical actions, binding targets and strict scrutiny and enforcement to ensure the vision is achieved.

Most of the remaining comments related to issues that respondents felt would prevent the vision from being achieved. For instance, respondents noted that some of the challenges identified in the strategy were outside the scope of local government and others would require changes to government policy. There was also concern that the vision would conflict with existing council policies, particularly those relating to transport and planning, and some queried whether there was sufficient political support to make the necessary policy changes. There were also concerns about how the actions would be funded and many noted that overcoming behaviour change and altering social norms would be an issue. These issues were also discussed in later questions.

Comment summary	How we will revise the strategy
There is not enough detail in the strategy to understand how the vision will be achieved.	<ul style="list-style-type: none"> • We will publish a detailed implementation plan alongside the strategy, which will provide more information on specific actions, including who is responsible, what will be implemented and the timeframes for implementation.
The strategy doesn't address the scale and urgency of the action required to deliver the vision.	<ul style="list-style-type: none"> • We will add a new page setting out interim milestones for 2025, 2030 and 2040, which will demonstrate the need for immediate action. • We will include a new paragraph in the introduction referencing the climate emergency. • We will add a new section on climate change and the scientific advice within the evidence base.

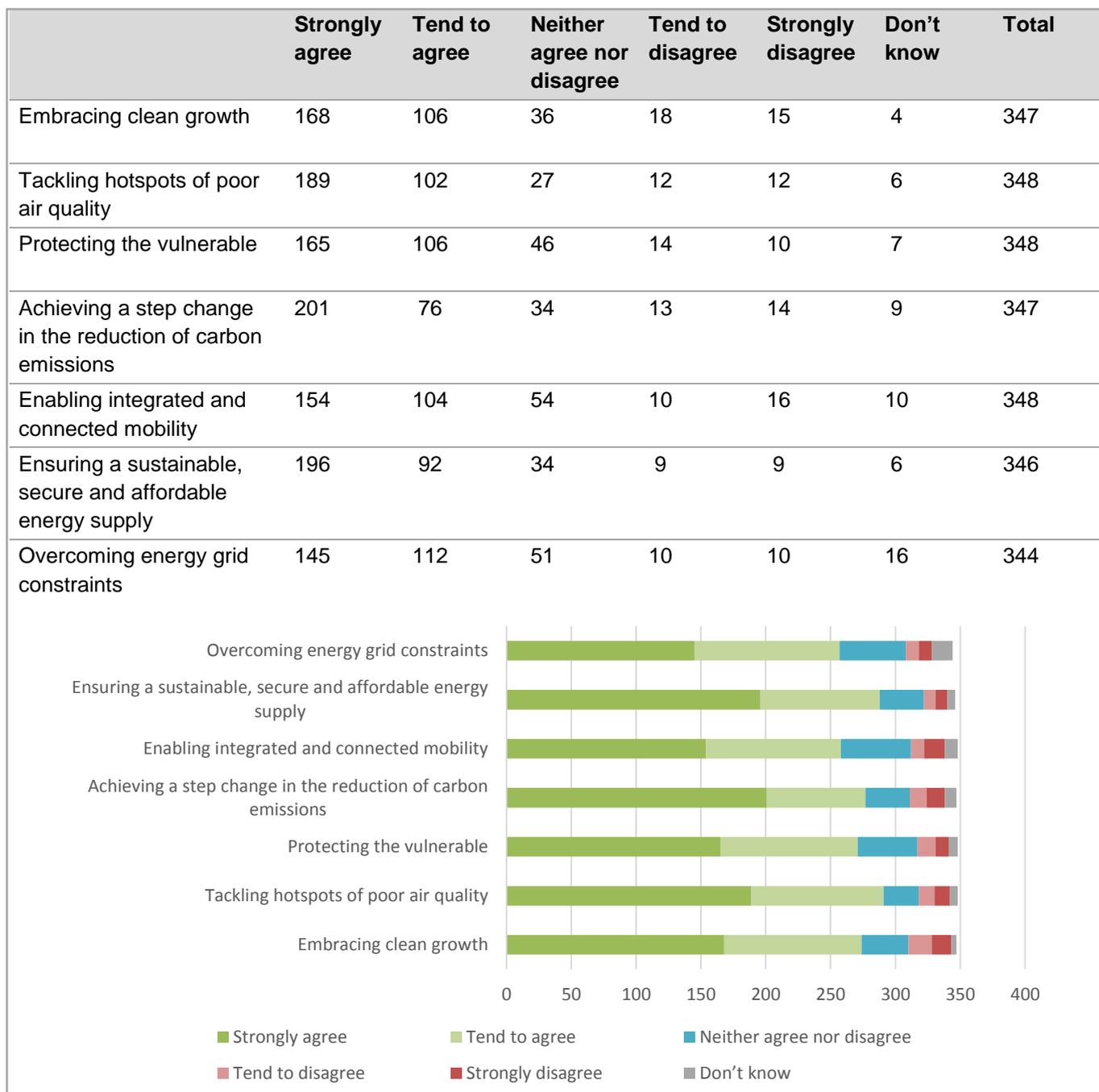
4.4 To what extent do you agree or disagree that the challenges identified in the strategy are the most significant challenges in relation to energy and emissions in Kent and Medway?

There was broad agreement that the challenges identified in the strategy were the most significant in relation to energy and emissions in Kent and Medway (Figure 5). The challenges with the greatest agreement were 'tackling hotspots of air quality' and 'ensuring a sustainable, secure and affordable energy supply', where 83% of respondents strongly or tended to agree. The challenge with the lowest agreement was 'overcoming grid constraints', with just under a quarter (73%) of respondents strongly or tending to agree. 'Embracing clean growth' received the greatest number of responses in disagreement (9.5%). 127 respondents provided additional comments (a breakdown of the responses is provided in [Appendix 3](#)).

The comments received were largely supportive of the challenges, with many respondents providing views on why a challenge was important, or how more specific or urgent actions were needed. Many comments stressed the need for improved public transport and/or the provision of alternatives to the car, with some comments suggesting that the challenge did not reflect the scale of the transport transformation that will be required. A few comments highlighted the importance of tackling household energy consumption; and others expressed support for a broad range of renewable energy technologies.

Some respondents clarified why they disagreed with a challenge. For instance, some disagreed with the need for any economic growth, others stated that clean growth was not possible and a few raised concerns about how clean growth or sustainable growth could be measured. Some comments related to the wording of the 'achieving a step change in the reduction of emissions' challenge, with many suggesting that a "step change" was not sufficient and that the title should explicitly reference the net-zero target. A small number of comments queried whether 'protecting the vulnerable' should be classified as a challenge, as it was felt that this would be achieved anyway if the other challenges were addressed.

Figure 5: Are the challenges identified in the strategy the most significant challenges in relation to energy and emissions in Kent and Medway?



Other comments recommended that additional details be included in the challenges; including the role of key organisations such as Public Health and Kent Highways, and highlighting aspects that were outside councils' control, particularly in relation to planning policy. Several respondents thought that the challenges needed to specifically reference the importance of behaviour change in addressing energy consumption and travel challenges, with some suggesting that this could be a separate challenge. Others thought that financial challenges (including funding for infrastructure or public incentives), and the need to prevent negative impacts on the vulnerable should be included within the challenges.

The remaining comments suggested alternative ideas or areas that the strategy should cover. To prevent duplication of discussion, these have been incorporated into the next section.

Comment summary	How we will revise the strategy
The transport and emissions challenges don't adequately describe the scale of change required to achieve the strategy's vision.	<ul style="list-style-type: none"> • We will review all the challenges to ensure the text adequately describes both the short- and long-term issues and priorities. • We will change the emissions challenge title to reference net-zero. • We will review the transport challenge to ensure active travel and public transport are fully included.
How can growth be clean or sustainable and how will it be measured?	<ul style="list-style-type: none"> • We will add more context around the growth agenda and ensure clean growth is fully explained in the text.
The challenges should contain more detail, such as roles and areas of influence and issues such as behaviour change, finance and equalities.	<ul style="list-style-type: none"> • Finding the right balance of detail is difficult in strategic documents, however, we will review the text to see where further information can be added.
Should 'protecting the vulnerable' be a challenge as it will be achieved if other challenges are addressed.	<ul style="list-style-type: none"> • We believe protecting the vulnerable is an important priority to ensure the strategy doesn't leave anyone behind, so we will not be removing this challenge.

4.5 Do you have any alternative ideas or areas you think the strategy should cover that it does not currently?

This free-text question was answered by 64% of respondents (233 comments). A breakdown of the comments received is provided in [Appendix 3](#). Comments fell into two main categories: those that provided additional detail and commentary on activities already included within the strategy, and those that suggested alternative ideas and actions.

Comments that discussed existing high-level actions, for instance actions relating to planning policy and transport infrastructure, generally wanted to see more detail included in the strategy or provided specific suggestions on how the actions could be implemented. In some cases, there was a perception that the action or issue had not been adequately prioritised within the draft strategy. Further discussion on the strategy's priority actions are included in sections 4.6 – 4.8 (page 18-22).

The most commonly mentioned alternative ideas were:

- Incorporate green infrastructure within the strategy, including tree planting, wetland restoration, land use, soil and other natural carbon sequestration (36 comments).
- Implement actions to discourage private car use; including car free zones and access restrictions, lower speed limits, increased parking charges, road tolls and charges for high emission vehicles (24 comments).
- Offer financial incentives for residents and businesses to install renewable energy and energy efficiency measures in their homes; including changes to VAT and council tax, subsidised measures and increase energy generation payments (18 comments).

- Address emissions from shipping, air travel, agriculture, waste and the embedded carbon in goods, including imported goods (17 comments).
- Reduce the cost of public transport, with suggestions including subsidised bus and train fares, free school buses and nationalisation of bus and train services (14 comments).
- Provide specific support for geothermal, hydro, wave, tidal, onshore wind and energy from waste, not just solar and offshore wind (13 comments).

A small number of comments were also received which expressed concern about the strategy's priorities and actions. These included the impact that bio-fuel crops and solar farms constructed on agricultural land could have on food supply, landscape and biodiversity; the affordability of low carbon technology, with concern that some people could be left behind; and unease at the perceived curtailing of freedoms and demonising of cars.

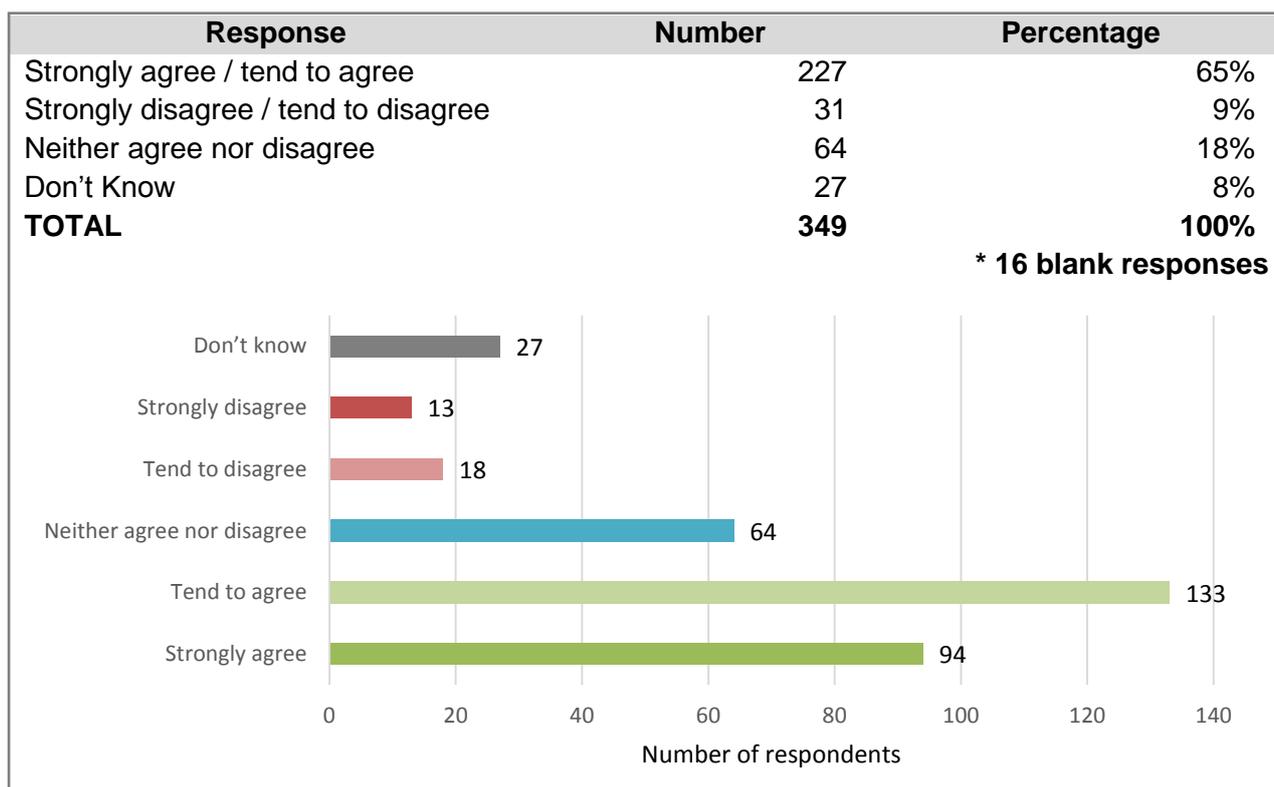
Comment summary	How we will revise the strategy
Many comments provided additional details and suggestions on how activities already included within the strategy could be implemented.	<ul style="list-style-type: none"> • Where practical, we will consider the suggestions for inclusion within the action plan.
Include green infrastructure, tree planting etc. within the strategy	<ul style="list-style-type: none"> • We will add a new paragraph within the challenges section highlighting the role of natural carbon sequestration and incorporate high level activities within theme 1 and 2.
There was a mix of opinion on whether more should be done to discourage private car use, with others uneasy at the perceived curtailing of freedoms.	<ul style="list-style-type: none"> • Our implementation plan will include a range of incentives and improvements to encourage alternatives to the private car. However, we also recognise that in many circumstances the private vehicle is the only practical option for travel. • We will consider the use of low emission zones to tackle the most polluting heavy good vehicles.
The strategy should consider financial incentives to install renewable energy and reduce energy consumption.	<ul style="list-style-type: none"> • Within the action plan we will include an action to lobby government for financial incentives to encourage the take up of more sustainable energy.
Address emissions from shipping, air travel, agriculture, waste and embedded carbon in goods, including imported goods	<ul style="list-style-type: none"> • We will revise the wording to make it clear that emissions from agriculture and waste are included within the scope of the strategy. • We will include the impact of emissions from shipping, aviation and imported goods as a challenge within the strategy. We also acknowledge that this is an area for future research to fully understand what actions can be taken at a local level.
Offer support to all renewable energy, not just solar and offshore wind.	<ul style="list-style-type: none"> • We will amend the wording in theme 3 to make it clear that we will support all suitable renewable energy technologies, including heat.

Ensure any negative impacts of actions are fully considered eg. food supply and inequalities.	<ul style="list-style-type: none"> We will ensure these are fully considered and mitigated through Environmental and Equalities Impact Assessments.
The strategy should consider other environmental aspects such as recycling, climate change adaptation, biodiversity and conservation.	<ul style="list-style-type: none"> These topics are included within the overarching Kent Environment Strategy. We will add an explanation of the Kent Environment Strategy within the introduction and include it within the glossary.

4.6 To what extent do you agree or disagree with the priorities and high-level activities in Theme 1: Building the foundations for delivery?

Most respondents (65%) agreed with priorities and high-level activities described in Theme 1 (Figure 6). A minority of respondents disagreed (9%), and just under a fifth neither agreed nor disagreed (18%). 93 respondents provided additional comments ([Appendix 3](#)).

Figure 6: To what extent do you agree or disagree with the priorities and high-level activities in Theme 1: Building the foundations for delivery?



Of the comments received, most were supportive of the priorities and activities within this theme. Many agreed that a good quality evidence base was vital for making the business case for action and others agreed that lobbying was essential to influence essential areas of policy outside local government's control. There was also support for a significant focus on behaviour change, with many stating that success would only be achieved if there was a shift in social norms and culture. Others highlighted the need for awareness raising and education amongst public sector staff,

business, industry, as well as residents; with others suggesting that action should also be targeted at schools and young people.

There was some concern that too much time could be spent on evidence gathering, rather than action on the ground, with several respondents interpreting themes 1 to 3 as linear stages, rather than concurrent activities. Others wanted to see more specific reference to planning policy; more focus on alternatives to private cars rather than electric vehicles; and more detail on how actions will be enforced.

As in previous questions, respondents reiterated the need for more detail on how objectives will be achieved and how it would be funded. Others suggested that the theme was too vague to understand what action will be taken.

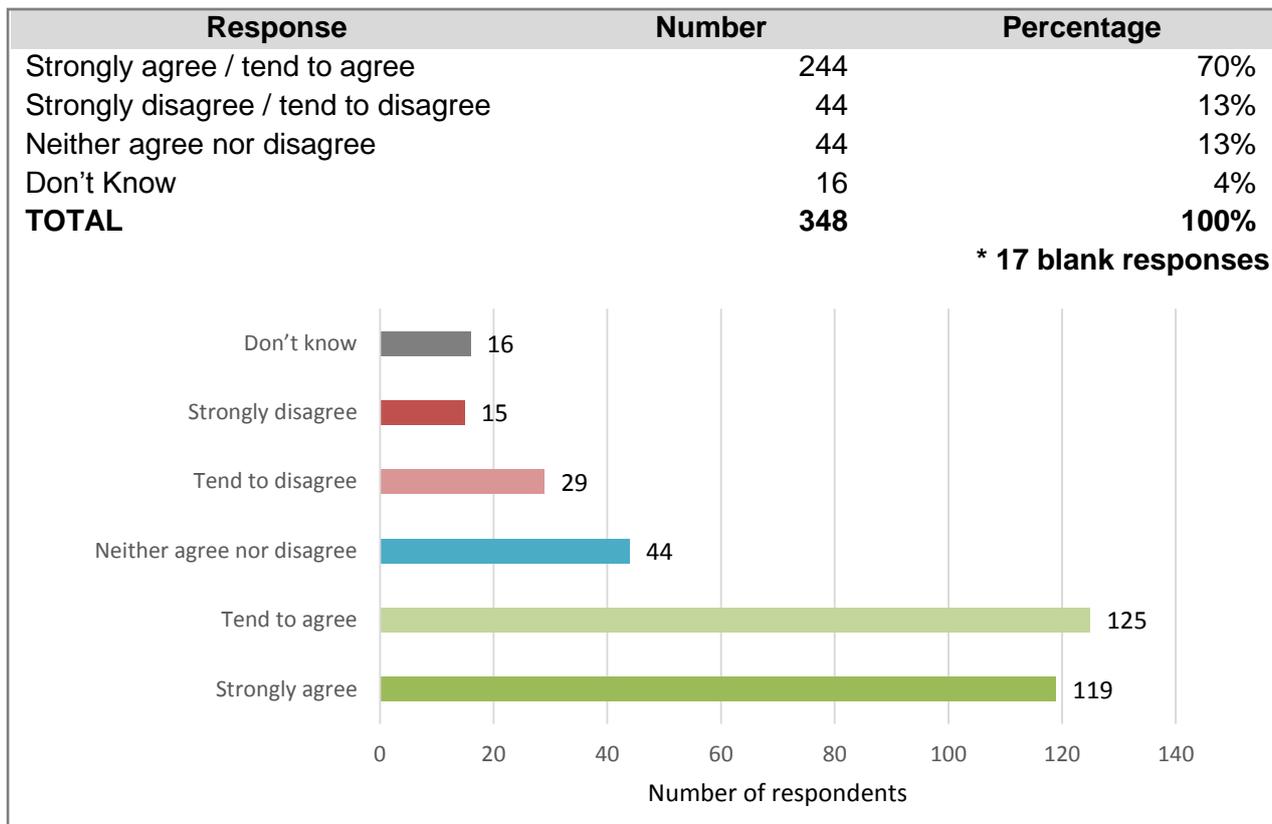
Some respondents suggested specific wording changes including; replacing “building” from the theme 1 title, to reflect that progress has already been made; reducing the number of references to electric vehicles; ensuring all the activities listed are high level and clearly explain what will be done and why; and removing vague or duplicate activities.

Comment summary	How we will revise the strategy
Several respondents thought the themes were linear stages, and others were unsure how they were connected.	<ul style="list-style-type: none"> We will revise page 16 to better explain the purpose of the themes and the concurrent nature of activity.
The theme introduction is too wordy and its unclear what or why actions will be taken. It's unclear who is responsible or whether the activities are building on existing work.	<ul style="list-style-type: none"> We will redesign the page so that there are clear headings for each priority. We will review the text to ensure there is a clear link between issues and actions and provide more information on existing activity where necessary.
1.3 is too detailed to be a classed as a high-level activity	<ul style="list-style-type: none"> This will be removed and added to the action plan.
Many queried why electric vehicles were specifically mentioned in 2.1	<ul style="list-style-type: none"> Will remove the reference to electric vehicles to make it clearer that this action refers to all planning policy.
Activities in priorities 2 and 3 are vague and unclear, with potential duplication.	<ul style="list-style-type: none"> We will review the language and ensure the high-level activities are clear in their objective, with no duplication.
Add in activities relating to best practice and case studies; new technology and research; low carbon procurement strategies; sector specific education and awareness raising	<ul style="list-style-type: none"> We will add a high-level activity about future trends. We will add a high-level activity around embedding principles into public sector policies and strategies. We will look to incorporate other suggested details into the action plan.

4.7 To what extent do you agree or disagree with the priorities and high-level activities in Theme 2: Making the best use of resources, avoiding or minimising negative impacts?

Most respondents (70%) agreed with priorities and high-level activities described in Theme 2 (Figure 7). A small number of respondents disagreed (13%), and the same amount neither agreed nor disagreed. 102 respondents provided comments (a breakdown is shown in [Appendix 3](#)).

Figure 7: To what extent do you agree or disagree with the priorities and high-level activities in Theme 2: Making the best use of resources, avoiding or minimising negative impacts?



Like the previous question, many of the comments were supportive of the priorities in theme 2; however, a large number wanted to see the proposed actions go further and be more ambitious. For instance, there was strong support for actions to tackle energy efficiency in homes, businesses and public sector estate. However, respondents also wanted to see a commitment to improve all buildings, not just new build and refurbishment, or fuel poor or difficult to treat housing. Likewise with transport and travel, respondents were supportive of the proposed activities but wanted to see greater commitment to low carbon alternatives to the car and significant improvements to public transport, particularly in rural areas.

Many respondents were keen to express their concern that the proposed high-level activities fell far short of the activity needed to lower emissions from buildings and transport to net-zero. There was concern that the theme was describing 'business as normal' activities, with some respondents stating that a lack of clarity in the theme's long-term objectives or outcomes meant it was hard to see whether any change would occur, or if anything new would happen.

Local authority respondents were keen to see the theme make stronger links to Local Plans; local transport, cycling and green infrastructure strategies; as well as Air Quality Management Areas (AQMAs). There were also suggestions that the theme should include high level activities around the roll out of electric buses; anti-idling zones; promotion of private car alternatives including car clubs, car share, e-bikes, demand responsive transport and mobility as a service; energy efficiency and renewable energy programmes for all buildings; and reducing emissions from all council operations including fleet and procurement.

Comment summary	How we will revise the strategy
The theme doesn't adequately describe the changes that need to take place or theme's long-term objectives and outcomes.	<ul style="list-style-type: none"> We will redesign the page so that each priority clearly describes the long-term objective and makes links to existing activity and immediate next steps and milestones.
The theme isn't ambitious enough and the actions are not sufficient to achieve the vision.	<ul style="list-style-type: none"> The energy and transport sectors are rapidly transforming, which makes it difficult to understand the public sector's role in the transformation in the medium to long term. For this reason, we have focused on the immediate priorities and accept that further activities will need to be identified in future iterations of the strategy. We hope that the addition of milestones will show the long-term trajectory for activities in this theme.
Some high-level activities are too vague, whilst others are too specific and miss key aspects.	<ul style="list-style-type: none"> We will review the language and ensure the high-level activities clearly state the strategic action and objective.
A range of specific actions were suggested for inclusion within the theme.	<ul style="list-style-type: none"> We will review the list of suggested actions and incorporate into the activity description or detailed action plan where possible.

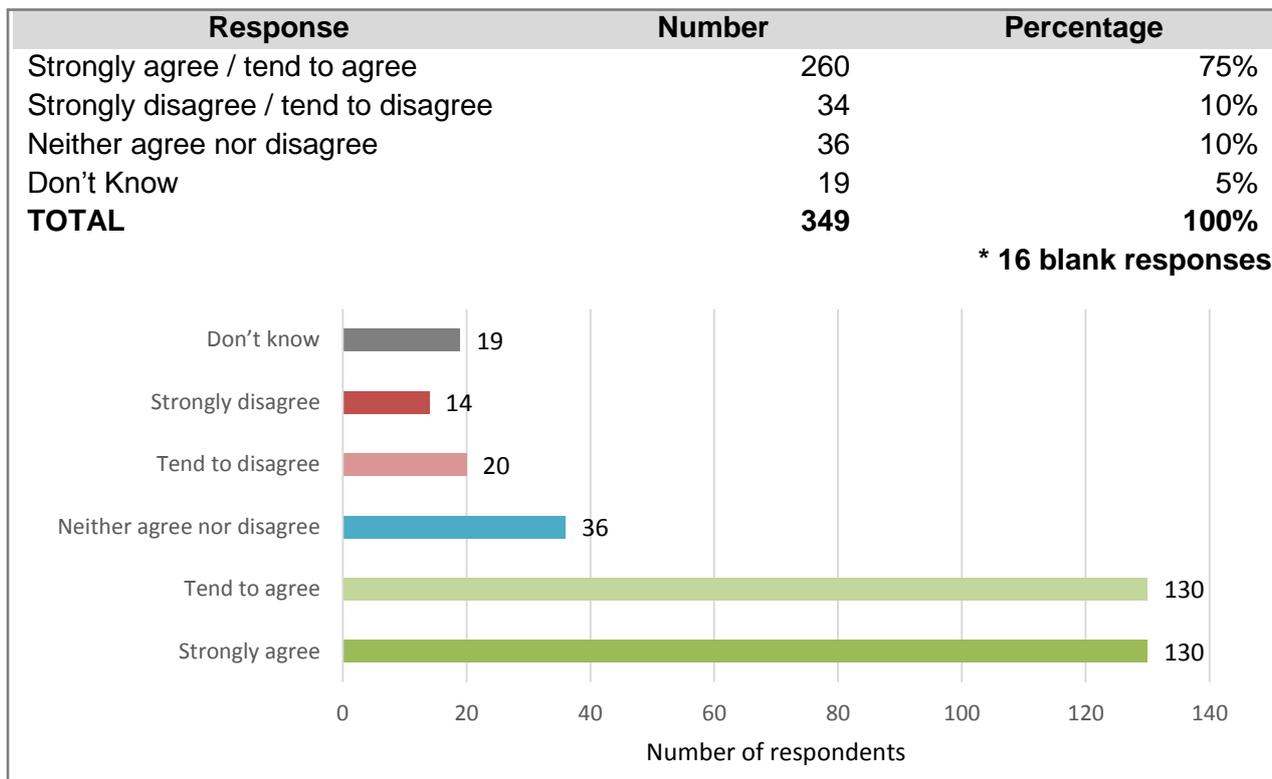
4.8 To what extent do you agree or disagree with the priorities and high-level activities in Theme 3: Towards a sustainable future?

Three quarters of respondents (75%) agreed with the priorities and high-level activities described in Theme 3 (Figure 8). A small number of respondents disagreed (10%), and the same amount neither agreed nor disagreed. 105 respondents provided comments (a breakdown is shown in [Appendix 3](#)).

The comments received reflected previous comments; such as the actions are not sufficient to achieve the scale of change required and the actions need to be developed and delivered more urgently. There was strong support for informed planning decisions, with many respondents highlighting the need for government to allow the setting of zero-carbon planning policies and the importance of influencing Local Plans.

Many comments expressed support for increasing renewable energy, with many suggesting that the strategy should support a wider range of technologies, including wave, tidal and onshore wind and that there should be specific support for the solar sector and supply chain. There was some opposition to the strategy supporting biofuels and solar farms, due to the perceived loss of agricultural land or land which could otherwise be used for reforestation. There were also concerns about the potential impact on air quality and greenhouse emissions when biofuels are processed and burnt for energy. There was also a small amount of opposition to the strategy's support for Compressed Natural Gas (CNG) fleet fuelling.

Figure 8: To what extent do you agree or disagree with the priorities and high-level activities in Theme 3: Towards a sustainable future?



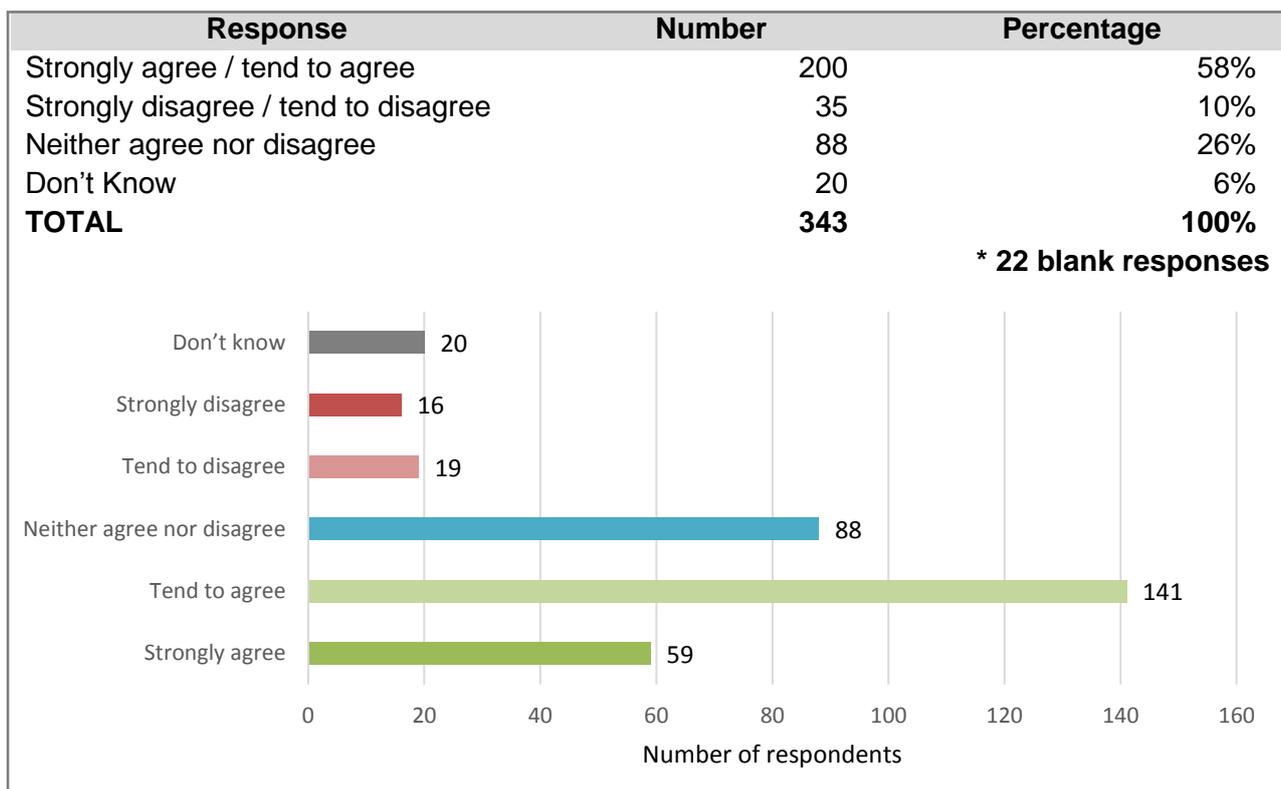
Some respondents criticised the theme’s lack of vision, with some describing the theme as a ‘random list of actions’ and others expressing concern that the actions were too limited or specific in their scope. For instance, action 7.4 describes an activity to support the roll out of low carbon heating for off-gas homes, but it was suggested that this activity should be broadened to support all buildings to transition to low carbon heating. Others noted that the theme 3 priorities described on page 26 didn’t reflect the full range of activities described in the table on page 27.

Comment summary	How we will revise the strategy
The theme’s narrative doesn’t adequately describe range of high-level activities being considered.	<ul style="list-style-type: none"> We will edit the wording so that the priority clearly describes the theme’s long-term objective, immediate high-level activities and milestones.
The theme lacks vision and there is inconsistency and/or lack of breadth in the activities’ scope.	<ul style="list-style-type: none"> We will review the language and ensure the high-level activities reflect the strategic actions and objectives.
Reconsider support for biofuels and Compressed Natural Gas (CNG) due to their negative impacts.	<ul style="list-style-type: none"> CNG is an interim fuel that will help Heavy Goods Vehicles move away from diesel before transitioning to a more sustainable, zero-carbon fuel in the long-term. Our support aims to assist with this transition, which will ultimately be led by the transport sector.

4.9 To what extent do you agree or disagree with the proposed indicators to measure success?

Just over half of respondents (58%) agreed with the proposed indicators to measure success (Figure 9). About a quarter of respondents (26%) neither agreed nor disagreed with only 10% disagreeing. 118 respondents provided comments (a summary is shown in [Appendix 3](#)).

Figure 9: To what extent do you agree or disagree with the proposed indicators to measure success?



The comments received were generally supportive of the proposed indicators, although many respondents requested that baselines and targets be included to make them more meaningful and others queried how they would be measured.

Some respondents highlighted the need for better air quality monitoring, with some stating that the existing monitoring network did not provide a true assessment of air quality in Kent and Medway. Many respondents suggested alternative or additional indicators, including:

- Per capita carbon dioxide emissions
- Total greenhouse gas emissions (not just carbon dioxide emissions)
- Full breakdown of emissions by all sectors
- Total carbon footprint of residents
- Maximum exceedance of air quality limits
- Number of deaths associated with poor air quality
- Total miles travelled by local authority staff
- Renewable energy generation and supply (not capacity)
- Display Energy Certificate (DEC) rating of buildings
- Number of homes using smart meters

- Use of public transport
- Use of park and ride schemes
- Number of car clubs and car sharing schemes in operation
- Length of cycle lane and footpath created or improved
- Number of 20mph zones
- Breakdown of all vehicles by fuel type and vehicle type
- Number of excess summer deaths
- Public perception
- Tree coverage
- Wetland expansion
- Number of urban trees removed / replaced
- Number of councils reporting and delivering on climate emergency pledges.

Several respondents requested the inclusion of more qualitative indicators, such as behaviour change, modal shift, social attitudes and mental health and wellbeing. There were also requests for links to broader indicators such as wage growth, job creation, biodiversity and illness.

Comment summary	How we will revise the strategy
The strategy's indicators should include a baseline, target and methodology.	<ul style="list-style-type: none"> • Baselines will be set for all indicators included in the strategy. • We will add some introductory text explaining the methodology and monitoring process.
A range of alternative or additional indicators were suggested.	<ul style="list-style-type: none"> • We will look to include some of the suggested indicators where the data exists at a local level and where it offers added value. • Some of the suggestions are too detailed for inclusion within the strategy, but we will look to incorporate these into the evidence base. • We will also include the development of some suggested new indicators (where local data doesn't currently exist), within the implementation plan.

4.10 Do you have any other comments to make about the draft Energy and Low Emission Strategy?

This free-text question was answered by 60% of respondents (218 comments). A breakdown of the comments is provided in [Appendix 3](#).

Many of the respondents drew on points made in previous questions, with a third of the comments reiterating calls to make the strategy more ambitious and urgent, and voicing concerns that the strategy was not sufficient to tackle the scale of the issues. Respondents also repeated calls for interim targets, a detailed action plan and more information on how the strategy will be funded and monitored.

Many respondents took the opportunity to declare their support for the strategy or to reaffirm their support for specific priorities; such as robust planning policy, better foot and cycle path infrastructure and encouraging behaviour change. Some comments, particularly those from local

authorities, highlighted the need to work in partnership across Kent to implement the strategy, with others advising that the strategy will only be successful if the buy-in from politicians and the private sector is secured.

Several respondents expressed their interest in working with partners to further develop the strategy or contribute to evidence and actions. There were also calls to involve communities, action groups, charities and universities in the development of plans.

A small number of respondents expressed their disagreement with the strategy, either because they did not agree that the issues were important enough, or because they saw the strategy as a ‘tick-box’ exercise that wouldn’t deliver the action required. Several comments referenced environmental and social issues outside the scope of this strategy; such as global politics, international trade and a range of government’s social and economic policies.

Comment summary	How we will revise the strategy
The strategy doesn’t adequately explain how charities, universities, partnerships and forums will be involved, or how the relationships will be facilitated.	<ul style="list-style-type: none"> <li data-bbox="692 757 1406 831">• We will look to improve the information provided on pages 29-30.
The strategy should outline how it will involve communities and action groups in the development of plans.	<ul style="list-style-type: none"> <li data-bbox="692 969 1426 1043">• We will include an action to consider how we engage with the wider community in the implementation plan.

5. Equalities Impact Assessment

In order to provide assurance and evidence that an equality analysis has been undertaken and considered as part of the strategy’s development, an Equalities Impact Assessment (EqIA) was published with the consultation documents. Respondents were invited to provide comments about equalities and/or the EqIA. 14% of respondents provided a written response (52 comments), a breakdown of the comments is provided in [Appendix 3](#).

A range of comments were received: some thought that EqIAs were unnecessary; others didn’t feel a discussion on equalities was needed as the strategy’s vision and priorities were of equal concern and benefit to all; several simply outlined their support for parity and a level playing field. A few respondents repeated their call for greater urgency and expressed their concern that a failure to act on the climate emergency would have an unequal and detrimental impact on the young and vulnerable.

Some respondents did provide suggestions on how the EqIA could be improved. For instance, there was a call for the EqIA to address the equalities risks to vulnerable groups such as older people, people on low incomes and those with long-term health problems and/or disabilities. Respondents were concerned that these groups were not only at greater risk from the impacts of climate change, poor air quality and fuel poverty, but were also the least likely to have the social support or disposable income necessary to mitigate these risks. It was noted that these groups were already disadvantaged by the lack of affordable energy and that future policies should aim to rectify this.

The gypsy and traveller communities were also identified as having specific vulnerabilities in relation to fuel supply, accommodation and long-term illness and it was suggested that specific consideration should therefore be given to this group.

Other concerns related to transport infrastructure and the cost of technology. There was concern that the strategy needed to do more to ensure that those living in rural areas benefit from the strategy as much as those living in urban areas, particularly in relation to the provision of public transport. There was also concern that many low carbon technologies (eg. electric vehicles, solar panels and alternatives to gas heating), require a large financial investment up-front that would be prohibitively expensive for many residents.

Some respondents commented on equalities issues outside the scope of this strategy, such as the provision of disabled parking bays and the risks posed by flooding and heatwaves.

Comment summary	How we will revise the strategy
The strategy / EqIA should address the issues experienced by vulnerable groups including those on low incomes, long-term health issues, older people and gypsy and traveller communities.	<ul style="list-style-type: none"> • We will review the risks and update the EqIA. • We will add an action to the implementation plan if further evidence is required to understand current or future risks. • We will expand the ‘protecting the vulnerable’ challenge to include energy and fuel poverty.
The EqIA should specifically reference fuel poverty.	<ul style="list-style-type: none"> • We will include fuel poverty in the EqIA.

Appendix 1: List of organisations responding to the public consultation

The following organisations responded to the public consultation on the draft Kent and Medway Energy and Low Emissions Strategy:

- Royal British Legion (branch)
- Bidborough Parish Council
- RJ Barwick Ltd
- Tonbridge and Malling Green Party
- Eynsford Parish Council
- Port of London Authority
- Maidstone Borough Council
- Sevenoaks District Council
- Contracts Engineering Limited
- Bloomsbury Biddenden Ltd
- Bion Energy Ltd
- OSET Bikes Ltd
- The Coloured Render Co Ltd
- Baylis Landscape Contractors Ltd
- Westerham Town Council
- Tunbridge Wells Borough Council
- Ashford Borough Council
- O'wango & TT Smart Ltd
- Chartham Parish Council
- Boughton Monchelsea Parish Council
- Tonbridge and Malling Borough Council
- Swale Borough Council
- Walmer Parish Council
- Deal Town Council
- 20's Plenty for Kent
- Southborough Town Council
- Dover District Council
- New Romney Town Council
- Faversham Town Council
- Swale Friends of the Earth
- Medway Council
- Biodiversity International Ltd
- Sevenoaks Bicycle Users Group
- Tunbridge Wells Bicycle Users Group
- Canterbury City Council
- Faversham Town Council
- Folkestone and Hythe District Council
- Magneum Innovation Ltd
- Tunbridge Wells Friends of the Earth
- Iwade Parish Council

Appendix 2: Profile of respondents and Kent and Medway population

	Total		Kent and Medway Population	
Base	365		1,817,400	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
Gender:				
Male	109	46.9%	893,100	49.1%
Female	123	53.1%	924,300	50.9%
Prefer not to say/unspecified	133	NA	NA	NA
Same gender as born:				
Yes	229	100%	NA	NA
No	0	0%	NA	NA
Prefer not to say/unspecified	136	NA	NA	NA
Age:				
			*0-14 /15-24	
0-15	13	5.6%	331,200	18.2%
16-24	18	7.8%	219,500	12.0%
25-34	14	6.1%	218,600	12.1%
35-49	48	20.1%	354,100	19.5%
50-59	42	18.3%	245,500	13.6%
60-64	21	9.1%	99,400	5.5%
65-74	53	23.0%	194,200	10.7%
75-84	21	9.1%	108,200	5.9%
85+	0	0%	46,600	2.6%
Prefer not to say/unspecified	135	NA	NA	NA
Whether belong to a religion:				
Yes	77	35.8%	1,132,289	65.5%
No	138	64.2%	470,586	27.2%
Prefer not to say/unspecified	150	NA	124,790	7.2%
Type of religion:				
Christian	64	83%	1,067,837	61.8%
Buddhist	3	4%	7,739	0.4%
Hindu	1	1%	13,699	0.8%
Jewish	1	1%	1,985	0.1%
Muslim	1	1%	19,101	1.1%
Sikh	0	0%	14,391	0.8%
*Other	6	8%	7,537	0.4%
Unspecified	7	NA	124,790	7.2%
Whether have a disability:				
Yes	24	10.5%	285,236	16.8%

No	205	89.5%	1,410,497	83.2%
Prefer not to say/unspecified	136	NA	NA	NA
Type of disability:				
Physical impairment	12	48%	95,987	67.1%
Sensory impairment	6	24%	NA	NA
Long standing illness/health condition	5	20%	NA	NA
Mental health condition	6	24%	27,405	19.2%
Learning disability	1	4%	19,652	13.7%
Other*	2	8%	NA	NA
Prefer not to say	3	12%	NA	NA
Carer:				
Yes	22	9.6%	176,064	10.3%
No	206	90.3%	1,519,669	89.6%
Prefer not to say/unspecified	137	NA	NA	NA
Ethnic Group:				
White English/Scottish/Welsh/Northern Irish/British	197	84.9%	1,529,212	88.5%
White Irish	4	1.7%	12,185	0.7%
White Gypsy or Irish Traveller	0	0%	5,195	0.3%
White Other*	16	6.9%	61,089	3.5%
Mixed White & Black Caribbean	0	0%	7,996	0.5%
Mixed White & Black African	0	0%	3,732	0.2%
Mixed White & Asian	0	0%	9,066	0.5%
Mixed Other*	1	0.4%	6,489	0.4%
Indian	1	0.4%	25,268	1.5%
Pakistani	0	0%	3,922	0.2%
Bangladeshi	0	0%	4,685	0.3%
Chinese	0	0%	7,043	0.4%
Other Asian	1	0.4%	20,311	1.2%
African	0	0%	16,265	0.9%
Caribbean	0	0%	4,721	0.3%
Other Black	0	0%	1,893	0.1%
Arab	0	0%	2,052	0.1%
Any other ethnic group	0	0%	6,541	0.4%
I prefer not to say	12	5.1%	NA	NA
Unspecified	133	NA	NA	NA

Appendix 3: Coded responses to open ended questions

Comment	Q4. Was the ELES easy to understand?				
	Total	Yes	No	Don't know	No selection
It was understandable / clearly written / informative / thorough	25	23	0	2	0
It was too long / too wordy / repetitive / overly complicated	23	6	13	4	0
It was too vague / wasn't clear what specific actions will be taken	20	7	13	0	0
There were too many acronyms / jargon / abbreviations	13	1	9	3	0
A summary would be helpful	10	7	3	0	0
Requires technical knowledge / high literacy to understand	9	8	1	0	0
It was difficult to understand / confusing / misleading	8	1	6	0	1
The strategy is not ambitious enough / needs stronger language	8	7	1	0	0
The strategy should have included other actions	8	4	3	1	0
Understandable but a complex subject to take in / comprehend	7	3	1	3	0
Strategy needs to be supported with an action plan / specific targets	6	6	0	0	0
I like the infographics	6	5	0	1	0
It wasn't clear how things would be monitored	4	1	3	0	0
I liked the layout	3	2	0	1	0
I didn't agree with all the strategy	3	2	1	0	0
I am supportive of the strategy / one of the strategy's objectives	3	3	0	0	0
It's not achievable / will not be achieved	3	2	0	1	0
I didn't like the infographics	2	1	1	0	0
I didn't like the layout	2	0	2	0	0
I had technical issues with document / website	2	0	1	0	1
It was visually difficult to read	1	1	0	0	0
It's not young person friendly	1	1	0	0	0
Has too many references to other documents	1	0	1	0	0
Other	8	6	0	1	1
No comment	244	194	20	23	8

Q5. To what extent do you agree or disagree with this vision for Kent and Medway?						
Comments	Total	Agree (strongly / tend to)	Disagree (strongly / tend to)	Neither agree nor disagree	Don't know	No selection
Vision is not ambitious enough / vision should be achieved earlier than 2050	101	32	60	7	1	1
Good vision, but it will be difficult to achieve	14	9	4	1	0	0
Do not agree with continual growth / growth contradicts vision	12	3	9	0	0	0
The vision is too vague / not clear how it will be achieved	11	8	1	2	0	0
Vision is good / realistic / achievable	11	10	0	0	0	1
Vision is unrealistic / not achievable	10	1	7	2	0	0
Vision should reference public transport / traffic	10	4	4	1	0	1
Milestone or interim targets would be helpful	9	4	2	3	0	0
The vision largely supports my priorities / my priorities are included within the strategy	7	7	0	0	0	0
The vision should reference climate emergency	7	2	4	1	0	0
Don't like 'net-zero' expression / should use alternative to 'net-zero'	5	1	3	1	0	0
Existing transport policies don't align with this vision	5	4	1	0	0	0
Vision should reference afforestation / carbon sequestration	5	1	4	0	0	0
I don't agree with air quality aspect of the vision	4	2	2	0	0	0
I don't agree with the vision / there are more important issues to focus on	3	0	2	1	0	0
Concerned about impact of traffic from outside Kent	2	2	0	0	0	0
Air quality is only one part of problem / its more than just air quality	2	2	0	0	0	0
Could consider the circular economy, not just low carbon	2	1	1	0	0	0
The vision should reference good quality of life and ecosystems	1	0	1	0	0	0
As long as it happens	1	1	0	0	0	0
There's no evidence that net-zero and improved air quality will improve economic competitiveness	1	1	0	0	0	0
How was the target date derived?	1	1	0	0	0	0
Other	23	17	5	1	0	0
No comment	170	136	4	24	2	4

Q6. To what extent do you agree or disagree that the ELES will help KCC and its partners achieve this vision?

	Total	Agree (strongly / tend to)	Disagree (strongly / tend to)	Neither agree nor disagree	Don't know	No selection
Too vague to judge / strategy requires more specific actions / need a detailed plan	31	9	12	10	0	0
Need more urgent action / increased scale of action / document shouldn't be 'business as usual'	25	7	15	3	0	0
Needs binding targets / enforcement / scrutiny that its being followed	22	9	8	5	0	0
The strategy has missed out actions that would help achieve the vision	21	6	10	5	0	0
It will help / it's a start / something to aim for	18	12	1	5	0	0
Conflicts with council transport or planning policies / requires changes to polices	12	5	5	2	0	0
Government policy has greater influence / delivery is outside council scope / requires lobbying	12	6	5	1	0	0
Overcoming behaviour change / social norms will be an issue	10	4	3	3	0	0
Funding will be an issue	10	4	3	2	1	0
Will require strong political support / buy-in from decision makers	8	3	3	2	0	0
Low expectation of anything happening	5	1	2	1	1	0
Needs stronger language	5	3	2	0	0	0
No, as the vision isn't realistic / achievable	2		2	0	0	0
The strategy will waste money	2	1	1	0	0	0
It would be good to see pressure to stop the commute	1	1	0	0	0	0
Other	10	7	2	1	0	0
No comment	198	127	12	36	14	9

Q7. To what extent do you agree or disagree that the challenges identified in the ELES are the most significant challenges in relation to energy and emissions in Kent and Medway? Any additional comments	
	Total
Improving public transport / alternatives to car is key priority	25
They are all important challenges / supportive of priorities	18
Growth will prevent vision being achieved	18
Need more urgency than step change in emissions reduction / 2050 is too late	15
Lobbying government / influencing action outside council control is challenge	14
Council transport/planning policies make challenges worse / policies need to change	10
Domestic energy use / planning policy is key challenge	10
I support renewable energy / all renewables should be considered	10
Changing behaviour and social norms is a challenge	9
Must include natural processes / increasing carbon sequestration / tree planting / wetlands	7
Need financial incentives /people need financial assistance	6
Air quality is an urgent issue / tackling air quality is important	5
Protecting vulnerable is consequence of tackling other challenges	5
Must include total carbon footprint of Kent / embedded emissions in goods and services / air travel / shipping	5
Strategy should also consider impacts on habitat / wildlife	4
I don't support renewable energy technology / renewables are unreliable	3
Changes must not negatively impact the vulnerable / low carbon must be affordable	2
Tackling carbon emissions most important priority	2
I don't agree with any of the challenges	2
Ensuring actions are integrated is important / challenges are interlinked	2
Improving quality of life is important	2
Overcoming energy grid constraints is important	2
Meaningful CO2 reduction is impossible / these things are difficult to change	2
Consider publicly owned renewable energy supply / nationalise energy	2
Grid constraints should include those off-gas using oil	1
High costs / impact on profits will be a challenge to action	1
Need to reference meat industry / promote veganism	1
Ensuring sustainable energy supply is important / should include switch away from gas	1
Growth is important / priority	1
I don't know / don't understand	3
Other	15
No comment	237

Q8. Do you have any alternative ideas or areas you think the strategy should cover that it does not currently?	
	Total
Planning policy to ensure all new developments are zero carbon / don't increase air pollution	37
Include green infrastructure / tree planting / wetland restoration / sequestration / land use / soil management	36
Greater urgency / address climate emergency / net zero before 2050	22
Improve public transport: quality / frequency / reliability / convenience / availability	26
Increase walking / cycling routes / better infrastructure	25
Discourage private car use: Restrict vehicle access / lower speed limits / parking charges / road tolls / pollution charges	24
Include behaviour change / change perceptions / raise awareness / educate	23
Lobby government to change policies / provide funding / subsidies	17
Include emissions from shipping / air travel / agriculture / waste / embodied carbon in goods	17
Reduce cost of public transport / free school buses	14
Fast EV charging points / better charging networks / help for homes with no parking	14
Subsidise domestic low carbon technology / incentivise low carbon living / prioritise retrofit	14
More detail: how actions will be funded / implemented / impact on emissions / roadmap to net-zero	13
Support geothermal / hydro / wave / tidal / onshore wind / energy from waste	13
Low Emission Zones / ban polluting vehicles	12
Invest in innovative technologies / support local low carbon businesses	10
Limit population growth / no more house building / growth is a major problem	10
Cover diet / veganism / meat and dairy consumption / food	10
Support or incentivise installation of low carbon tech in business / industry / public sector / churches	9
Roll-out of electric / low carbon public transport / public sector vehicles	8
Tackle contradictory council policies / embed ELES in all council policies	8
Biodiversity / conservation / animal protection	7
Switch to low carbon HGVs / address pollution from HGVs	7
Enforce anti-idling zones / target anti-idling / traffic light phasing to reduce idling	7
Review support for new nuclear / increase nuclear	7
Use global best practice / collaborate with others	7
Support alternatives to private car: car clubs / scooter hire / bike hire / transport on demand / mobility as a service	5
A plan to switch all buildings away from gas heating / those off-gas to switch away from oil / support for heat pumps	5
Consider impact of solar farms on food supply, landscape, biodiversity	5
Affordability of low carbon tech / provide grants to those on low incomes / ensure no one is left behind	4
Don't restrict private car use / cars are part of life	3
Better / more air quality monitoring	3
Battery storage / vehicle to grid technology / overcome renewable intermittence	3

Remove school choice policy	2
Consider recycling facilities for low carbon tech / support for circular economy	2
Impact of Brexit	2
Expand availability of domestic gas heating network	1
nationalisation of public transport / energy supply	1
Consider use of inland waterways	1
Consider negative impacts of biofuels	1
Divest pension funds away from fossil fuels	1
Address issues of resource scarcity	1
Simplify recycling	1
Other	23
No comment/ no further comment	147

Q9. To what extent do you agree or disagree with the priorities and high-level activities in Theme 1: Building the foundations for delivery?

	Total	Agree (strongly / tend to)	Disagree (strongly / tend to)	Neither agree nor disagree	Don't know	No selection
Agree with priorities and activities / support them / they are important	18	16	0	1	0	1
These activities mustn't delay action on the ground / need action now	12	7	2	3	0	0
Support a focus on behaviour change / need to shift beliefs and norms / need to inform and educate people	12	10	0	2	0	0
Need specific reference to low carbon planning policy	10	6	1	2	0	1
Activity 1.3 is not a high-level activity / 1.3 needs to cover other aspects	9	6	0	2	0	1
Need more detail on how things will be achieved / need action plan and timelines	6	4	0	1	1	0
Theme lacks substance / words are too vague	6	3	1	1	1	0
Too much focus on electric vehicles / need to focus on alternatives to private vehicles	6	3	1	2	0	0
Support collaborative approach / need to work in partnership	6	5	0	1	0	0
Scope and ambition is inadequate / target needs to be earlier than 2050	5	1	0	2	0	2
Don't agree with growth priority / growth is not sustainable	4	2	2	0	0	0
Need reference to expanding tree coverage /	4	0	3	1	0	0

carbon sequestration						
Do not agree or support priorities and activities / need to reprioritise	4	0	4	0	0	0
I don't understand	4	1	1	0	2	0
Lobbying national government is key priority	3	3		0	0	0
How will actions be enforced / proposals carry no weight in law	3	1	1	0	0	1
Need to take into account global impact of actions / total carbon footprint of residents	3	1	1	1	0	0
There is no leadership / no political will to deliver	2	0	2	0	0	0
Partners need to be ethos based not profit based / partnerships not correct approach	2	2	0	0	0	0
Should include case studies and best practice / should have sector champions to sell business case	2	1	0	1	0	0
Priorities need to be regularly reviewed to ensure methodology is still valid	2	1	0	1	0	0
Should include low carbon public sector procurement policies / supply chain policies	2	2	0	0	0	0
Need to focus on heavy industry / need to target the biggest polluters	2	2	0	0	0	0
Need annual targets and publish progress against targets	1	1	0	0	0	0
Need to ask residents and workers what they want to see in this policy	1	0	1	0	0	0
Other	9	6	1	2	0	0
No comment	269	173	13	50	23	10

Q10. To what extent do you agree or disagree with the priorities and high-level activities in Theme 2: Making the best use of resources, avoiding or minimising negative impacts?

	Total	Agree (strongly / tend to)	Disagree (strongly / tend to)	Neither agree nor disagree	Don't know	No selection
Scope and scale of activities are inadequate / priorities need to be more ambitious	18	6	9	1	0	2
Agree with priorities and activities / support them	17	16	0	0	0	1
Actions lack substance / doesn't sound like anything new will happen	14	7	5	0	2	0
Need more detail on how things will be achieved / need action plan / timelines / targets	12	6	3	2	1	0
Need to integrate into planning policy / need low carbon planning policy	11	6	4	1	0	0

Increase walking and cycling routes / improve infrastructure / join up network	11	5	3	2	0	1
Reduce emissions from public transport / mandate improvements / support electric buses	9	7	2	0	0	0
Improve public transport: quality / frequency / reliability / convenience	9	6	3	0	0	0
Need to increase green infrastructure / tree planting	6	3	2	0	1	0
Active travel isn't an option for all / not everyone can work from home / cars will always be part of the mix	6	2	3	1	0	0
Promote and encourage people to use alternatives to private car / car sharing / mobility on demand	5	3	2	0	0	0
Support IT systems for home working / promote digital meetings / encourage home working	5	1	0	3	0	1
Reduce vehicle access to drive behaviour change / close rat-runs	4	0	1	2	0	1
Consider opportunities from rail freight / reduce freight carried on roads	4	4	0	0	0	0
Tackle the school run / support walk to school schemes / free school bus	4	2	2	0	0	0
Reduce cost of public transport / subsidise bus travel / public ownership of buses	3	1	1	1	0	0
Declare 20mph zones in residential/urban centres	3	0	0	2	0	1
I don't support the priorities or high-level activities	3	0	2	1	0	0
Need to lobby government for funding and tighter regulations / limited funding limits action	3	1	1	1	0	0
Promote benefits of change to residents	2	2	0	0	0	0
Implement zero emissions zones	2	1	1	0	0	0
Consider and address negative impacts from agriculture and maritime	2	2	0	0	0	0
Need to identify action to ensure all homes improve energy efficiency, not just fuel poor etc	2	2	0	0	0	0
Home energy efficiency is complicated and not everyone can make changes / residents need help and incentives	2	1	1	0	0	0
Don't agree with growth priority	2	1	1	0	0	0
Promote use of roof mounted renewables	1	1		0	0	0
Support onshore wind energy	1	1	0	0	0	0
Need to consider costs to the public	1	1	0	0	0	0
Traffic lights have a negative impact	1	0	1	0	0	0
Promote bus lanes	1	1	0	0	0	0
Offer business rate relief to businesses that offer EV charging	1	0	1	0	0	0
Other	13	6	4	2	0	1
No comment	262	186	17	34	13	12

Q11. To what extent do you agree or disagree with the priorities and high-level activities in Theme 3: Towards a sustainable future?						
Total	Agree (strongly / tend to)	Disagree (strongly / tend to)	Neither agree nor disagree	Don't know	No selection	
Actions are not sufficient to deliver scale of change required / actions lack substance	20	10	4	3	1	2
Action needs to be more urgent / these actions need to happen now	17	9	4	2	1	1
Implement zero carbon planning policies / influence Local Plans	15	9	3	2	1	0
Agree with priorities and activities / support them	12	11	0	0	0	1
Need more detail / need action plan / target dates	9	6	0	3	0	0
Theme lacks vision / actions are too limited / random list of actions	8	4	3	0	1	0
Don't support biofuel / wood fuel	8	6	2	0	0	0
Need to support micro renewables and energy efficiency of existing buildings	8	6	2	0	0	0
Need to increase green infrastructure / tree planting	8	2	3	3	0	0
Not achievable without national law / can it be enforced?	7	4	2	0	1	0
Too much focus on electric vehicles / need to support other sustainable transport	7	3	1	1	1	1
Need incentives to switch to EV and renewables for business and residents	3	2	1	0	0	0
All new projects to set out how low carbon has been incorporated	3	3	0	0	0	0
Support new low carbon technology / innovation	3	2	0	1	0	0
Support onshore wind / wave / tidal	3	2	1	0	0	0
I don't support priorities or high-level activities	3	0	3	0	0	0
Introduce anti-idling zones	2	2	0	0	0	0
Support EV charging for residents with no off-road parking	2	2	0	0	0	0
Do not support CNG fuel	2	2	0	0	0	0
Don't agree with growth priority	2	1	1	0	0	0
Need a plan to switch residents from gas heating	1	0	1	0	0	0
Provide training to planners	1	1	0	0	0	0
Do not overlook E-bikes	1	1	0	0	0	0
Need to coordinate investment in renewable energy	1	1	0	0	0	0
Support hydrogen fuelling near ports and motorways	1	1	0	0	0	0
Need to make high polluting goods commercially unviable / tax heavy polluters	1	1	0	0	0	0

"sustainable" isn't quantifiable achievement	1	1	0	0	0	0
Need to ensure homes don't overheat in summer	1	1	0	0	0	0
Public sector shouldn't be funding EV charging infrastructure	1	1	0	0	0	0
Tackle emissions from air travel / shipping / road freight	1	1	0	0	0	0
All schools should support this strategy	1	1	0	0	0	0
Other	14	11	2	1	0	0
No comment	259	191	13	27	16	12

Q12. To what extent do you agree or disagree with the proposed indicators to measure success?						
	Total	Agree (strongly / tend to)	Disagree (strongly / tend to)	Neither agree nor disagree	Don't know	No selection
Need specific targets / milestones / baseline / methodology	25	12	4	8	0	1
Support measures / agree with indicators	15	9	1	4	0	1
Not ambitious enough / urgent enough	12	3	5	1	1	2
Need better air quality monitoring network / air quality measures could be improved / removal of air quality hotspots	12	6	2	4	0	0
Include use of public transport / modal shift to public transport / use of park and ride	11	5	1	5	0	0
Review emissions reduction pledge measure / need progress of councils	9	4	0	5	0	0
Include tree coverage / wetland expanse / tree removal	8	2	3	2	0	1
Include km of cycle lane and footpath improved or built	8	2	1	4	0	1
Include emissions from waste / agriculture / rail / shipping / air travel / waterways	7	5	1	0	0	1
Include walking and cycling / modal shift to walking and cycling / travel plans	7	4	0	3	0	0
Include embedded carbon in goods / carbon footprint / carbon leakage	5	2	2	1	0	0
Review active travel measures / concern about accuracy / scope	5	3	1	1	0	0
Include all greenhouse gas emissions, not just carbon dioxide	4	4	0	0	0	0
Indicators don't matter / data can't be trusted / data will be manipulated	4	1	1	2	0	0
Include number of car share / car clubs in	3	0	0	3	0	0

operation						
Don't waste excessive time and money on monitoring	3	0	1	2	0	0
Include qualitative measures eg. improvement in mental health	3	2	0	1	0	0
Include delays on all roads, not just A-roads	2	2	0	0	0	0
Road delays are caused by factors other than vehicle numbers	2	0	0	2	0	0
Include extent of 20mph speed limit zones	2	1	0	1	0	0
Include more data related to health / illness	2	1	0	0	0	1
Include behavioural change / public perception	2	2	0	0	0	0
Include planning policies / Local Plan policies	2	0	1	0	0	1
Include measures for businesses	2	1	1	0	0	0
Include type of ultra-low emission vehicles eg. number of electric or hydrogen bus / taxi / lorry	1	1	0	0	0	0
Include electric and hydrogen charging infrastructure by district, urban, rural	1	1	0	0	0	0
Include ammonia emissions	1	1	0	0	0	0
Include deaths associated with poor air quality	1	1	0	0	0	0
Include excess summer deaths	1	1	0	0	0	0
Include Display Energy Certificates	1	1	0	0	0	0
Number of homes using smart meters	1	1	0	0	0	0
Include source of domestic heating fuel / number of new homes heated by gas alternatives	1	1	0	0	0	0
Include renewable energy supply	1	1	0	0	0	0
EPCs are not always accurate	1	1	0	0	0	0
Include economic indicators / jobs created / wages	1	0	1	0	0	0
Indicators need to be published / promoted	1	0	0	1	0	0
Other	22	9	8	4	0	1
No comment	247	144	9	60	18	16

Q13. If you have any comments about equalities and / or the Equality Impact Assessment, please provide them here:	
	Total
EQiA is not needed / irrelevant	7
Support or agree with EqlA / important to have level playing field	7
The subject is of equal concern to everyone / shouldn't affect one group more than another	5
EQiA needs to be informed / further consultation by NHS, public health, social services, housing	4
Must reference fuel poverty and unequal access to affordable energy / need to ensure fair policies	4
The strategy is not ambitious enough / will have an unequal detrimental impact on the most vulnerable and young	3
Some solutions are expensive eg. EVs, so policies must not discriminate against less well off	3
Should consider impacts of severe weather (heatwave to flooding) on protected groups	3
Need to ensure those living in rural areas benefit as much as those living in urban areas	2
There is varying level of detail within EqlA, seems confused	1
I don't understand what this means	1
Older people may have problems making decisions about changes	1
Poverty is biggest problem	1
Inequality between people with and without cars has not been considered	1
There aren't enough disabled parking spaces	1
People in inadequate housing need help to have accommodation that meets their requirements	1
Gypsy and traveller communities have specific vulnerabilities which haven't been addressed in EQiA	1
Share with everyone as not everyone has the internet	1
Other	15
No comment	313

Q14. Finally, do you have any other comments to make about the draft Energy and Low Emission Strategy?	
	Total
Needs to be more ambitious / urgent / not sufficient to address scale of issues	67
Supportive of strategy	38
Need milestones / interim targets / action plan	17
Must implement zero carbon planning policies / influence Local Plans	17
Needs to be adequately funded / how will it be funded	15
Need to increase green infrastructure / tree planting	15
Do not support or agree with strategy / strategy is not realistic or feasible	10
Need to improve cycle network / footpaths / integrated network / safer	10
Evidence base doesn't link into strategy enough	1
Need to reference the climate emergency declarations /IPCC / Climate change Act change	4
How will it be enforced / monitored	9
Must increase energy efficiency / renewables on existing buildings	3
Must improve public transport / make it cheaper / more attractive	7
Encourage more working at home / video conferencing	1
Involve communities / action groups / NGOs / academics in developing plans	8
Need to reduce volume of traffic	5
Difficulties in switching to EVs / switching from private cars	5
Need to raise awareness / change culture / change behaviour / incentives	13
Air pollution around schools should be a priority	2
Need to work in partnership / must secure buy-in politicians / business	10
Should be called Kent strategy / Medway is part of Kent	1
Don't support biofuels / solar farms on agricultural land	2
Not enough inclusion of Medway	1
Don't agree with growth / no more building	6
Other	42
No comment/ no further comment	178

KCC - Growth, Environment and Transport Directorate (GET).

Equality Analysis / Impact Assessment (EqIA) template

Name of decision, policy, procedure, project or service:

Kent & Medway Energy and Low Emissions Strategy

Brief description of policy, procedure, project or service

To co-ordinate the development of an Energy and Low Emissions Strategy for Kent & Medway. This identifies and prioritises action to reduce harmful emissions that contribute to climate change and poor air quality leading to impacts on people's health. The Strategy will also incorporate the strategic approach to energy across the County as there is significant overlap in activity and the resources that are delivering actions.

This Strategy will strengthen and support the UK government's Clean Air Strategy (under consultation), Kent Environment Strategy implementation plan and District Councils' air quality action plans.

It will also take into account the Government's Industrial Strategy, Clean Growth Strategy, the 25 Year Environment Plan and Road to Zero.

Aims and Objectives

Objectives of group

- To oversee the development of a Strategy and Action Plan for Kent & Medway that provides a comprehensive and cohesive framework, to set out the ambition and challenge for a step change in action.
- To seek out relevant data and information to ensure a robust evidence-based approach.
- Identify individuals, groups and organisations that have a key role to play in this agenda and ensure effective engagement and consultation to obtain their contributions and support.
- To identify the areas requiring a partnership approach to be most effective, opportunities for quick wins, synergies between KCC and District Councils.
- Promote increased partnership action and information sharing.
- Take individual responsibility to promote opportunities, align action and foster a wider awareness of the development of the strategy and the challenges faced from this agenda through our own roles and interactions.

Outcomes

- Support the delivery of Kent & Medway air quality objectives, as defined by EU Directives and the UK's Air Quality Strategy to reduce the level of air pollutants
- To focus local authority action where it can positively influence more secure, sustainable and affordable energy (the energy trilemma) to benefit Kent residents and businesses
- Deliver a joined-up approach to tackling the challenges of climate change and air quality
- Demonstrate tangible improvements in tackling air pollution through more partnership activity
- Ensure actions and resources are focused where they are needed most and to benefit the most vulnerable residents

Outputs

- Strategy and Action plan
- Comprehensive evidence base and identified gaps, where more research is required
- Identify policies required to influence local planning/local plans
- Develop simple messages for the public, for partners to use in communications
- Develop Kent & Medway case studies
- Develop a knowledge hub of current/planned actions
- Joint funding opportunities

JUDGEMENT

- **Adjust and continue - adjust to remove barriers or better promote equality**

The initial screening did not identify any significant negative impacts, instead some low negative impacts are most likely to be outweighed by the wider positive benefits from the strategy and action plan.

During the development of the Strategy through 2018 and into 2019, further evidence was sought on the previously assumed negative impacts.

One Medium negative impact identified related to parking location and/or design with associated electric vehicle charging point, where access barriers could arise for disabled drivers and carers.

During the public consultation which ran from 2nd July to 23rd September 2019, feedback was invited about Equalities impacts. Several responses advised additional concerns, and these have been included within this revision. This impacts assessment supports the final version of the Strategy to be presented to the Environment & Transport Cabinet Committee and Kent Chief Executives and Leaders.

The additional information is also being considered to inform the supporting action plan. The aim is to ensure that any negative impacts for specific protected characteristics are minimised or addressed as far as reasonably practicable through the final Strategy and action plan.

I have found the Adverse Equality Impact Rating to be Low

GET Document Control

Revision History

Version	Date	Authors	Comment
V0.1	13/11/2017	D Kapaj	Initial screening grid completed by Sustainable Business & Communities team (team meeting)
V0.2	23/11/2017	D Kapaj	Review and development of first draft by first meeting of K&M energy and low emissions working group
V0.3	31/01/2018	D Kapaj	Further feedback from K&M energy and low emissions working group and EPE E&D group
V0.4	19/02/2018	D Kapaj	Refined further based on additional feedback and evidence obtained
V0.5	28/03/2018	D Kapaj	Refined further based on additional feedback and evidence obtained
V0.6	05/04/2018	D Kapaj	Formatted into GET template and feedback from A Agyepong
V1	29/08/2018	D Kapaj	Finalised content to support Environment & Transport Cabinet Committee paper
V2	08/05/2019	D Kapaj	Additional evidence obtained: <ul style="list-style-type: none">- availability of electric/hybrids on Motability Scheme- barriers to walking for over 65s- benefits of 20mph zones- DfT report – disabled people behaviours and attitudes to travel- additional impacts identified by HTW EV Strategy EqIA Revised impacts accordingly – risk level unchanged and no new significant negative impacts
V3	04/11/2019	D Kapaj	Public consultation feedback on equalities impacts taken into account: <ul style="list-style-type: none">- Impacts for the gypsy and traveller communities.- Fuel poverty- The affordability of new technologies (Electric vehicles, solar, heat pumps etc) for those on low incomes (disabled including those with long-term health issues, older people, families with young children, carers)

Document Sign-Off (this must be both the relevant Head of Service and the relevant Director)

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

Name	Signature	Title	Date of Issue
Carolyn McKenzie	<i>C McKenzie</i>	Head of Sustainable Business & Communities	
Katie Stewart	<i>K Stewart</i>	Director of Environment Planning & Enforcement	

Part 1 - Screening

Regarding the decision, policy, procedure, project or service under consideration,

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Please note that there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements

Protected Group	You MUST provide a brief commentary as to your findings, or this EqIA will be returned to you unsigned			High/Medium/Low Favourable Impact
	High Negative Impact	Medium Negative Impact	Low Negative Impact	
Age		Affordability of new energy technologies, where grants are not available.	Encouraging public transport over car potentially gives rise to personal safety concerns i.e. vulnerable to abuse/forced home. Those with memory problems feel particularly vulnerable. (although road safety stats show public transport is safer than cars i.e. fewer accidents) Evidence 5	High – children/young people due to evidence of air quality impact on lung development (up to age 9) and long-term effect on health into adulthood Medium – improvements to public transport and walking/cycling infrastructure to provide improved

access to active travel options for those who cannot afford their own transport.

Medium – improving air quality and home energy efficiency will reduce risks of illness and/or early death particularly linked to conditions mainly affecting young children or older people or due to living in colder homes. (i.e. heart disease, stroke, COPD)

Medium - Young people (aged 18-29) – 25% less likely to own a car, so reliant on public transport/ lift-share and active travel and this age group will benefit from improvements to this infrastructure and availability of pay-as-you-go car clubs.

Medium – Young and older people are less likely to be injured or

				<p>die where 20mph zones are in force (improved safety and reduced air pollution). Over 65s are more likely to walk in places where there are lower speed limits or where footpaths are well maintained.</p> <p>Evidence 3 & Evidence 6</p> <p>Medium – the Strategy aims to target those off the gas network and hard to heat homes such as park homes occupied by retirees</p>
Disability		<p>Physical ability to access suitable parking with electric vehicle charging points could inhibit take up by this group. Evidence 4</p> <p>Affordability of new energy technologies, where grants are not available.</p>	<p>Encouraging public transport over car potentially gives rise to personal safety/access concerns (DfT report confirms safety related incidents on and around transport are more likely for disabled people)</p> <p>Avoid excluding from active travel opportunities as far as reasonably practicable, although disabled are less likely to walk or cycle compared to non-disabled. More frequent and accessible public transport is likely to be a preferable option.</p>	<p>Low - Improving air quality may reduce symptoms of some disabling health conditions</p> <p>Low – Some energy efficiency improvements such as boilers are linked to disabled adaptations which can benefit those with a disability (e.g. disabled facilities grant)</p>

				Low – disabled people are less likely to travel and when they do more likely to use buses and taxis compared to cars – improved access to and reducing emissions from these modes will benefit this group Evidence 5
Page 83	Gender			Encouraging public transport over car potentially gives rise to a personal safety concern (perception by women that personally safer using own car – no recent evidence found for UK/Kent) (although road safety stats show public transport is safer than cars i.e. fewer accidents)
	Gender identity/ Transgender			Ensure inclusive promotions/communications Encouraging public transport over car potentially gives rise to a personal safety concern (although road safety stats show public transport is safer than cars i.e. fewer accidents)
	Race			Encouraging public transport over car potentially gives rise to a personal safety concern (although road safety stats show public transport is safer than cars i.e. fewer accidents)
				Medium – the Strategy aims to target those off the gas network and hard to heat homes such as mobile/park homes

			Using more reflective images of population in campaigns and promotions. Ensuring clear language is used and language barriers are reduced where possible in the promotion of schemes and projects under this strategy (inclusive promotions and schemes)	occupied by Gypsy & Traveller communities
Religion and Belief			Ensure inclusive promotions	
Sexual Orientation			Ensure inclusive promotions	
Pregnancy and Maternity			Encouraging public transport over car potentially a personal safety concern (although road safety stats show public transport is safer than cars i.e. fewer accidents)	Poor air quality impacts lung development of growing foetus (Evidence 1 Evidence 2) and young children. Improving air quality benefits this group
Marriage and Civil Partnerships			N/A	
Carer's Responsibilities		Physical ability to access suitable parking with electric vehicle charging points could inhibit take up by this group. Affordability of new energy technologies,	Carers may be more likely to need a car due to transporting children or cared for individuals, some with specific needs requiring larger (and potentially more polluting) vehicles. Need for careful communications in encouraging less polluting transport modes as affordability for carers on low incomes may be a key issue.	

		where grants are not available		
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Conclusion: Overall no significant negative impacts identified, there is potentially one Medium impact for disabled people and carers, which requires the consideration of the selection of locations and design of parking spaces allocated for electric vehicle charging.

More positive benefits will be delivered for the young, old, disabled and maternity (unborn foetus).

Part 2 - Full Equality Analysis /Impact Assessment

From the screening grid, identify the Protected Groups impacted

Disabled

Information and Data used to carry out your assessment

Evidence 1 Impacts of poor air quality on unborn foetus <https://www.bmj.com/content/359/bmj.j5299>

Evidence 2 Lifelong impact of air quality <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>

Evidence 3 Barriers to walking for over 65's <https://www.ciht.org.uk/news/uneven-footways-prevent-older-people-from-walking/>

Evidence 4 Availability of electric and hybrid vehicles for disabled people eligible under the UK motability scheme <https://www.motability.co.uk/>

Evidence 5 DfT report - Disabled peoples travel behaviour and attitudes to travel

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647703/disabled-peoples-travel-behaviour-and-attitudes-to-travel.pdf

Evidence 6 Impact of 20mph zones <http://eprints.uwe.ac.uk/34851/>

Feedback from the public consultation

Who have you involved consulted and engaged with?

Sustainable Business and Communities team

Kent & Medway Energy & Low Emissions Working group

GET E&D group

A Agyepong, corporate E&D lead

Full public consultation held July to September 2019

Analysis

Benefits have been identified for Age (both young and old), disabled, gender, race and pregnancy (unborn foetus).

Adverse Impact,

Version 1 - Assumed that disabled (specifically physical) may be at a disadvantage when using an Electric Vehicle

This assumption has been further investigated and found that there are 72 hybrid and electric vehicle options available via the Motability scheme. Therefore, access to low emissions vehicles is not seen as a barrier for disabled drivers.

Version 2 - There is still potential for barriers to access to parking bays with electric charge points for disabled and also carers. This needs to be considered when determining EV charge point locations and associated parking design for individual schemes. This information has been passed on for consideration in the revision of parking standards for Kent Design.

Version 3 – Public consultation feedback highlighted concerns regarding the affordability of new technologies and vehicles for those on low incomes including benefits, particularly where grants are not available, or eligibility criteria is not met. This has been added as Medium impact to age, disability and carers.

In addition, a Medium positive impact has been added for Age (retirement homes) and Race (Gypsy & Traveller communities) who occupy mobile/park homes, which are off the gas network. This is a target audience for reducing fuel poverty.

Positive Impact:

The provision of cleaner vehicles and access to improved walking, cycling and public transport has positive advantages for the characteristics age, disability and pregnancy (unborn foetus).

Part 3 - Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Resource implications
Disability Pregnancy and Maternity	Potential barrier to take up of electric vehicles due to inadequate parking design	Take into account when revising the parking standards under Kent Design	This will need to be taken account of by KCC and District partners when securing funding and establishing actions to expand EV infrastructure across Kent	S Bengé	October 2019	None

Have the actions been included in your business/ service plan?

The action is part of Economic Development’s business plan 2019-20 – Kent Design refresh



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From: Michael Payne, Cabinet Member for Highways and Transport
Susan Carey, Cabinet Member for Environment
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 29 November 2019

Subject: Performance Dashboard

Classification: Unrestricted

Summary:

The Environment and Transport Performance Dashboard shows progress made against targets set for Key Performance Indicators (KPIs). The latest Dashboard includes data up to September 2019.

Eleven of the eighteen KPIs achieved target and were RAG rated Green. Seven KPIs were below target but did achieve the floor standard and are RAG rated Amber.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE the report.

1. Introduction

- 1.1. Part of the role of Cabinet Committees is to review the performance of the functions of the Council that fall within the remit of the Committee. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the third report for the 2019/20 financial year.

2. Performance Dashboard

- 2.1. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) for 2019/20. These KPIs, activity indicators and targets came before the Cabinet Committee for comment in May 2019. The current Environment and Transport Performance Dashboard is attached at Appendix 1.
- 2.2. The current Dashboard provides results up to the end of September 2019, with the exception of EPE14 which is reported a quarter in arrears and WM04 which is an annual indicator.
- 2.3. KPIs are presented with RAG (Red/Amber/Green) alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.

- 2.4. Latest performance for three of the five KPIs in Highways & Transportation are above target and RAG rated Green. Potholes repaired is achieving above target performance in recent months, but pressure earlier in the year caused by high volume of repairs needed and crews preparing for Brexit means overall performance for the year is below target at 84%. Similarly, the target for emergency incidents attended within 2 hours has been met in recent months but is just below target for the year following pressure caused by heavy rainfall in June 2019. Enquiries and subsequent work in progress is below expected levels following settled weather and investment in streetlighting and pothole blitz/resurfacing programmes.
- 2.5. Performance is ahead or on target for three of the five Waste Management indicators. Municipal waste recycled and composted did not meet the new higher target of 50% but did achieve the floor standard and was RAG rated Amber following a decrease in recycling at Household Waste Recycling Centres (HWRCs), and lower than expected district recycling volumes. HWRCs also experienced a reduction in quantities of soil and rubble following the recent introduction of charging for these items.
- 2.6. For digital take-up, four indicators achieved target and were RAG rated Green, and three achieved the floor standard and were RAG rated Amber. The volume of more complex queries which result in customers calling KCC rather than using online systems has resulted in these Amber KPIs remaining below target levels.
- 2.7. For Environment, Planning and Enforcement, Greenhouse Gas emissions have reduced further. The current target is based on a 32% reduction by 2021 from a 2016 baseline. Due to the good progress, a revised target of 38% is being proposed.

3. Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE the report.

4. Contact details

Report Author: Rachel Kennard
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Relevant Director: Barbara Cooper
Corporate Director, Growth, Environment and Transport
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Environment and Transport Performance Dashboard

Financial Year 2019/20

Results up to September 2019

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Produced by Strategic Commissioning – Performance & Analytics

Publication Date: November 2019

Guidance Notes

Data is provided with monthly frequency except for Waste Management where indicators are reported with quarterly frequency and on the basis of rolling 12-month figures, to remove seasonality.

RAG RATINGS

GREEN	Target has been achieved
AMBER	Floor Standard* achieved but Target has not been met
RED	Floor Standard* has not been achieved

*Floor Standards are the minimum performance expected and if not achieved must result in management action

Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating or Direction of Travel alert. Instead they are tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether they are in expected range or not. Results can either be in expected range (**Yes**) or they could be **Above** or **Below**.

Key Performance Indicators Summary

Highways and Transportation	Monthly RAG	YTD RAG
HT01 : Potholes repaired in 28 calendar days (routine works not programmed)	GREEN	AMBER
HT02 : Faults reported by the public completed in 28 calendar days	GREEN	GREEN
HT04 : Customer satisfaction with service delivery (100 Call Back)	GREEN	GREEN
HT08 : Emergency incidents attended to within 2 hours	GREEN	AMBER
HT12 : Streetlights, illuminated signs and bollards repaired in 28 calendar days	GREEN	GREEN

Waste Management	RAG
WM01 : Municipal waste recycled and composted	AMBER
WM02 : Municipal waste converted to energy	GREEN
WM01 + WM02 : Municipal waste diverted from landfill	GREEN
WM03 : Waste recycled and composted at HWRCs	AMBER
WM04 : Percentage of customers satisfied with HWRC services	GREEN

Digital Take up	YTD RAG
DT01 : Percentage of public enquiries for Highways Maintenance completed online	AMBER
DT03 : Percentage of concessionary bus pass applications completed online	GREEN
DT04 : Percentage of speed awareness courses booking completed online	AMBER
DT05 : Percentage of HWRC voucher applications completed online	GREEN
DT06 : Percentage of Highway Licence applications completed online	GREEN
DT15: Percentage of KCC travel Saver applications completed online	AMBER
DT16 : Percentage of 16+ Travel Saver applications completed online	GREEN

Environment, Planning and Enforcement	RAG
EPE14 : Greenhouse Gas emissions from KCC estate (excluding schools)	GREEN

Service Area	Director	Cabinet Member
Highways & Transportation	Simon Jones	Michael Payne

Key Performance Indicators

Ref	Indicator description	May	June	July	Aug	Sept	Month RAG	Year to Date	YTD RAG	Target	Floor
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	78%	94%	93%	94%	97%	GREEN	84%	AMBER	90%	80%
HT02	Faults reported by the public completed in 28 calendar days	93%	96%	95%	94%	97%	GREEN	95%	GREEN	90%	80%
HT04	Customer satisfaction with service delivery (100 Call Back)	90%	87%	92%	80%	88%	GREEN	87%	GREEN	85%	70%
HT08	Emergency incidents attended to within 2 hours	99%	92%	100%	99%	100%	GREEN	97%	AMBER	98%	95%
HT12	Streetlights, illuminated signs and bollards repaired in 28 calendar days	84%	88%	95%	95%	95%	GREEN	92%	GREEN	90%	80%

HT01 – After additional pressure caused by crews preparing for Brexit and prioritisation of urgent faults, delivery is now back on track and above target.

HT08 – After pressure caused by heavy rainfall in June 2019 impacting on crews attending all emergencies within 2 hours, the latest month is now above target.

Service Area	Director	Cabinet Member
Highways & Transportation	Simon Jones	Michael Payne

Activity Indicators

Ref	Indicator description	May	Jun	Jul	Aug	Sep	Year to date	In expected range?	Expected Range	
									Upper	Lower
HT01b	Potholes repaired (as routine works and not programmed)	1,047	739	680	607	676	5,225	Yes	7,000	4,600
HT02b	Routine faults reported by the public completed	3,410	3,434	4,870	4,185	3,838	24,749	Yes	28,900	22,900
HT06	Number of new enquiries requiring further action (total new faults)	6,783	7,811	7,358	6,746	6,619	40,993	Below	54,000	44,000
HT07	Work in Progress (enquiries waiting for action)	5,564	6,282	5,789	5,833	5,440	n/a	Below	6,750	5,500

HT06 – Settled weather has helped to keep demand at lower levels, and investment in streetlighting and pothole blitz/resurfacing is helping keep typically high demand services such as pothole and streetlight faults lower than previous years.

HT07 – Teams have worked to reduce the open enquiries, and this has been helped by a lower level of new demand as highlighted by HT06

Service Area	Director	Cabinet Members
Waste Management	Simon Jones	Susan Carey

Key Performance Indicators (Rolling 12 months)

Ref	Indicator description	Sep 18	Dec 18	Mar 19	Jun 19	Sep 19	RAG	Target	Floor
WM01	Municipal waste recycled and composted	49%	49%	50%	49%	48%	AMBER	50%	45%
WM02	Municipal waste converted to energy	50%	50%	49%	49%	50%	GREEN	48%	44%
01+02	Municipal waste diverted from landfill	99%	99%	98%	98%	98%	GREEN	98%	89%
WM03	Waste recycled and composted at Household Waste Recycling Centres HWRCs	68.2%	68.4%	68.7%	68.3%	66.9%	AMBER	69.3%	64%
WM04	Percentage of customers satisfied with HWRC services (Annual Indicator)	n/a	99%	n/a	n/a	n/a	GREEN	96%	85%

WM01 - This has been impacted by the reduction in waste recycled at HWRCs, and below expected levels of district/borough recycling volumes.

WM03 – There has been a reduction in the floor target to 64% following the recent change of policy to start charging for soil, rubble, hardcore and plasterboard. There has also been a slight fall in recycling of organic materials. The total tonnage recycled in the 12 months to September 2019 was 107,779 down from 114,786 in the 12 months to June 2019.

Service Area	Director	Cabinet Members
Waste Management	Simon Jones	Susan Carey

Activity Indicators

Ref	Indicator description	Sep 18	Dec 18	Mar 19	Jun 19	Sep 19	In expected range?	Expected Range	
								Upper	Lower
WM05	Waste tonnage collected by District Councils	534,984	537,432	539,527	534,837	538,008	Yes	555,000	535,000
WM06	Waste tonnage collected at HWRCs	166,639	168,110	171,208	168,126	161,060	Below	184,000	164,000
05+06	Total waste tonnage collected	701,623	705,542	710,735	702,963	699,068	Yes	739,000	699,000
WM07	Waste tonnage converted to energy at Allington Waste to Energy Plant	325,554	328,147	317,891	315,021	316,221	Yes	340,000	280,000

WM06 - The volume of non-household waste (soil, rubble, hardcore and plasterboard) collected at HWRCs has reduced since the charging policy was introduced in June 2019.

Service Area	Director	Cabinet Member
Highways, Transportation and Waste	Simon Jones	Michael Payne

Digital Take-up indicators

Ref	Indicator description	May	Jun	Jul	Aug	Sep	Year to Date	YTD RAG	Target	Floor
DT01	Percentage of public enquiries for Highways Maintenance completed online	45%	50%	47%	47%	50%	48%	AMBER	50%	40%
DT03	Percentage of concessionary bus pass applications completed online	38%	32%	34%	34%	44%	37%	GREEN	25%	15%
DT04	Percentage of speed awareness courses bookings completed online	80%	76%	75%	78%	75%	77%	AMBER	80%	65%
DT05	Percentage of HWRC voucher applications completed online	98%	98%	97%	96%	96%	96%	GREEN	95%	85%
DT06	Percentage of Highway Licence applications completed online	89%	81%	84%	86%	83%	84%	GREEN	70%	60%
DT15	Percentage of KCC Travel Saver applications completed online (Rolling 12 months)	80%	81%	77%	78%	78%	n/a	AMBER	80%	60%
DT16	Percentage of 16+ Travel Saver applications completed online (Rolling 12 months)	79%	80%	81%	81%	81%	n/a	GREEN	80%	60%

DT01 – The reduction in the number of standard streetlighting and pothole faults means that a greater volume of enquiries are more complex where the customer prefers to speak to an agent rather than report it on-line, this has impacted on the overall result. Over 75% of straightforward faults are reported on the webform and the benefits of reporting online are communicated to those customers who call to report a routine fault.

DT04 – The new software system is delivering benefits to customers who book online but there remain some more complex enquiries that customers still need to ring in and seek assistance.

DT15 – Over 27,000 Travel Saver applications have been processed this financial year, and it is not possible to deal with some of the more complex cases online.

Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Susan Carey

Key Performance Indicator (reported quarterly in arrears)

Ref	Indicator description	Jun 18	Sep 18	Dec 18	Mar 19	Jun 19	RAG	Target	Floor
EPE14	Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes	35,773	34,148	31,885	30,462	30,052	GREEN	35,700	38,600

EPE14: The current target is based on a 32% reduction by 2021 from a 2016 baseline. Due to the good progress, a revised target of 38% is being proposed.

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From: Roger Gough, Leader of the Council
David Cockburn, Corporate Director for Strategic and Corporate Services

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: Strategic Delivery Plan Monitoring: Quarter 2 2019/20

Classification: Unrestricted

Past Pathway of Paper: Health Reform and Public Health Cabinet Committee (1 November 2019); Policy and Resources Cabinet Committee (8 November 2019); Children’s, Young People and Education Cabinet Committee (15 November 2019); Adult Social Care and Health Cabinet Committee (27 November 2019); Growth, Economic Development and Communities Cabinet Committee (28 November 2019).

Future Pathway of Paper: N/A

Electoral Division: All

Summary: This report provides an overview of the Council’s Strategic Delivery Plan Monitoring arrangements and the analysis and emerging themes from Quarter 2 2019/20 Strategic Outcome 2 activity submissions.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to consider and comment on the Strategic Delivery Plan Monitoring arrangements and the analysis and emerging themes from Quarter 2 2019/20 Strategic Outcome 2 activity submissions.

1. Introduction

- 1.1 In April 2019, Corporate Board agreed KCC’s Strategic Delivery Plan for 2019-20, a single KCC business plan that is more delivery focused and acts as a 3-year rolling plan. During the development of the Strategic Delivery Plan, the Executive and Cabinet Committees expressed their support for the development of proportionate monitoring arrangements.
- 1.2 This cover paper provides an overview of the monitoring arrangements and identifies a number of themes emerging from Quarter 1 and Quarter 2 analysis which Environment and Transport Cabinet Committee may wish to consider. The Strategic Delivery Plan Monitoring Analysis Report (Appendix A) presents an overview, and analysis, of monitoring information for Strategic Outcome 2 activities collated for Quarter 2 (July to September 2019).

Individual Strategic Outcome 2 activity scorecards for Quarter 2 2019/20 are available on request as a background document.

- 1.3 Policy and Resources Cabinet Committee are receiving an overview of all activity and exploration of specific trends and issues based on monitoring submissions in November 2019. An amended analysis report tailored to the most relevant strategic outcome, with individual scorecards available as a background document, is being provided for other Cabinet Committees. Whilst the three outcomes do not directly match Cabinet Committee purviews there is significant alignment and will enable each Cabinet Committee to have a more focused discussion. Due to the cross-cutting nature of public health activities, the Health Reform and Public Health Cabinet Committee are receiving the full analysis report with a cover paper which identifies the relevant public health activities.

2. **Strategic Delivery Plan Monitoring Arrangements**

- 2.1 The Strategic Delivery Plan monitoring arrangements aim to support the delivery of activity and the role of the Corporate Management Team (CMT) in providing a leadership role for management action to deliver activity effectively and at pace. This includes ensuring appropriate resources and capacity are available to support delivery and that proportionate corporate assurance and risk management arrangements are in place. Activity that has high risk, complexity and financial value within the Strategic Delivery Plan will also be considered by Corporate Board, providing collective ownership of organisational issues to identify constructive action and building momentum to deliver better outcomes.
- 2.2 Monitoring of Strategic Delivery Plan activities takes place on a quarterly basis, providing a sense of progress on the County Council's key activities. The information gathered provides analysis across activities and builds-up trend data over time, to support CMT and Corporate Board to understand issues impacting on successful delivery, consider what actions may be required (if appropriate), consider wider trends and ensure appropriate and timely governance and assurance arrangements for activities.
- 2.3 The monitoring analysis is reported on a quarterly basis to the Corporate Management Team for action where required and to Corporate Board for Executive oversight. A report is taken to Policy and Resources Cabinet Committee on a 6-monthly basis with an overview of all activity and exploration of specific trends or issues based on monitoring feedback. Other Cabinet Committees receive a tailored report focused on the relevant activities within their purview.
- 2.4 Building on the approach used to develop the Strategic Delivery Plan, an online form was used to collect monitoring information from Lead Officers (or nominated colleagues) for each piece of activity in the Strategic Delivery Plan. The form is available to complete for 2 weeks every three months. Ahead of and throughout these submission windows, officers from across the organisation have access to a Microsoft Teams SDP monitoring site, where

they can ask questions directly via an interactive conversation panel and access guidance documents such as FAQs, SDP Monitoring Quick Guide and completed examples of the form. Microsoft Teams continues to be used to provide updates and engage officers.

3. **Strategic Delivery Plan Monitoring - Quarter 2 2019/20 Analysis**

3.1 Quarter 2 analysis was presented to CMT and Corporate Board in October 2019. An analysis report on Quarter 2 2019/20 Strategic Outcome 2 activity monitoring which provides an overview of the information received and highlights key trends across activities is available in Appendix A.

3.2 A summary of key findings from Quarter 2 2019/20 is summarised below.

- Engagement - There has been good engagement from officers, and in particular those responsible officers submitting the MS Form. All 30 activities in Strategic Outcome 2 submitted a response in Quarter 1 and Quarter 2.
- Delivery – In Quarter 2, of the 30 Strategic Outcome 2 activities, 27 were ‘on track’ for delivery, 2 ‘require remedial action’ and none were ‘unlikely to be achieved’. 1 activity has not formally started. The table of activity not on track is detailed in 2.2. of the analysis report (Appendix A).
- Activity End Dates– Of the 30 Strategic Outcome 2 activities, 5 activities changed their end date or provided a ‘Go Live’ date beyond their original SDP end date, with 4 of these reporting as being ‘On Track’. The full list of activities with end date or go live date changes is detailed in 3.4 of the analysis report (Appendix A).
- 2019/20 Activities – Based on the end dates provided for the 30 Strategic Outcome 2 activities in the SDP, 8 activities are due to complete in 2019/20. All these activities have reported as being on track for successful delivery. However, 2 of these 8 activities have reported a new end date or ‘go-live’ date beyond the original SDP end date.
- Milestones – The Quarter 2 Strategic Delivery Plan monitoring included additional questions on activity milestones. 18 of the 30 Strategic Outcome 2 activities reported key milestones with a greater level of detail as part of their submissions. Further information on milestones is provided in section 3 of the analysis report (Appendix A).
- Issues – Of the 2 Strategic Outcome 2 activities which are not on track, there were a range of emerging issues identified including i) capacity, ii) dependencies, iii) delivery environment, and iv) stakeholders / relationships. Further information on issues is provided in section 4 of the analysis report (Appendix A).
- Mitigating Actions or Escalations – Both Strategic Outcome 2 activities which are not on track for successful delivery, have identified mitigating actions or

escalations. Further information is provided in section 5 of the analysis report (Appendix A).

- **Governance** – Of the 30 Strategic Outcome 2 activities, 14 are expecting to report to Cabinet Committees in 2019/20 and 3 activities identified future reporting to the informal governance boards in 2019/20. Currently 2 activities (66%) have requested a specific item on the informal governance forward plan. Lead officers will be encouraged to further define timescales for informal governance reporting and ensure items are scheduled on the informal governance forward plan in a timely manner. Further information on governance is provided in section 6 of the analysis report (Appendix A).
- **Risk** – Both Strategic Outcome 2 activities with issues have risks recorded within risk registers. One activity has recorded the issues within their project/programme and service/divisional risk registers. One activity has recorded issues in their directorate risk register. Further information is provided in section 8 of the analysis report (Appendix A).

4. Next Steps

- 4.1 The Quarter 2 analysis will be presented to Cabinet Committees in November 2019 as part of 6-monthly reporting, with a tailored analysis report focused on the relevant Strategic Outcome activities. Cabinet Committees will receive Quarter 4 analysis following the monitoring process in April – June 2020.
- 4.2 The Strategy, Policy, Relationships and Corporate Assurance division will take forward CMT agreed actions to progress the SDP monitoring arrangements. This includes engaging Lead Officers to further develop responses and the submission process as part of Quarter 3 monitoring in January 2020. Greater guidance will also be provided to Lead Officers and wider colleagues via the SDP Monitoring MS Teams site to support the completion of the monitoring form.
- 4.3 Broader learning from Quarter 1 and Quarter 2 monitoring will be addressed through the development of the Strategic Delivery Plan for 2020/21.

5. Recommendation

Recommendation:

The Environment and Transport Cabinet Committee is asked to consider and comment on the Strategic Delivery Plan Monitoring arrangements and the analysis and emerging themes from Quarter 2 2019/20 Strategic Outcome 2 activity submissions.

6. Background Documents

- Strategic Delivery Plan Monitoring – Quarter 2 2019/20: Scorecards
(Background document available on request)

7. Contact details

Relevant Director:

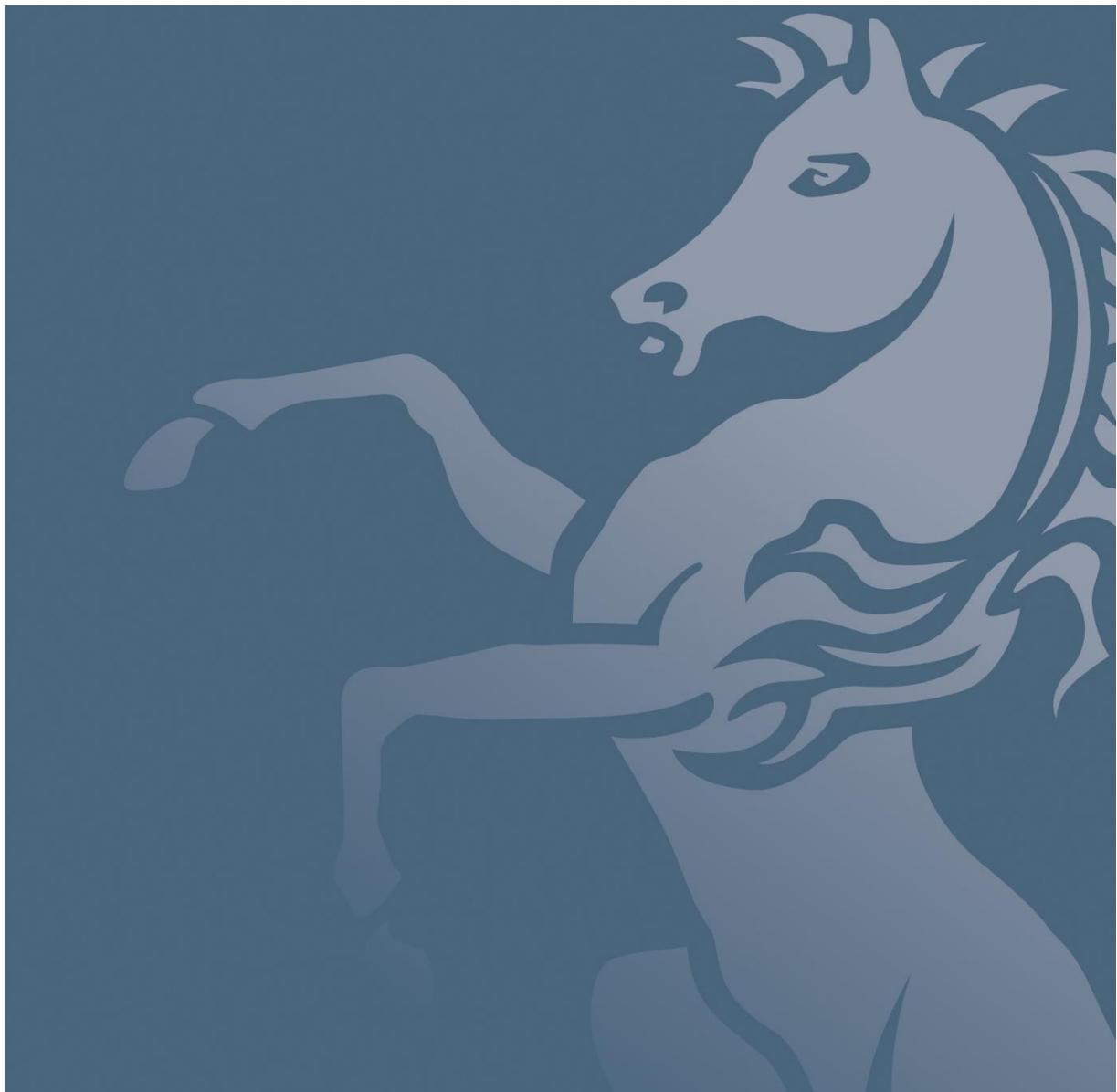
- David Whittle, Director, Strategic, Policy, Relationships and Corporate Assurance
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Strategic Delivery Plan Monitoring –
Analysis Report –
Strategic Outcome 2
Quarter 2: July – September 2019



Report version: Environment and Transport Cabinet Committee – 29
November 2019

Introduction

The Strategic Delivery Plan sets out, and seeks to drive delivery of, the most significant change activity for the Council.

The Strategic Delivery Plan includes 79 pieces of significant activity identified by services across the Council which align to the outcomes in KCC's Strategic Statement. Corporate Directors are responsible for delivering the activity in the Strategic Delivery Plan and the Operating Plans within their Directorate.

The Strategic Delivery Plan monitoring arrangements aim to support the delivery of activity and the role of the Corporate Management Team (CMT) in providing a leadership role for management action to deliver activity effectively and at pace. This includes ensuring appropriate resources and capacity is available to support delivery and that proportionate corporate assurance and risk management arrangements are in place. Activity that has high risk, complexity and financial value within the Strategic Delivery Plan will also be considered by Corporate Board, providing collective ownership of organisational issues to identify constructive action and building momentum to deliver better outcomes.

Lead Officers, named within the Strategic Delivery Plan, are responsible for providing a quarterly update on progress through the Strategic Delivery Plan monitoring arrangements. Information collated focuses on exceptions where there are issues to successful delivery and will be utilised to build both individual activity information and whole council trends over time.

This report presents an overview of monitoring information collated for those activities that relate to Strategic Outcome 2 in Quarter 2 (July to September 2019) and detailed analysis. The analysis indicates the emerging issues for the County Council's significant activity, based on the 30 responses for Strategic Outcome 2 in Quarter 2 2019/20. Individual activity scorecards for Strategic Outcome 2 are available as a background document on request.

The report summarises key themes, primarily for Corporate Management Team and Corporate Board consideration, in order to:

- Understand the activities which have identified issues for successful delivery;
- Consider what actions may be required to address issues (if appropriate);
- Consider wider trends and address cross-activity implications (where required);
- Consider trends from time series data;
- Ensure appropriate and timely governance and assurance arrangements for activities;

Contact Details:

Report Authors: David Firth, Policy Adviser; Shannon Ryan, Business Planning Officer; Debbie Turner, Portfolio Assurance Officer.

Director: David Whittle, Director of Strategy, Policy, Relationships & Corporate Assurance

Monitoring Quarter 2 (July – September 2019) overview

100% (30) of activities submitted a response

90% (27) of activities are on track for successful delivery

7% (2) of activities require remedial action

0% (0) of activities are unlikely to be achieved

3% (1) of activities have not formally started

100% (8) of activities that are due to complete in 19/20 are on track

25% (2) of activities that are on track and are due to complete in 19/20 have reported a new end date or 'go-live' date beyond the original SDP end date.

60% (18) of activities were able to identify key milestones

100% (2) of activities not on track have identified **capacity** issues

50% (1) of activities not on track have identified **dependency** issues

50% (1) of activities not on track have identified **delivery environment** issues

50% (1) of activities not on track have identified **stakeholder/relationship** issues

50% (1) of activities not on track have identified **legal** issues

100% (2) of activities with issues have mitigating actions or escalations in place

10% (3) of activities are expecting to report to **Informal Governance Boards** (Service Commissioning Board, Infrastructure Commissioning Board, Budget Delivery Group)

47% (14) of activities are expecting to report to Cabinet Committees

50% (1) of activities not on track which are recorded in **Project/Programme risk registers**

50% (1) of activities not on track which are recorded in **Service / Divisional risk registers**

50% (1) of activities not on track which are recorded in **Directorate risk registers**

0% (0) of activities not on track which are recorded in **Corporate risk registers**

Monitoring Quarter 2 (July – September 2019) summary

Each activity response for Quarter 2 2019/20 has been developed into a 'scorecard' providing an overview of the activity. Below is a summary for each activity:

Outcome 2: Kent communities feel the benefits of economic growth by being in-work, healthy and enjoying a good quality of life

Activity	Delivery	Milestones	CMM	Corporate Board	Informal Governance	Cabinet Committee
15. Planning for housing growth and infrastructure in Kent	Yes, it is on track	✓	✓			
16. Input to Local Plans and Significant Development across Kent and nationally	Yes, it is on track		✓			
17. Maximising opportunities of the Strategic Development Contributions process and updated strategy	Yes, it is on track	✓				✓
18. Delivering the Council's Infrastructure Capital Delivery Programme	Yes, it is on track	✓			✓	✓
19. Delivering Local Growth Fund schemes and projects	Yes, it is on track		✓			
20. Delivering the Kent Broadband Programme	Yes, it is on track	✓				✓
21. Developing the Kent and Medway Enterprise and Productivity Strategy	It requires remedial action	✓	✓	✓		✓
22. Responding to Thames Estuary Growth Commission Report	Yes, it is on track	✓				✓
23. Lobbying opportunities from the UK Shared Prosperity Fund, linked to the Local Enterprise Partnership (LEP) governance, strategy and funding	Yes, it is on track	✓				✓
24. Highways Term Maintenance Contract commissioning project	Yes, it is on track	✓			✓	✓
25. Improving our highway assets and fixing Kent's potholes	Yes, it is on track					
26. Delivery of KCC's input to the development of Operation Stack / Brock and related infrastructure improvements	Yes, it is on track		✓			✓
27. Delivery of a solution to Overnight Lorry Parking	Yes, it is on track		✓			✓
28. HGV Bans / Freight Management options	Yes, it is on track		✓			
29. Highway response to Brexit	Yes, it is on track		✓			
30. Trading Standards management of impacts from Brexit &	It requires remedial	✓				✓

Activity	Delivery	Milestones	CMM	Corporate Board	Informal Governance	Cabinet Committee
resilience planning	action					
31. The Big Conversation – delivery and evaluation of rural discretionary subsidised bus service pilot schemes	Yes, it is on track		✓			
32. Parking management and enforcement review	Yes, it is on track		✓			
33. Development of the Minerals and Waste Local Plan	Yes, it is on track	✓				
34. Waste Partnerships: implementation of West Kent (2019) and development of East Kent (2021) with a duration of ten years	Yes, it is on track	✓				✓
35. Critical Waste contracts commissioning programme	Yes, it is on track				✓	✓
36. Charging for non-household waste materials at Household Waste Recycling Centres	Yes, it is on track		✓			
37. Development and implementation of the Libraries, Registration and Archives Strategy	Yes, it is on track	✓				✓
38. Reviewing the JSNA to support commissioning, planning and delivery of improved health and wellbeing outcomes across the Kent and Medway health and care system	Yes, it is on track	✓				
39. Further development of the Kent Integrated Dataset	Yes, it is on track	✓				
40. Development of a refreshed Kent Joint Health and Wellbeing Strategy	It has not formally started	✓				
41. Transforming preventative services through the Adult Healthy Lifestyle Commissioning Strategy	Yes, it is on track	✓			✓	✓
42. Continuing the transformation of Sexual Health Services in Kent	Yes, it is on track	✓			✓	✓
43. Refresh and implementation of the commissioning strategy for Substance Misuse Services (Drug and Alcohol services)	Yes, it is on track	✓				
44. Reshaping homelessness support transition services	Yes, it is on track					✓

Monitoring Quarter 2 (July – September 2019) analysis

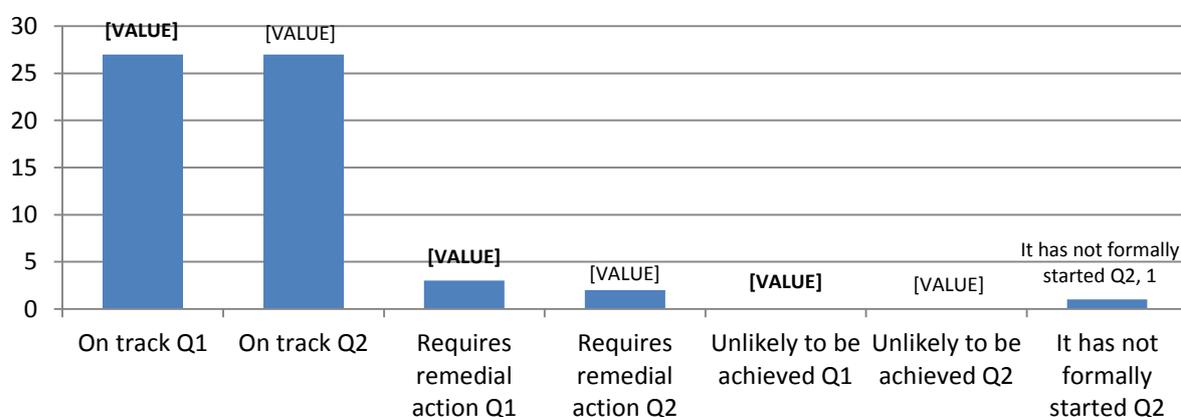
1. Submissions

- 1.1 The Quarter 2 2019-20 submission window opened on 30 August for Lead Officers to complete and submit their online form. The MS Form closed two weeks later on 13 September.
- 1.2 Overall, 79 pieces of activity were submitted (100% of all Strategic Delivery Plan activities), 30 of them related to Strategic Outcome 2. Overall the quality of responses received improved from Quarter 1 with greater information in the 'Progress Description' and more detailed milestones. This will also be considered with further guidance to Lead Officers in future monitoring.

2. Delivery

- 2.1 Lead Officers were asked whether their activity is on track to be delivered successfully (to time, budget and with the necessary approvals). This is based on whether the activity has breached tolerance levels in the professional judgement of the Lead Officer or as defined in activity documentation. Relating to Strategic Outcome 2, 27 activities are on track (27 activities in Q1) 2 require remedial action (down from 3 in Q1) and 1 has not formally started.

Delivery



- 2.2 Those that are not on track for successful delivery are:

Activity	Delivery Q1	Delivery Q2	Emerging Issues	Mitigating Actions / Escalations
21. Developing the Kent and Medway Enterprise and Productivity Strategy	Yes	Requires remedial action	Capacity	✓
30. Trading Standards management of impacts from Brexit & resilience planning	Requires remedial action	Requires remedial action	Legal; Stakeholders; Delivery Environment; Dependencies	✓

2.3 Based on the end dates provided in the SDP, 8 activities are due to complete in 19/20. Of these activities all 8 are on track for successful delivery.

2.4 A number of responses in Q2 reported that their activity has completed, stopped or become business as usual. Those relating to Outcome 2 were:

Activity	Completed, Stopped or BAU	Reason for Ending SDP Activity
16. Input to Local Plans and Significant Development across Kent and nationally	✓	Business as usual – regular engagement is a core business function. CMT agreed activity is BAU and to be removed from SDP monitoring.
17. Maximising opportunities of the Strategic Development Contributions process and updated strategy	✓	Business as usual – seeking developer contributions is a core business function. CMT agreed activity is BAU and to be removed from SDP monitoring.
23. Lobbying opportunities from the UK Shared Prosperity Fund, linked to the Local Enterprise Partnership (LEP) governance, strategy and funding	✓	Business as usual – KCC is a member of SELEP. CMT agreed activity is BAU and to be removed from SDP monitoring.
25. Improving our highway assets and fixing Kent’s potholes	✓	Business as usual – core HTW asset management work. CMT agreed activity is BAU and to be removed from SDP monitoring.
36. Charging for non-household waste materials at Household Waste Recycling Centres	✓	Business as usual – policy changes have been implemented. End date of 31/08/19. CMT agreed activity is BAU and to be removed from SDP monitoring.

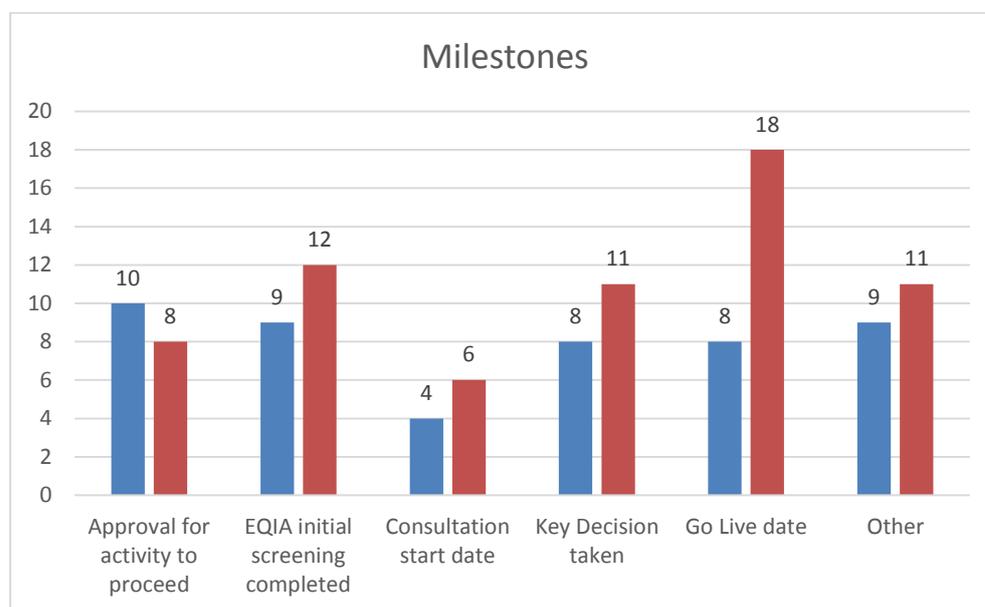
3. Milestones

3.1 The Quarter 2 Strategic Delivery Plan monitoring included additional questions on activity milestones. Whilst 18 of the 30 Strategic Outcome 2 activities reported key milestones which was down from 20 in Quarter 1, the level of detail included in submissions around key milestones has greatly increased.

<p>Milestones</p> <p>60% (18) of activities were able to identify key milestones</p>
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3.2 Of the 18 activities that reported key milestones, 8 activities were able to identify milestones for approval to proceed (down from 10 in Q1), 12 for when an EQIA initial screening would be completed (up from 9), 6 for a consultation start date (up from 4 in Q1), 11 for when a Key Decision would be taken (up from 8 in Q1) and 18 for a ‘Go Live’ date (up from 8 in Q1). 11 activities identified ‘other’ milestones (up from 9 in Quarter 1). Milestones provided included

review activities, engagement and consultation activity, presentations or reports to a wide variety of boards including directorate, Council and external, and approval milestones.



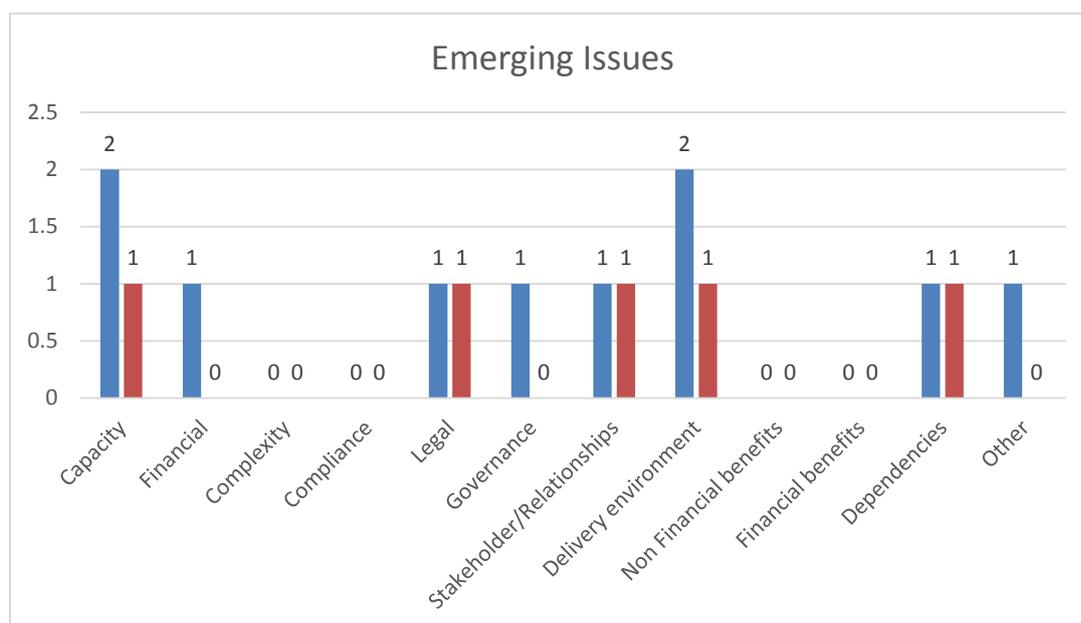
3.3 In future, activities will be monitored against the milestones they have provided and trend information over time will be reported via the quarterly report to Corporate Management Team and Corporate Board.

3.4 5 Strategic Outcome 2 activities in Quarter 2 have revised their end dates or 'Go Live' dates beyond their original SDP end date. All of which, apart from no.21 Developing the Kent and Medway Enterprise and Productivity Strategy, are reporting as 'On Track' These were:

Activity	Status	Original SDP End Date	New End Date	New 'Go Live' date
15. Planning for housing growth and infrastructure in Kent	Yes, it is on track	01/08/2019	01/11/2019	
20. Delivering the Kent Broadband Programme	Yes, it is on track	31/03/2023	30/06/2023	
21. Developing the Kent and Medway Enterprise and Productivity Strategy	It requires remedial action	31/07/2020		30/03/2021
24. Highways Term Maintenance Contract commissioning project	Yes, it is on track	31/08/2019		01/06/2021
26. Delivery of KCC's input to the development of Operation Stack/Brock and related infrastructure improvements	Yes, it is on track	01/04/2023	01/12/2019	
33. Development of the Minerals and Waste Local Plan	Yes, it is on track	01/01/2020		12/12/2018

4. Issues

4.1 Where activities are not on track for successful delivery, Lead Officers were asked to identify the issues impacting on their activity. 11 options, based around Delivery Environment Complexity Analytic (DECA) themes, were provided with multiple responses allowed and an 'other' option where free text could be provided if required. Lead Officers were also asked to provide further detail explaining the issues, when and why they had occurred and what impact they will have on successful delivery.



4.2 Of the 2 activities which are not on track ('requires remedial action'), all were able to identify the contributing factors against DECA themes. The table above shows the identified issues for Quarter 1 (blue) and Quarter 2 (red).

4.3 Key Emerging Issues:

4.3.1 **Capacity** –Capacity issues were identified for both no. 21 Developing the Kent and Medway Enterprise and Productivity Strategy and no. 30 Trading Standards management of impacts from Brexit & resilience planning

4.3.2 **Stakeholders / Relationships** – Government progress was identified as an issue for both activity 11. Full Cost Recovery of Unaccompanied Asylum Seeking Children Costs to KCC and activity 30. Trading Standards management of impacts from Brexit & resilience planning where greater clarity is required on the proposed legislative and service delivery changes.

4.4 Of the 2 activities which identified issues, 1 activity identified 1 issue, and 1 activity identified 4 issues.

5. Mitigating Actions or Escalations

5.1 Both activities which are not on track for successful delivery have identified mitigating actions or escalations.

5.2 Key themes from mitigating actions or escalations:

5.2.1 **National and Partner Engagement** –Activity no. 30 Trading Standards management of impacts from Brexit & resilience planning continues to engage with Government departments to influence the development of plans and better understand the implications.

5.2.2 **Resource arrangements** – Activity no. 21 Developing the Kent and Medway Enterprise and Productivity Strategy is considering resource options.

6. Governance

6.1 Lead Officers were asked to identify if they had reported on their piece of activity to a number of boards during Quarter 2. Of the 30 Strategic Outcome 2 activities in the Strategic Delivery Plan, 5 have reported to Cabinet Members Meeting, 4 have reported to Cabinet Committees, and 4 have reported to an informal governance board (Service Commissioning Board, Infrastructure Commissioning Board or Budget Delivery Group).

Governance (Reporting since Quarter 1)

5	activities have reported to Cabinet Members Meeting.
4	activities have reported to Cabinet Committees.
4	activities have reported to Informal Governance Boards.

6.2 Lead Officers were also asked if they were intending to report on their piece of activity during the rest of the monitoring year (2019/20). 11 responses indicated that they expected to report to Cabinet Members Meeting (down from 12 in Q1), 14 to Cabinet Committees (down from 15 in Q1) and 3 to an informal governance board (down from 7 in Q1). 7 activities are not expecting to report to any of the boards in 19/20 (up from 3 in Q1).

Governance (Expected reporting in 19/20)

11	activities expected to report to Cabinet Members Meeting.
14	activities expected to report to Cabinet Committees.
3	activities expected to report to Informal Governance Boards.

6.3 Of those 3 activities which expect to report to an informal governance board in 19/20, 2 (66%) have a scheduled item on the informal governance forward plan. Being able to confirm (if at least provisionally) an expected date to report to an Informal Governance Board or Cabinet Committee would help to manage the forward agenda planning of the Boards.

7. Additional Oversight and Assurance

7.1 **Corporate Risk and Assurance** provides oversight of a number of the Council’s most significant or complex change activities and conducts independent reviews on the associated projects and / or programmes. Corporate Risk and Assurance have reviewed the Strategic Delivery Plan monitoring information which is consistent with their understanding of activities.

7.2 **Internal Audit** provides an evaluation of the effectiveness of the County Council’s risk management, control and governance processes. In future SDP monitoring Internal Audit will be engaged to ensure their findings around specific activities feeds into the SDP monitoring report. The Internal Audit and Counter Fraud Plan 2019-20 identified a review into ‘Companies in which KCC has a substantial interest / investment’ (RB48 2020) for completion in Quarter 1 2019/20. This will be reviewed to ensure consistency with SDP monitoring findings once reported to Governance and Audit Committee.

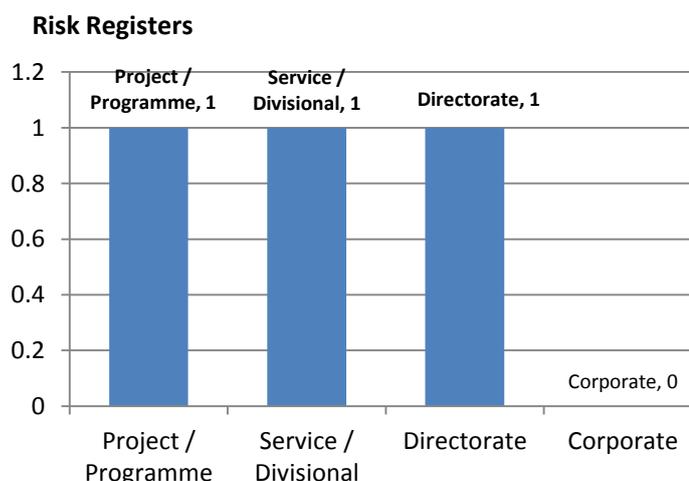
7.3 The Internal Audit and Counter Fraud Plan 2019-20 can be found at:

<https://democracy.kent.gov.uk/documents/s90024/Item%2008%20Internal%20Audit%20and%20Counter%20Fraud%20Plan%202019-20.pdf>

8. Risk

8.1 Where activities identified issues to successful delivery, those Lead Officers were asked whether their issues are currently recorded on a risk register. Both of the Strategic Outcome 2 activities with issues do have risks recorded within project / programme, service / divisional, directorate or corporate risk registers.

8.2 One activity has recorded the issues within their project / programme and service / divisional risk registers. One activity has recorded issues in their directorate risk register.



9. Activity Scorecards

Each activity response for Quarter 2 2019/20 has been developed into a ‘scorecard’ providing an overview of the activity. These are available as a background document on request.

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From: Michael Payne, Cabinet Director for Highways and Transport
Barbara Cooper, Corporate Director Growth Environment and Transport

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: Thanet Parkway Railway Station – Delivery

Decision No: 19/00085

Key decision *Expenditure of > £1m*

Classification: Unrestricted

Past Pathway of Paper: Environment and Transport Cabinet Committee July 2014

Future Pathway of Paper: Cabinet 2nd December 2019

Electoral Division: Ramsgate
Birchington & Rural

Summary: This report sets out the progress to date on the proposed Thanet Parkway Railway Station. It explains that Kent County Council will commit up to £17.81m to complete the funding package for the scheme (£34.51m) which will secure a significant contribution (£14m) of Local Growth Fund Money (LGF) from the South East Local Enterprise Partnership (SELEP) and enable the scheme to be delivered. Following completion of the outline design and submission of a revised planning application, the next stage of the project is to undertake detailed design, and subject to planning determination, progress into the delivery stage of the scheme. A decision to progress with delivery is required now so as not to delay the project programme and allow the spend of the LGF money by the end of the Growth Deal Period (March 2021). A decision to progress the project will be taken at Cabinet on 2nd December 2019.

Recommendation(s): The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Highways and Transport on the proposed Cabinet decision (as attached decision sheet at Appendix A) to

1) agree to progress and deliver the Thanet Parkway Railway Station project (up to a total KCC contribution of £17.81m), which will include the following key activities;

- a) undertaking detailed design; and subject to planning approval;
- b) completing the acquisition of the land; and
- c) entering into contracts as necessary for construction.

2) delegate authority to the Corporate Director of Growth, Environment & Transport, in consultation with the Cabinet Member for Highways and Transport, to take appropriate actions necessary to implement this decision, including but not limited to, deciding the preferred procurement route and entering in relevant (of which KCC's contribution is to the maximum value of £17.81m) or other legal agreements.

1. Introduction

- 1.1 Poor accessibility in East Kent is a critical barrier that has limited the potential of the area to attract inward investment, which has served historically to undermine the potential for regeneration and has also limited the catchment for employment opportunities for local residents. As such, improving connectivity is a vital step in unlocking development potential and attracting investment and job opportunities for local people in East Kent.
- 1.2 The proposed Thanet Parkway station will address these issues by capitalising on the High Speed 1 services and the Journey Time Improvement (JTI) scheme, which together will bring Thanet to around one hour's journey time of London, thereby improving the perception of East Kent as a place for investment, especially at nearby business parks such as Discovery Park.
- 1.3 The new station will be located on the Ashford International to Ramsgate railway line, south of the Manston Airport site and just to the west of the village of Cliffsend. It will be served by both Mainline and High Speed trains. It will offer transport links to the surrounding highway network via the A299 Hengist Way as well as offering local connections for pedestrians and cyclists.
- 1.4 The new station is a strategic priority in *Local Transport Plan 4: Delivering Growth without Gridlock (2016 – 2031)* and strongly fits with the objectives of the council's Strategic Statement *Increasing Opportunities, Improving Outcomes (2015-20)*. The project also has support from Thanet District Council and Dover District Council, and features in the *Strategic Economic Plan* produced by the South East Local Enterprise Partnership (SELEP). Additionally, the project aligns with national, regional and local transport objectives.
- 1.5 A previous Key Decision was taken by the Cabinet Member for Environment and Transport on 1 August 2014 (14/00056) which approved taking forward the delivery of Thanet Parkway Station in the location to the west of Cliffsend by:
 - a) Commencing land acquisition work;
 - b) Undertaking public consultations to support the project development process; and
 - c) Undertaking project development work to enable the submission of a planning application and design work for the scheme.

2. Current status of the project

- 2.1 Thanet Parkway Railway station is a complex and multifaceted project including a new station, car park, junction and highway improvements, a pedestrian/cycle link and upgrades to nearby level crossings. The scheme comprises:
 - Two platforms of 252m length and 2.6m width to cater for 12-car, 20.2m rolling stock.
 - Each platform will have lighting columns with CCTV cameras and a public-address system, two customer information displays and one help point, plus shelters.
 - Lifts and stairs up to the platforms.
 - Refurbishment of the existing subway (Petley's Arch), a Public Right of Way, for access between platforms

- A car park for 299 cars, plus an additional 20 bays for pick-up/drop-off and taxi parking. The car park includes 16 disabled bays and 19 spaces for electric vehicles. Cycle parking and two bus stops will also be provided.
 - Vehicular access via a new junction on the A299 Hengist Way to a new access road to the station.
 - Pedestrian and cycle access will be provided via Clive Road on a new cycle/pedestrian path.
 - Passive provision for a 12m x 6m standard modular building – Whilst the station has been designed to be unstaffed, should the Train Operating Company choose to, this passive provision would enable the development of a covered waiting area, booking office, staff accommodation and public toilets.
- 2.2 A planning application was submitted in May 2018 based on a design which contained a footbridge as the means of access between the two platforms. Comments received from consultees during the planning consultation made the case that the visual impact of the footbridge structure would be significant given the station is already on an embankment.
- 2.3 In response to these concerns, the design of the station has subsequently been amended to remove the footbridge and utilise an existing subway as a means of accessing the platforms. The new station layout plan and artist's impressions for the scheme are attached as Appendix B.
- 2.4 The new design for the station and car park has been progressed through Network Rail's 'Governance in Railways Investment Projects' (GRIP) Stage 4 (single option development or outline design), with Network Rail sign-off of this stage expected on 22nd November. The equivalent level of outline design has been completed by consultants WSP for the highway junction – which has also been amended in the new application from an all movements junction to a left-in, left-out arrangement.
- 2.5 Further, following a review of risk to the railway, Network Rail have confirmed that upgrades to Cliffsend and Sevenscore level crossings are required to allow Parkway to operate. Whilst the station works are at the GRIP4 stage (outline design), the level crossing works are at GRIP1 (output definition). Network Rail need to be commissioned to progress the level crossing work to GRIP4 to confirm the type of upgrade required and the subsequent cost of the works.
- 2.6 The original planning application has been withdrawn and a new planning application with the revised design has been submitted to Kent County Council (KCC) as the determining authority (due to KCC retaining an interest in the site with the car park) this month (November 2019). A determination is expected in May 2020.
- 2.7 The acquisition of the land had been delayed due to the revisions of the scheme design and construction requiring new access arrangements, however, negotiations are now ongoing to secure the site and draft Heads of Terms have been issued. Land purchase is subject to planning approval and therefore will be completed following planning determination.
- 2.8 With outline design completed, planning submitted, and the land acquisition being progressed, the project is ready to be taken forward to the 'delivery' phase. This phase will require the procurement of detailed design for both the highways and rail elements of the scheme; and subject to planning approval,

completion of the land acquisition and entering into contracts for the build of the infrastructure. A decision is therefore required to permit these activities.

- 2.9 The timing of this decision is critical to the deliverability of the scheme. The project programme is constrained by the Local Growth Fund (LGF) funding which needs to be spent (or committed to be spent) by the end of the Growth Deal period (31st March 2021). In order to meet this deadline, KCC will need to procure the design and delivery of the project by the end of February 2020 at the latest.

3. Financial implications

- 3.1 A revised cost estimate for the scheme was produced in September 2019. This was based on a GRIP4 estimate of the station and car park works from Network Rail, a pre-GRIP estimate of the level crossing works by Network Rail and a revised cost estimate by highways cost consultants for the junction and archaeological mitigation works. Costs for a car park being delivered by a highways contractor were also requested to enable a cost comparison against Network Rail's estimate.

- 3.2 The current total cost estimate for the scheme is £34.51m comprising:

- 3.2.1 £19.99m for the station and car park (at 80% probability and inclusive of 11% contingency);
- 3.2.2 £10.20m for the level crossing upgrades (at 10% probability and inclusive of 57% contingency – this level of contingency is standard industry practice with work at GRIP1 stage);
- 3.2.3 £4.14m for other costs including the highway junction works, archaeological mitigation works, land purchase, planning costs, legal costs and fees. This figure is inclusive of spend to date of project development work (design and planning).

- 3.3 The funding secured to date to deliver the station is comprised of:

- 3.3.1 £2.65m KCC capital contribution, which was previously agreed under decision 14/00056 and has been used to develop the project to date;
- 3.3.2 £14m from the Local Growth Fund (LGF) (administered by the South East Local Enterprise Partnership (SELEP));
- 3.3.3 £2m from Thanet District Council; and
- 3.3.4 £0.7m from the East Kent Spatial Development Company.

- 3.4 With the funding secured to date, the project requires a further £15.16m if it is to be delivered. Unless this full funding cost is met, KCC will not be able to continue to progress the project, given the need to procure the project by February 2020 and prior to that, securing an in-principle confirmation of the SELEP funding of £14m. In taking the proposed decision, Cabinet will commit KCC to fund the funding gap of £15.16m, whilst continuing to explore external funding opportunities.

- 3.5 This commitment will be key to enabling KCC to draw down the £14 million of LGF money from SELEP, for which KCC is required to demonstrate to the SELEP Accountability Board in February that a complete funding package is in place for the scheme. As the scheme estimate has increased, a final gate review of the business case by the SELEP Independent Technical Evaluator

(ITE) is also required. This gate review will be completed in January 2020 ahead of final approval at the SELEP Accountability Board on 14th February 2020.

- 3.6 The project business case has been updated following the revised project estimate and still demonstrates a very high value for money in the Value for Money (VfM) assessment. The station is commercially viable (net fares revenue is in excess of the on-going cost). Depending on the operating model, there is the potential for the station car park to provide a future income to KCC of around £68,000 per year net revenue based on a £3.50 per day charge.
- 3.7 There is no maintenance and operating cost to KCC for the station, as the station will be managed by the Train Operating Company (TOC) under a station lease agreement with Network Rail.
- 3.8 In terms of service provision, the Department for Transport (DfT) require the promotor to demonstrate that the proposed train service covers its net operating cost from newly generated revenue. Where there is a shortfall the scheme promotor (KCC) must fund the net shortfall for the first three years, after which the service must cover net operating costs from newly generated revenue. The business case demonstrates that from opening year the estimated annual revenue from newly generated fares is expected to be £578,000 (discounted to a 'present value year' of 2010) which will exceed the £139,190 (at 2018 prices) estimated annual operating cost of the station. The risk that this KCC revenue commitment materialises is therefore low and will be limited to £139,190 (at 2018 prices) per annum for three years. However, should the passenger demand for the station not materialise, KCC will need to revenue fund up to this amount (£139,190 at 2018 prices) per year for the first three years after the station opens.
- 3.9 KCC will maintain ownership of the car park retaining responsibility for its operation and maintenance. Demand modelling undertaken indicates that the income from the car park will be sufficient to cover the cost of operation and maintenance. Should actual demand for the station not reach the modelled demand, then there will be a revenue requirement that KCC will need to meet. The business case shows car park income in year 1 equates to £168,000 (discounted to a 'present value year' of 2010) which exceeds the £84,240 (at 2018 prices) per annum operating cost. The likelihood of this risk materialising is therefore low and will be limited to £84,240 (2018 prices) per annum. However, should the demand for the car park not materialise, KCC will need to revenue fund up to this amount (£84,240 at 2018 prices) per year.
- 3.10 As the scheme enters the detailed design phase, there is a potential risk of cost escalation given the GRIP4 estimates are based on a probability of 80%. Brexit, may also result in increased costs due to contractor and or materials availability. To mitigate, the project cost estimate contains an allowance for contingency (11% on Station and car park works and 57% of level crossings works), and therefore it is expected that the final cost of the scheme will reduce below the current estimate. KCC will see its contribution to the funding envelop reduce with any reduction in the realised scheme costs, however, cost escalation will need to be met by KCC should it occur. All other potential external funding opportunities will also continue to be explored to reduce KCC's contribution to the scheme.

4. Risks

- 4.1 The LGF funding (£14m) is required to be spent by March 2021, although project completion is scheduled for December 2022 (Financial year 2022/2023). A revised spend profile for the scheme is required following the revised cost estimate, however, it is anticipated that £9.3m of LGF money can be spent prior to the March 2021 deadline, with the remaining £4.7m to be spent the following year. SELEP have set out five conditions to be satisfied to allow spend beyond the March 2021 deadline, to which KCC will demonstrate compliance:
- 4.1.1 A clear delivery plan with specific delivery milestones and completion date to be agreed by the Board;
 - 4.1.2 A direct link to the delivery of jobs, homes or improved skills levels within the SELEP area;
 - 4.1.3 All funding sources identified to enable the delivery of the project. Written commitment will be sought from the respective project delivery partner to confirm that the funding sources are in place to deliver the project beyond the Growth Deal;
 - 4.1.4 Endorsement from the SELEP Strategic Board that the funding should be retained against the project beyond 31st March 2021; and;
 - 4.1.5 Contractual commitments being in place with construction contractors by 31st March 2021 for the delivery of the project.

5. Next steps

- 5.1 In order to progress the scheme, the project team intend to commission Network Rail to undertake GRIP1-4 for the level crossings, a detailed design and subsequent build of the station and car park (GRIP5-8) and commission detailed design for the highway junction works, followed by the award of a build contract.
- 5.2 A report will be taken to Cabinet on 2nd December to agree to progress and deliver the Thanet Parkway Railway Station project (up to a total KCC contribution of £17.81m), which will include:
- a) undertaking detailed design; and subject to planning approval;
 - b) completing acquisition of the land; and
 - c) entering into contracts as necessary for construction.
- 5.3 The proposed Cabinet decision also asks that authority is delegated to the Corporate Director of Growth, Environment & Transport, in consultation with the Cabinet Member for Highways and Transport, to take appropriate actions necessary to implement this decision, including but not limited to, deciding the preferred procurement route and entering in relevant contracts (of which KCC's contribution is to the maximum value of £17.81m) or other legal agreements.

6. Legal implications

- 6.1 Invicta Law is providing advice and the land acquisition will be completed by KCC Infrastructure. Any further legal implications to be established through continued engagement with Invicta Law Ltd and Strategic Commissioning.

7. Equalities implications

- 7.1 The Equalities Impact Assessment (EqIA) is attached at Appendix C.
- 7.2 A non-statutory pre-planning consultation was held from January to March 2017. As part of the consultation questionnaire, respondents were asked about their views on the EqIA and the proposals for the station. Following the changes to the design from footbridge to subway, a number of representative groups were contacted in March 2019 for their views on the use of subways at stations. These views are being considered as part of the design process as the station progresses.

8. Data Protection implications

- 8.1 A Data Protection Impact Assessment is not required as this project does not require the processing of personal data.

9. Other corporate implications

- 9.1 Following delivery of the scheme, the KCC Corporate Landlord will retain ownership of the car park, retaining responsibility for its operation and maintenance.

10. Governance

- 10.1 The Executive Scheme of Delegation for Officers set out in Appendix 2 Part 4 of the Constitution (and the directorate schemes of sub-delegation made thereunder) provides the governance pathway for the implementation of this decision by officers. It specifies at 1.9 of the scheme that once a Member-level decision has been taken, the implementation of that decision will normally be delegated to officers.
- 10.2 In this instance, the Corporate Director Growth Environment and Transport is the lead officer seeking to ensure that all such steps as are necessary to implement the decision are undertaken.
- 10.3 The project is also governed by a number of groups and boards to ensure oversight and stakeholder input. The Project Review Board chaired by Network Rail meets monthly and consists of KCC officers and the Train Operating Company (Southeastern). An internal KCC officer Project Board meets quarterly (or more often as required). Written updates are provided to external stakeholders Thanet District Council and Dover District Council. As part of the LGF governance process, monthly Programme Boards are held that receive project updates and collate a highlight report. This then informs the monthly Sponsoring Group meetings. Sponsoring Group consists of the Corporate Director Growth Environment & Transport, Head of Finance, Director Environment, Planning & Enforcement, Director Highways, Transportation & Waste, Transportation Head of Service and the Major Capital Programme Manager. This meeting discusses high-level programme and financial progress.

11. Conclusions

- 11.1 A decision is needed to enable KCC to progress the delivery of Thanet Parkway Railway Station through detailed design and construction, subject to planning approval. The project has made significant progress through feasibility and into

outline design, but now requires a formal decision to allow it to proceed through detailed design to station delivery and ultimately entry into service.

12. Recommendation

12.1 The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Highways and Transport on the proposed Cabinet decision (as attached decision sheet at Appendix A) to;

1) agree to progress and deliver the Thanet Parkway Railway Station project (up to a total KCC contribution of £17.81m), which will include the following key activities;

- a) undertaking detailed design; and subject to planning approval;
- b) completing the acquisition of the land; and
- c) entering into contracts as necessary for construction.

2) delegate authority to the Corporate Director of Growth, Environment & Transport, in consultation with the Cabinet Member for Highways and Transport, to take appropriate actions necessary to implement this decision, including but not limited to, deciding the preferred procurement route and entering in relevant contracts (of which KCC's contribution is to the maximum value of £17.81m) or other legal agreements.

13. Background Documents

Appendix A: Proposed Record of Decision

Appendix B: Station layout plan and artist's impressions

Appendix C: Equalities Impact Assessment (EqIA)

14. Contact Details

Report Author: Joseph Ratcliffe, Transport Strategy Manager 03000 413445 joseph.ratcliffe@kent.gov.uk	Relevant Director: Katie Stewart, Director Environment, Planning and Enforcement 03000 418827 katie.stewart@kent.gov.uk
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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BETAKEN BY:

Cabinet

DECISION NO:

19/00085

For publication

Thanet Parkway Railway Station – Scheme Delivery

Key decision: YES

Key decision criteria. The decision will:

- a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or*
- b) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
 - *the adoption or significant amendment of major strategies or frameworks;*
 - *significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.*

Subject Matter / Title of Decision

Thanet Parkway Railway Station – Scheme Delivery

Decision:

The Cabinet agrees to the progression and delivery of the Thanet Parkway Railway Station project (up to a total KCC contribution of £17.81m), which will include the following key activities;

- a) undertaking detailed design; and subject to planning approval;
- b) completing acquisition of the land; and
- c) entering into contracts as necessary for construction.

And;

Agrees to delegate authority to the Corporate Director of Growth, Environment & Transport, in consultation with the Cabinet Member for Highways and Transport, to take appropriate actions necessary to implement this decision, including but not limited to, deciding the preferred procurement route and entering in relevant contracts (of which KCC's contribution is to the maximum value of £17.81m) or other legal agreements.

Governance:

The Executive Scheme of Delegation for Officers set out in Appendix 2 Part 4 of the Constitution (and the directorate schemes of sub-delegation made thereunder) provides the governance pathway for the implementation of this decision by officers. It specifies at 1.9 of the scheme that once a Member-level decision has been taken, the implementation of that decision will normally be delegated to officers.

In this instance, the Director Growth Environment and Transport is the lead officer seeking to ensure that all such steps as are necessary to implement the decision are undertaken.

Reason(s) for decision:

Background

A previous Key Decision was taken by the Cabinet Member for Environment and Transport on 1 August 2014 (14/00056) which approved the delivery of Thanet Parkway Station in the location to the west of Cliffsend, involving:

- a) Commencing land acquisition work;
- b) Undertaking public consultations to support the project development process; and
- c) Undertaking project development work to enable the submission of a planning application and design work for the scheme.

The feasibility design for the scheme received Approval in Principle (equivalent to Network Rail's 'Governance in Railway Investment Projects Stage 3' [GRIP 3] status) in August 2017. Following that milestone, the scheme was progressed through outline design (GRIP 4) and planning application was submitted in May 2018.

Comments received during the planning process regarding the visual impact of the scheme led to changes in the scheme design. As a result, the design work and planning application documents have been amended and are being readied for a resubmission of the planning application in November 2019.

Negotiations for land acquisition have been ongoing with the intention to enter into a contract following this decision approval.

A decision is required to proceed with the delivery of the scheme in order to meet the project delivery programme.

How the proposed decision meets the objectives of 'Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015-2020)'

Since 2010, Thanet Parkway has been a key strategic transport priority for Kent County Council, with the ambition to deliver the station first mentioned in Growth without Gridlock (December 2010), the third Local Transport Plan (2011-2016), the Rail Action Plan for Kent (April 2011) and most recently in Local Transport Plan 4: Delivering Growth without Gridlock (2016 – 2031) (LTP4). The delivery of the station continues to be of significant importance to the County Council and is a strategic priority in LTP4 because of its ability to improve rail connectivity between East Kent, other Kent towns and London; to improve the attractiveness of the area to employers and thereby address the historic economic disadvantage of East Kent.

The delivery of the station will help meet the overarching objective of LTP4:

To deliver safe and effective transport, ensuring that all Kent's communities and businesses benefit, the environment is enhanced, and economic growth is supported.

Financial Implications

The total cost of the project is estimated to be £34.51m based on a 2019 estimate.

The scheme funding comprises of £14m from the Local Growth Fund (administered by the South East Local Enterprise Partnership), £2m from Thanet District Council, £0.7 from the East Kent Spatial Development Company.

KCC has committed £2.65m and will therefore commit to a further investment of up to £15.16m (a maximum total of £17.81m), whilst continuing to explore further external funding opportunities.

The business case work has been completed, showing that the project offers very high value for money and that the station is commercially viable (net fares revenue is in excess of the on-going cost). Depending on the operating model, there is the potential for the station car park to provide a future income to KCC over a number of years.

Growth Environment & Transport, Section 4 – Capital Investment Plans 2019-20 to 2021-22 By Year, Row 6, page 70.

Growth Environment & Transport, Section 4 – Capital Investment Plans 2019-20 to 2021-22 By Funding, Row 7, page 74.

Legal Implications

Invicta Law is providing advice and the land acquisition will be completed by KCC Infrastructure. Any further legal implications to be established through continued engagement with Invicta Law Ltd and Strategic Commissioning

Equalities implications

An Equalities Impact Assessment has been undertaken and will accompany the report to Environment and Transport Cabinet Committee.

Data Protection implications

A Data Protection Impact Assessment is not required as this project does not require the processing of personal data

Cabinet Committee recommendations and other consultation:

Cabinet Committee consultation planned or undertaken

The project was taken to Environment and Transport Cabinet Committee in July 2014, at which the proposed decision (14/00056) was endorsed. The scheme has also featured in many transport strategy documents, including the statutory *Local Transport Plan 4: Delivering Growth without Gridlock (2016-31)* which was adopted by County Council on 13th July 2017.

The proposed decision will be taken to the Environment and Transportation Cabinet Committee on 29th November 2019. The committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed Cabinet decision.

Is any public consultation planned or has already been undertaken?

Public consultations were held on 2nd February – 27 March 2015 and 25 January – 19th March 2017. A statutory planning consultation was held in 2018 following submission of a planning application in May 2018. Further stakeholder engagement has/is being carried out during autumn 2019. This included a public meeting with Cliffsend Parish Council, and the residents of Cliffsend on 10th October 2019.

<https://www.kent.gov.uk/roads-and-travel/travelling-around-kent/thanet-parkway-railway-station>

Which Divisions / Local Members are particularly affected:

All Thanet Electoral Divisions notably;
Ramsgate
Birchington and Rural

Have views been sought from local Members?

The views of Members were sought through the consultation which ran from 25th January – 19th March 2017. All members were supplied with a copy of the consultation booklet and questionnaire and a KCC Member briefing was held on the 10th January 2017. All current affected Members were informed of and invited to the public meeting in Cliffsend on 10th October 2019.

Any alternatives considered and rejected:

A full options analysis has been carried out as part of the scheme business case. Below is a summary of the options considered as alternatives to delivering Thanet Parkway.

Option	Outcome
1 Do nothing	rejected as it would fail to accommodate increasing demand for rail travel, accelerate the delivery of housing and fail to improve access to jobs and employment space.
2 Increase car parking provision at Ramsgate Station	shortlisted for further investigation but rejected due to the lack of land in the residential area around the station.
3 Increase car parking provision at Minster Station	rejected due to unsuitable local highway network, impact on Minster village and poorer rail service at Minster.
4 Shuttle bus from the Birchington-On-Sea Station	rejected due to unattractive journey times and lack of rail access to Ashford, Canterbury and Maidstone.
5 Direct coach service from London	rejected due to long journey times and low impact on economic growth.
6 Shuttle bus from Ramsgate Station	rejected due to lack of suitable terminus at Ramsgate and low impact on economic growth.

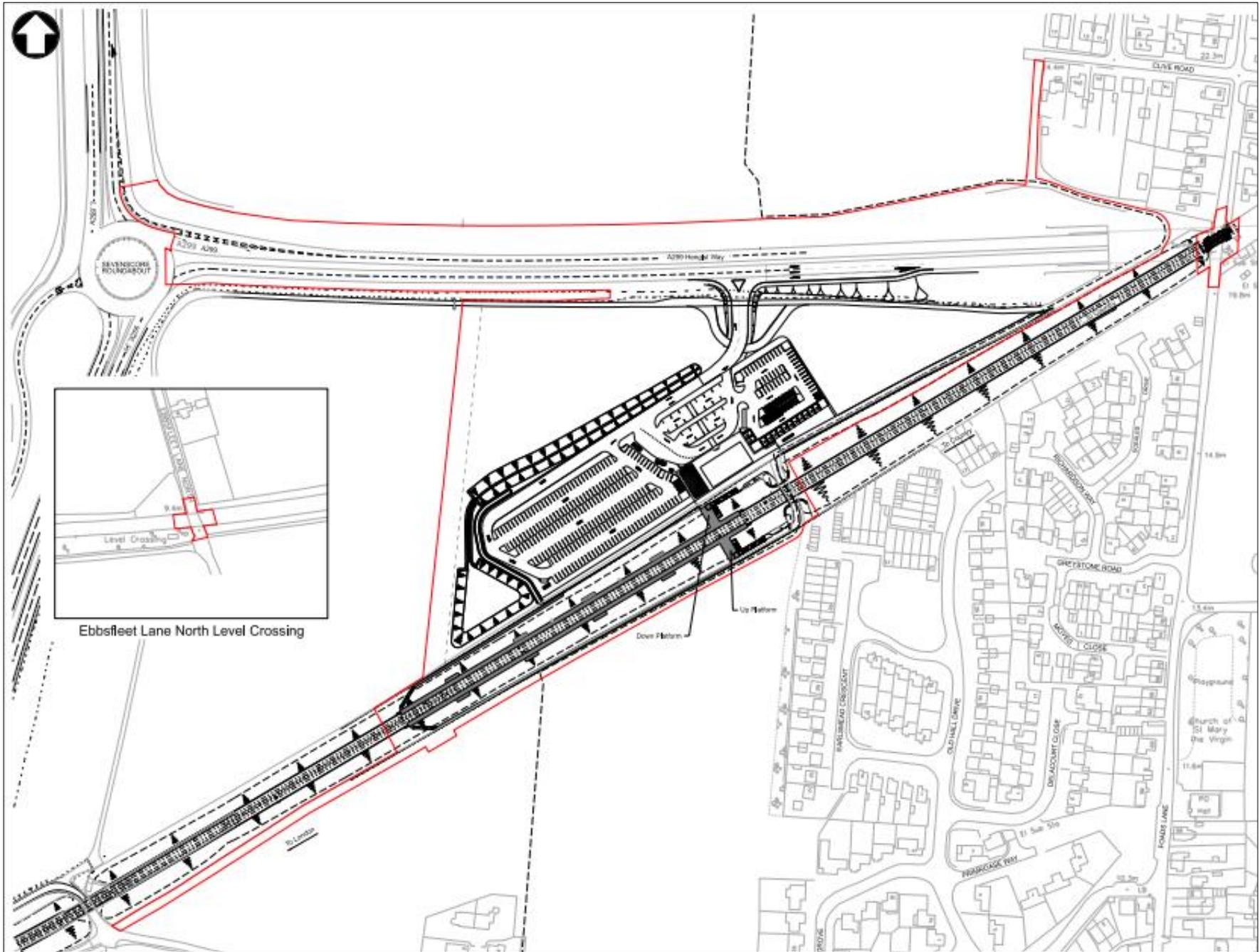
Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None.

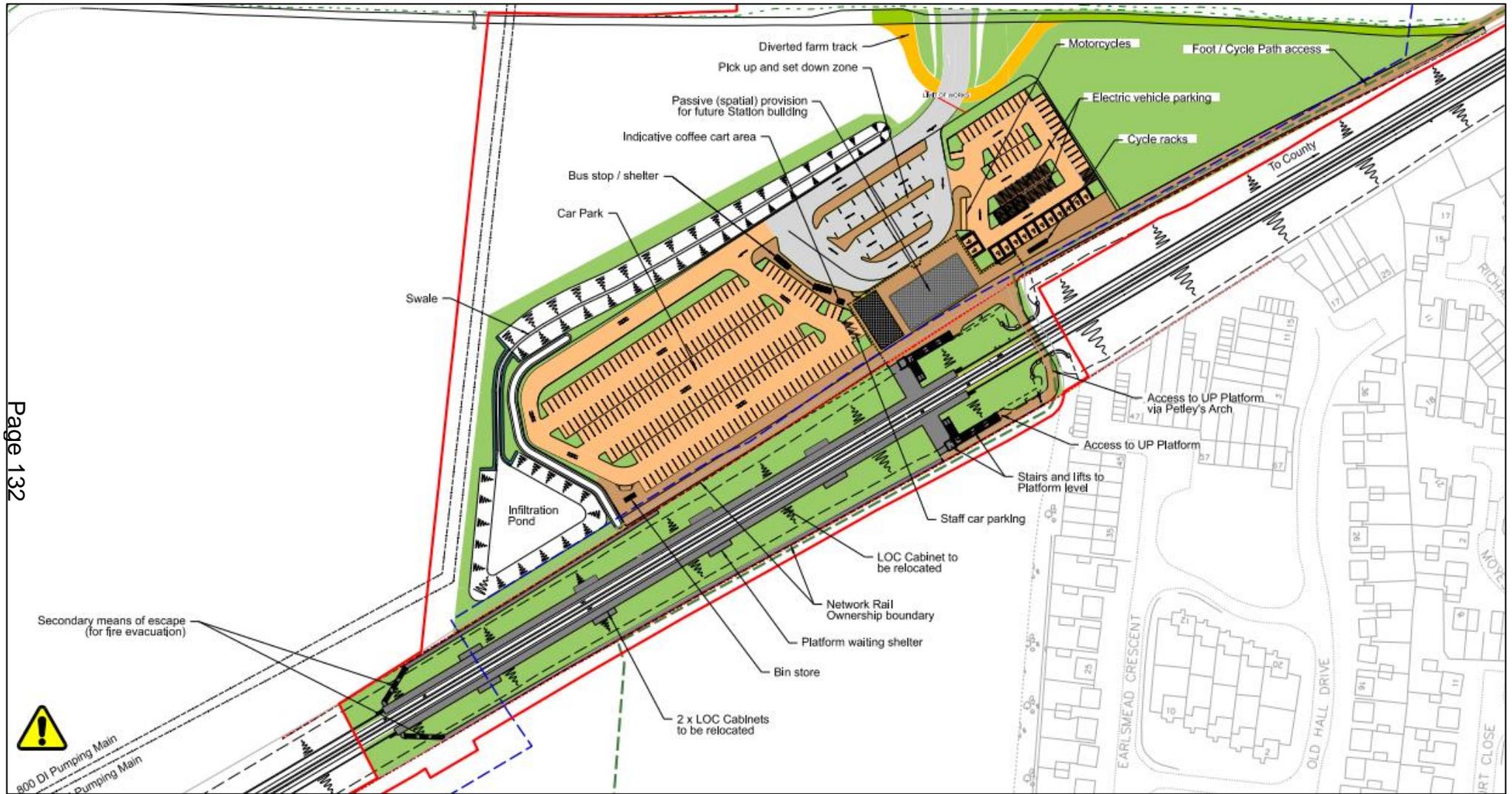
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signed

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date

Site Location Plan



Station Layout Plan



Artist Impressions



View of station from north of the railway line looking south west.



View of station from south of the railway line looking north west.

**KENT COUNTY COUNCIL
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**

Directorate: Growth, Environment and Transport

Name of policy, procedure, project or service: Thanet Parkway Railway Station

What is being assessed? The provision of a new Railway Station in Thanet called Thanet Parkway.

Responsible Owner/ Senior Officer: Joe Ratcliffe, Transport Strategy Manager

Date of Initial Screening: 11/12/13 and updated 07/11/19

Version	Author	Date	Comment
1	RM	11/12/13	
2	SF	28/11/14	
3	FQ	28/01/15	Updated to reflect actions taken for the initial public consultation.
4	BS	10/11/16	Updated in preparation for New Station Fund bid and second consultation.
5	KP	23/11/16	Updates to previous version.
6	KP	09/11/18	Updates following further design and consultation.
7	SF	10/05/19	Updates following design changes.
8	SF	07/77/19	Updates following design changes

Screening Grid

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
Age Page 136	YES. The 2015 consultation identified the following potential impacts: <ul style="list-style-type: none"> Given the station is out of town, some elderly and young people may not drive and therefore be disadvantaged compared to those who do. Elderly people may be concerned with their security if the station is unstaffed. The respondents to the 2017 consultation also expressed concern about it being unstaffed.	Medium	Medium	<ul style="list-style-type: none"> We will ensure the design of the station will be well connected with local bus routes, offer a park and ride facility and have cycle and pedestrian access point. We will be incorporating CCTV and lighting into the design of both the car park and station, therefore improving safety at the station. We will have help points for any issues that may arise. Following an assessment of demand the station may be manned at peak times. Further assistance would therefore be available. 	Yes. The scheme promotes improved accessibility for everyone. People who do not have access to private car will be able to access public transport to the station. The station aims to improve the economic prosperity of the area and improve access to employment and training opportunities for all.
Disability	YES. The 2015 consultation identified the following potential impacts: <ul style="list-style-type: none"> During construction: dust, pollution and airborne 	Medium	Medium	<ul style="list-style-type: none"> The construction methods, working hours and mitigation measures to minimise pollution during the construction period will form a Construction 	Yes. Improvements to public transport services will support the independence of all people. Passengers requiring assistance will be able to book this service

	<p>contaminants may have an impact on people with respiratory problems.</p> <ul style="list-style-type: none"> • Safety concerns as station is unstaffed. • Access to and between the platforms. <p>The 2017 consultation also reported concerns around safety of an unmanned station.</p> <ul style="list-style-type: none"> • Boarding and alighting trains may be more difficult at an unmanned station. 			<p>Management Plan, to be agreed through Planning. Such mitigation could include dampening down construction dust.</p> <ul style="list-style-type: none"> • There will be CCTV, lighting and help points to alleviate safety concerns. • Following an assessment of demand the station may be manned at peak times. • Lifts will be available for access between the platforms. • A subway will be provided to provide access between platforms, this option was favoured by disabled users at the public consultations as it allowed easier access than a footbridge. 	<p>as they can at other unstaffed stations across the county.</p>
Gender	<p>YES. The 2015 consultation identified the following potential impacts:</p> <ul style="list-style-type: none"> • Safety concerns, as station will be unstaffed. This can be supported with comparable data below from Transport for London showing that women feel more vulnerable when travelling after dark. • Pregnant women may also feel vulnerable if the station is unstaffed. 	Low	Medium	<ul style="list-style-type: none"> • There will be CCTV, lighting and help points to alleviate safety concerns. • Following an assessment of demand the station may be manned at peak times. 	<p>Improvements to public transport services will support the independence of all people.</p>

Gender identity	<p>YES.</p> <ul style="list-style-type: none"> Safety concerns, as station will be unstaffed. 	None	Medium	<ul style="list-style-type: none"> There will be CCTV, lighting and help points to alleviate safety concerns. Following an assessment of demand the station may be manned at peak times. Consultation will target the Transgender community to inform any action that needs to be taken. 	No
<p>Page 138</p> <p>Race</p>	<p>YES.</p> <ul style="list-style-type: none"> Given the station is out of town, people who do not drive may be disadvantaged compared to those who do. The Department for Transport 2012 statistics show that the level of car ownership is lower for black and minority ethnic (BME) groups. Safety concerns, as station will be unstaffed. 	Low	Medium	<ul style="list-style-type: none"> There will be CCTV, lighting and help points to alleviate safety concerns. Following an assessment of demand the station may be manned at peak times. 	Improvements to public transport services will support the independence of all people.
Religion or belief	<p>YES.</p> <ul style="list-style-type: none"> Safety concerns, as station will be unstaffed. 	None	Medium	<ul style="list-style-type: none"> There will be CCTV, lighting and help points to alleviate safety concerns. Following an assessment of demand the station may be manned at peak times. 	No
Sexual orientation	<p>YES.</p> <ul style="list-style-type: none"> Safety concerns, as station will be unstaffed. 	None	Medium	<ul style="list-style-type: none"> There will be CCTV, lighting and help points to alleviate safety concerns. Following an assessment of 	No

				demand the station may be manned at peak times.	
Pregnancy and maternity	<p>Yes.</p> <ul style="list-style-type: none"> Boarding and alighting trains may be more difficult at an unmanned station for people with pushchairs. Pregnant women may feel vulnerable if the station is unstaffed. 	None	Medium	<ul style="list-style-type: none"> There will be CCTV, lighting and help points to alleviate safety concerns. Following an assessment of demand the station may be manned at peak times which could assist with access. 	No
Marriage and Civil Partnerships	<p>YES.</p> <ul style="list-style-type: none"> Safety concerns, as station will be unstaffed. 	None	Medium	<ul style="list-style-type: none"> There will be CCTV, lighting and help points to alleviate safety concerns. Following an assessment of demand the station may be manned at peak times which could assist with access. 	No
Carer's responsibilities	<p>YES.</p> <ul style="list-style-type: none"> Carer's may be required to provide greater levels of assistance given the station in proposed to be unmanned. 	None	Medium	<ul style="list-style-type: none"> Following an assessment of demand the station may be manned at peak times which could assist with access. 	No

Part 1: INITIAL SCREENING

Proportionality - Based on the answers in the above screening grid what weighting would you ascribe to this function – see Risk Matrix

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

State rating & reasons

The scheme will have a medium positive impact on some groups (Age, Disability) and a low positive impact on others (Race, Gender) as it improves their access to public transport. It will also have a medium negative impact on all of the equality groups (due to safety concerns), however mitigating measures have been provided to address the negative impacts. The scheme will act to improve accessibility to rail services in Thanet, delivering benefits for all residents and businesses in East Kent.

Context

Kent County Council (KCC) has identified the delivery of Thanet Parkway Railway Station as a priority to support economic growth in Kent. The delivery of a Parkway Station has been a top priority for KCC since 2010, with the ambition to deliver the station first mentioned in *Growth without Gridlock* (December 2010) and the third *Local Transport Plan* (2011-2016) and the *Rail Action Plan for Kent* (April 2011). The delivery of this station continues to remain of substantial importance to the County Council and is a countywide strategic priority in KCC's new *Local Transport Plan 4: Delivering Growth without Gridlock* (2016-2031), which was adopted in 2017 following a full public consultation and Strategic Environmental Assessment.

Following site appraisal and scheme development work, the proposed railway station will be situated along the existing railway line, close to the village of Cliffsend. It has been located to the east of a triangle of land bounded by the A299, A256 and the railway line. This minimises the land take necessary for the station. A new dedicated junction and access road will be built from the A299 Hengist Way.

The design will include a two-platform station, station forecourt, car parking, bus stops, drop-off, pick-up/ taxi drop off point. The station will be served by High Speed and Mainline services.

Consultation is seen an essential tool for this project, to understand public opinion and to inform this equality analysis and subsequently inform the design and plans proposed. Consultation and engagement have therefore been carried out throughout the lifespan of the scheme.

An initial eight-week public consultation was undertaken in 2015 on the initial concept design. A further pre-planning consultation on the detailed design and station layout was held from 25th January to 19th March 2017. The results of these consultations were used to inform the design in the planning application.

A planning application was submitted for the scheme in May 2018. A statutory 28 days consultation was completed by KCC Planning Applications Group following this submission. It was deemed that designing this station with a footbridge to gain access between the platforms would have a negative impact on the visual landscape (due to the height of the structure over and above the height of the embankment). As such a new proposal for the station, utilising an existing railway subway is being produced for a planning application to be resubmitted.

Additional engagement was carried out in March 2019, and October/ November 2019 to understand the views of local residents and protected characteristics groups on the use of a subway instead of a footbridge. (See Involvement and Engagement section). Following the planned submission of a revised planning application, another statutory consultation period will take place in winter 2019.

Aims and Objectives

The project aims to address existing and future weaknesses in Thanet's rail and wider transport system to ensure that the development of the transport network keeps pace with the rate of economic growth predicted for the South East. The County Council's aims for East Kent are to:

- Improve journey times on the High Speed service;
- Increase the attractiveness of East Kent to employers (particularly those who wish to relocate out of London);
- Support the economy by unlocking new economic development opportunities;
- Reduce environmental impacts for local residents; and
- Improve access to employment opportunities in Thanet (including by bringing prosperity out of London).

Thanet Parkway directly supports these aims and its objectives have been developed to contribute towards these aims as well as to form targets and outcomes for the scheme.

The aim of the project is to deliver a new railway station in Thanet along the existing rail line between Minster and Ramsgate. The objectives are to:

- Accelerate the pace of housing delivery in Thanet (1,600 – 3,200 additional homes delivered between opening year and year 30).
- Positively contribute to economic growth by attracting higher skilled workers to the area (measured by census data showing change in educational attainment of the population).

- Stimulate the creation of additional jobs by encouraging business location and expansion decisions based on the existence of the new station and journey times to London of around 1 hour (400 – 800 additional jobs from opening year to year 30).
- Generate over 50,000 new rail journeys from first full operational year (2022).
- Increase week day usage of the new station year on year from 412 in 2022 to 456 in 2026.
- Provide rail access to all users from Thanet to London with a journey time of around one hour.
- Provide commuters with alternative access to the area for journeys that might otherwise be made on the local and strategic highway network from opening year and increasing by 2031.

Beneficiaries

- This scheme is intended to benefit residents (representing all of the characteristic groups) and businesses within East Kent by providing improved access to both jobs and labour pools.
- The delivery of a railway station at the proposed location will improve access to employment sites such as Manston Business Park, the former Manston Airport site (whatever its future use), Discovery Park Enterprise Zone and Euro Kent development.
- The improved accessibility to employment opportunities will help to tackle the higher than Kent average levels of unemployment experienced in Thanet.
- Ramsgate station is unable to provide the required car parking provision, with cars currently parking inappropriately in residential areas. Residents in close proximity to Ramsgate station will therefore benefit as Thanet Parkway station will help to mitigate against a growth of inappropriate on-street parking which could occur due the future growth in rail demand.
- There will also be benefits for the wider Kent population. The provision of the station will give people travelling to/from Thanet greater choice of where to travel to/from and will better connect Thanet with other areas of Kent, as well as providing additional station capacity to accommodate increasing passenger demand.
- Delivering improved rail connectivity will help promote a modal shift from road to rail and more sustainable means of transport. Encouraging a modal shift from road to rail will help to mitigate the negative impacts of increased car use in Kent such as congestion and air pollution.

Information and Data

Analysis of data about equality and diversity in Kent has been undertaken below to gain a better understanding of the demographics of Thanet, including the ward areas of Cliffsend and Pegwell, in which Thanet Parkway will be located.

The population of Kent is expected to rise, as generally there are expected to be more births than deaths and, in addition, more people moving into Kent than leaving the county. Kent's population is also ageing, and a key contributor is increased life expectancy.

Kent County Council produces ward profiles and population estimates¹. These provide key statistics for the area:

- The total population for Kent is estimated to be 1,554,600 (September 2018), with a split of 51% female and 49% male.
- Between 2006 and 2016, Kent's population grew by 10.4% and it is expected to rise by a further 22.2% by 2036. In the same period, the population of Thanet is expected to rise by 27.0%.
- Based on 2016 population estimates, the ward of Cliffsend and Pegwell made up 3.5% of the total Thanet population.
- The ward of Cliffsend and Pegwell has a higher proportion of female residents (52.3%) compared to Thanet (51.5%) and Kent as a whole (50.9%).
- 17.6% of residents in Kent have an illness or condition which limits their day to day activities in some way. Within Thanet, this figure is 23.4% (2011 census) and in Cliffsend and Pegwell the figure is 21.5%. This indicates the station is more likely to be used by users with a condition which limits their day to day activities than if it were located elsewhere in Kent.
- 2011 census data shows that the largest ethnic group in Kent is white (93.7%), and 6.6% are of Black Minority Ethnic (BME) origin. The largest single BME group is Indian at 1.2% of the total population. In Thanet the BME population falls to 4.5% and falls further to 3.7% in Cliffsend and Pegwell.
- Again from census 2011, 62.5% of Kent's residents describe themselves as Christian, with the largest non-Christian religion being Muslim (1%). In Thanet, 61.4% described themselves as Christian, 28.6% with no religion, 7.41% did not state a religion, and the remainder were a range of other religions. In Cliffsend and Pegwell 66.9% of people describe themselves as Christian, whereas 0.6% of people describe themselves as Muslim (and same proportion describing themselves as Hindu). 23.7% declare no religion.
- Looking at statistics for rail usage in Great Britain as a whole, in February 2015 55% of adults had used a train at least once in the previous twelve months, with this rising to 66% for adults in the south east. Older age groups and those working in manual occupations were less likely to have

¹ KCC Business Intelligence; <http://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/summary-of-kent-facts-and-figures#tab-2>

used rail, whereas those living in the south east and in a higher income bracket were more likely to have made a train journey².

- 220m rail journeys were made to/from the south east region in 2015/16 and a further 84m within the region³.
- Unemployment in Thanet for September 2018 was 3.6%, which is substantially higher than Great Britain figure (2.2%) and Kent figure (2.0%). Unemployment in Thanet has increased by 44% since September 2017. The rate is much higher for those in the 18 – 24 age group at 7.7%.
- The ward the station is in, Cliffsend and Pegwell, had 1.6% of all economically active people (16 – 64) unemployed in 2017⁴. The delivery of Thanet Parkway will widen job opportunities through better accessibility to the London and wider Kent.
- Due to a lack of transport information for East Kent, research from London was used to indicate transport types for various equalities groups. A report by Transport for London (TfL, 2015)⁵, identified a number of barriers to using public transport, including that women are more likely to be worried about their personal safety and take precautions against crime (such as sitting next to other people). In London, 61% of women said that the frequency of their travel is affected 'a lot' or 'a little' because of concerns about crime and antisocial behaviour. Although this data cannot be directly applied to Kent because of different demographics and travel opportunities between London and the county, some of the typical barriers to travel can be inferred to be experienced by women across the country.
- Like London, women make up 51% of Kent's population⁶.
- Based on 2011 census data, 3.1% of people in the Cliffsend and Pegwell ward travel to work by rail, with this figure rising to 3.9% of people in Thanet. This compares to an average of 9.2% in the KCC area⁷. Delivering Thanet Parkway railway station at the proposed location would greatly improve rail accessibility for residents of Cliffsend and Pegwell and the wider Thanet area.
- From the 2011 census, the district of Thanet has the lowest level of car ownership in Kent with 29.8% of households having no access to car,

² Department for Transport (2015). Public attitudes towards train services: 2015 summary.

³ Office of Road and Rail (2017). Rail Statistics Compendium Great Britain 2016-17 Annual.

⁴ Claimant count data.

⁵ Transport for London (2015) Understanding the travel needs of London's diverse communities, available at: <http://content.tfl.gov.uk/travel-in-london-understanding-our-diverse-communities.pdf>

⁶ Kent County Council. Area Profiles.

http://www.kent.gov.uk/your_council/kent_facts_and_figures/area_profiles.aspx

⁷ Kent County Council (2011). Area Profiles.

http://www.kent.gov.uk/your_council/kent_facts_and_figures/area_profiles.aspx

compared to 20% in the KCC area as a whole⁸. The number of households with access to two or more cars is also relatively low in Thanet at 26%, relative to the Kent average of 37.3%. So, whilst there may be access to one car in a household, this may leave other household members without a car, given the average household size of 2.2 in Thanet.

- The Department for Transport National Travel Survey statistics (updated July 2018⁹) shows the number of adult households (aged 17+) without a car/van split by ethnic group. In 2017, in the White ethnic group 17% of adults were in households without access to a car/van. In comparison, 44% of adults in the Black/African/Caribbean/Black British ethnic group were in households without access to a car/van. This shows the disparity of car access between different ethnic groups.

Scheme Development

The Thanet Parkway Railway Station scheme comprises of a two-platform station, station forecourt, car parking, bus stops and pedestrian and cycle access.

Following an extensive option selection process (and consultation in 2015 and 2017), the original design for the scheme allowed for access between the platforms to be via a pedestrian footbridge over the track, that was accessed by both lifts and stairs on either side. The footbridge was located in the centre of the platforms, with the focus of activity for the car park centred around a forecourt area central to the footbridge.

This design was therefore submitted in the original planning application by KCC in May 2018. However, this solution faced challenge in the planning process, owing to the visual intrusiveness of the proposed structures and the subsequent impact on the landscape. It was noted that the two lift towers and footbridge structures, proposed to be constructed on the existing embankment were to be 9 meters high.

Consequently, a decision was taken to revise the access proposal, which led to the progression of 2 further options considered in respect of the main station entrance:

1. Construction of a new subway.
2. Use/refurbishment of the existing subway.

A new subway was deemed to be unviable for several key reasons:

⁸ Kent County Council (2013). 2011 Census: car and van availability in households in Kent. <https://shareweb.kent.gov.uk/Documents/facts-and-figures/Population-and-Census/2011%20Census/2011-census-car-availability.pdf>

⁹ Department for Transport (2013). Adult personal car use and trip rates by ethnicity group. Great Britain: 2012 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9972/nts0707.xls

- Logistics and land ownership – the land required to facilitate the construction falls outside of the KCC/Network Rail land boundaries on the south side of the railway line.
- Railway line closures – Construction would have a significant impact on the operational railway as lines would need to be closed, this is estimated as an additional 5 X 27 hours.
- Utilities – There is a water main located in the station footprint which would need to be rerouted at significant expenditure and impact to the area.
- Disruption to residents – Lengthy construction phase and high capital construction expenditure, requiring lighting both day and night.

Following liaison between project stakeholders (KCC, Network Rail and Southeastern) and some early wider engagement (see Involvement and Engagement section), the option of utilising the existing subway and install steps/lifts (including refurbishment) in order to offer a sustainable, safe access solution was then progressed. This proposal was regarded as being the most beneficial for the following reasons:

- Less visually intrusive/impact to the local environment.
- Long term solution, offering 24/7 uninterrupted access across the railway from platform to platform.
- Compatible with cycle users, wheelchairs and scooters.
- Existing subway onsite could be utilised and improved to offer a sustainable, safe access solution.
- No utilities needed to be moved.
- Minimal disruption to local-residents during the construction phase.
- No additional land required.

The main entrance to Thanet Parkway Station is therefore now proposed to be via the existing subway located at the east end of the station. The subway will be refurbished, light and contain CCTV.

Involvement and Engagement

This section documents the consultation and engagement that has taken place throughout the history of this scheme and how it has informed this EqIA. Discussion of the impact on the protected groups and mitigation can be found in the *Potential Impact* section.

An eight-week public consultation took place in 2015 which focused on the concept design of the station. The aim of the public consultation was to have early engagement with all stakeholders and the public to get their views on developing the station, and share information on the proposal and any potential impacts/opportunities. Below are the key issues raised;

Given the proposed station location is out of town, the consultation also identified young people, elderly people or people with disabilities who do not have access to a car may not be able to access the station.

Safety concerns were raised for a number of protected characteristic groups given the station is planned to be unstaffed. Concerns were raised for safety at the station, and in the areas around the station (car park, and connections into the station).

Furthermore, so responses to the consultation raised the potential impact of dust, pollution and airborne contaminants during construction on those with respiratory problems.

The consultation identified that older respondents (76+) would prefer access to platforms via lifts and access between platforms via a subway. In addition, disabled respondents also stated a preference for a lift and subway. However, more than twice as many people overall wanted access between platforms to be via a footbridge as opposed to an subway (44% vs 19%).

Key stakeholders (including Network Rail, Southeastern, Dover and Thanet District Councils) meet with KCC regularly to discuss, and contribute to, project development. This continued engagement ensures they can input representing their own stakeholders, which includes railway station users for Southeastern and Network Rail.

A second, pre-planning, consultation took place from 25th January until 19th March 2017. The proposals were available to the public online and in libraries, as well as at exhibition events in Cliffsend, Minster, Discovery Park and Ramsgate railway station. The consultation materials were also presented at meetings of interested Parish and Town Councils across Thanet and Dover districts. All consultation materials were available in alternative formats, including hard copy, by request.

The majority of respondents generally agreed with the proposals, but there were some concerns around design details. This included the proposed junction with the A299 (from a perspective of highway safety and reducing the speed of traffic on the main road) and the pedestrian access route (as it was felt the proposed pedestrian access would encourage more people to park in the residential streets to the south of the station). As with the 2015 consultation, similar issues around safety and being an unstaffed station were also raised.

Following the design changes brought about by the statutory planning consultation in 2018 further engagement with local residents, project stakeholders (Network Rail and Southeastern) and protected characteristic groups took place in 2019.

Prior to a formal design of the subway being produced, a number of protected characteristic groups were contacted to ask for their members for comment and experience of how they feel about using subways.

Groups Contacted;
East Kent Association for the Blind
Thanet Over Fifties Forum
Thanet Disability Forum
Age UK – Thanet
Carers Support CDT
Hi Kent
Accessible
East Kent Mencap

Detailed comments regarding design improvements that can be made to subways to enhance the experience for visually impaired users were received from the East Kent Association for the Blind, who stated the following consideration should be considered in the design;

- Clear guidance to find and access the route with clear easy to read signage that has a matt finish and not a shiny finish to minimise glare.
- Clear demarcation for cyclists to minimise collisions
- Good quality even lighting using daylight bulbs or LEDs where possible
- Minimal auditory feedback from the tunnel structure which is then magnified by increased footfall. This can cause disorientation as the echo's give false positions of sounds.
- Even and clear surface underfoot. A change of surface at the beginning and end would be ideal particularly if there are roads immediately either side. This gives the individual time to prepare for changes in the walking patterns and behaviours of other members of the public as well as the auditory and visual information changes that occur when moving from one environment to another.
- A solid brick wall with a skimmed and painted surface will reflect sound very differently to a plastic facing over batons or another type of hollow surface. Many sight impaired people use the skill of echo-location to assist them with their orientation, some are consciously aware of this whilst others learn this sub-consciously. The way that sound reflects off surfaces of different porosity and depth will affect the experience, particularly in an environment such as a tunnel. The designers will ensure that they are fully aware of this effect and will consider the materials that they will be able to use given the current design of the build of the tunnel and cost implications for the upgrade.
- With these considerations in place the opportunity for people with a sight impairment to access the subway equitably is very high.

No further comment was received from other groups at this time. Following a design freeze, it is proposed that these groups will be contact again in November 2019, to allow another opportunity to comment on station design during the statutory consultation period of the revised application.

Southeastern as the Train Operating Company and voice of the passengers to use the service highlighted a concerns that; the new design may increase walking distance to the platforms as a result of the need to rearrange the station layout and car park, and that once users reach the platform, they will be at one end, as supposed to in the centre as previously planned. See the Impacts section for a discussion on impact for characteristic groups and mitigation.

On 10th October 2019, a public meeting was held in Cliffsend Village Hall where the new station design was presented. This was followed by an open Q&A session. The meeting was attended by members of the Parish Council and around 60 residents. No were no concerns raised regarding access to the station platforms via the subway, accessing the platforms at one end or accessibility generally as a result of the station and car park design. Concerns were raised regarding the safety and security of the station, echoing the consultations in 2015 and 2017.

Following submission of the revised planning application in November 2019, there will be another statutory consultation period (November/December 2019) in which stakeholders will have the opportunity to comment on the scheme.

Potential Impact

The scheme is intended to improve access to the railway network and support economic development in Thanet. The scheme will support development sites in the area, such as Discovery Park Enterprise Zone and the former Manston Airport site. This will act to boost the east Kent economy, support the delivery of new jobs and housing, and therefore promote regeneration in the area.

When it opens, the new station is anticipated to generate around 115,000 trips annually, with approximately half of these being redistributed from other stations in the area. This is forecast to increase to over 142,000 by 2031 (10 years after opening).

Adverse Impact:

All groups

During all consultation and engagement, people from all groups raised concerns that the station may feel unsafe given the out of town location and the fact it will be unstaffed.

In order to mitigate this identified impact, designs will incorporate CCTV, lighting and help points. Depending on demand, staff may be introduced to the station during peak hours, which help alleviate safety concerns, particularly during the darker, winter peaks. The decision on staffing levels will ultimately be taken by the train operating company, however discussion will take place with them. The scheme has been designed to include staff facilities (toilets, store room and staff car parking) to allow future provision of staff.

Safety concerns may be exacerbated given the design change to include the subway and as subways are often considered areas that attract anti-social behaviour.

As mitigation, the subway will also have lighting and CCTV and will remain open at either end (e.g. will have no fencing/screening in the vicinity), to reduce the perception feel of it being an enclosed area.

Concern was also raised that construction dust and airborne pollutants could have an impact on any user.

The project is subject to a full Environmental Impact Assessment (EIA), which identifies the potential impacts of construction and operation on the environment and suggests mitigation measures. These measures will be conditioned at the planning stage to ensure compliance. For submission of the 2019 application, the EIA found there would be a minor adverse impact from construction of the scheme on receptors (local dwellings etc). This will be mitigated against by compliance with best practice and the formulation of a Construction Management Plan by the contractor prior to construction. Best practices include measures such as, damping down surfaces to reduce airborne pollutants. This impact will only affect people during the construction phase (12 months). Once operational there will be no impact.

Disability

Construction, dust pollution and airborne contaminants may have a particularly adverse impact on people with respiratory problems. This will be mitigated against as explained above.

Safety concerns may be felt more strongly amongst this group given the station is proposed to be unstaffed. (see above mitigation).

People who are visually impaired, have learning difficulties or have other print impairments such as dyslexia, may not be able to read signage and or station related information. To mitigate, all station signage and information will be produced in line with design best practice to ensure the station is accessible for all.

Given that the station is out of town, some less abled users may not be able to access the station by car. This will be mitigated against by provision in the station for access by different modes of transportation; e.g. cycle racks, bus stops, motorcycle parking, taxi drop off point and pedestrian access.

As highlighted by East Kent Association for the Blind, Echo affects can disorientate people with reduced eyesight in enclosed spaces such as subways. The subway will be designed to ensure compliance with requirements for visually impaired users at the detailed design stage.

The subway design will mean users will access the platforms at one end of the platform. This may mean longer walking distances along the platform than if the access to was central to the platform. In reorganising the station and car

park layout in the 2019 design iterations, priority was given to providing the shortest walking distances to the platforms possible for disabled users. Walking distances to the platforms are now equal to or shorter than the previous design. Options are being explored as to whether trains of differing lengths can stop at different points when held in the station, to reduce walking distance required along the platforms.

Age

Safety concerns may be felt more strongly amongst this group given the station is proposed to be unstaffed. There is no specific mitigation proposed for this group over any other.

Given that the station is out of town, some elderly and young people may not drive and therefore be disadvantaged compared to those who do. This will be mitigated against by provision in the station for access by different modes of transportation; e.g. cycle racks, bus stops, motorcycle parking, taxi drop off point and pedestrian access.

Elderly people may not be as able to access information about the station on the internet during consultation events and operation. As part of the consultation process, consultation events were held so people could discuss their concerns and collect hard copies of consultation materials. Materials were also sent to local residents and could be requested in alternative formats (such as easy to read). The 2019 engagement also intends to send materials to local residents.

The subway design will mean users will access the platforms at one end of the platform. This may mean longer walking distances along the platform than if the access to was central to the platform. Walking distances to the platforms are now equal to or shorter than the previous design. Options are being explored as to whether trains of differing lengths can stop at different points when held in the station, to reduce walking distance required along the platforms.

Pregnancy/maternity

The Subway design will mean users will access the platforms at one end of the platform. This may mean longer walking distances along the platform than if the access to was central to the platform. Walking distances to the platforms are now equal to or shorter than the previous design. Options are being explored as to whether trains of differing lengths can stop at different points when held in the station, to reduce walking distance required along the platforms.

Race

Safety concerns may be felt more strongly amongst this group given the station is proposed to be unstaffed. There is no specific mitigation proposed for this group over any other.

Given the station is out of town, people who do not drive may be disadvantaged compared to those who do. The Department for Transport 2012 statistics show that the level of car ownership is lower for BME groups. This will be mitigated against by provision in the station for access by different modes of transportation; e.g. cycle racks, bus stops, motorcycle parking, taxi drop off point and pedestrian access.

People who do not speak English well may not be able to read station signage and or station related information at consultation events or during operational use. Station signage will be designed to be as simple to understand as possible. All consultation / promotional materials produced for the scheme can be translated upon request.

Gender

Safety concerns may be felt more strongly amongst this group given the station is proposed to be unstaffed. This can be supported with comparable data from Transport for London showing that women feel more vulnerable when travelling after dark. There is no specific mitigation proposed for this group over any other.

There could potentially be some negative effects of the scheme on air quality and noise pollution during the construction phase of the project. This impact is being assessed as part of the Environmental Impact Assessment for the planning application in terms of effects on individual sensitive receptors.

Carer's responsibilities

Given the station is unstaffed, carers may be required to provide greater levels of assistance than at a staffed station. This impact may be exacerbated given the entrance point to the station platforms is at one end. A review of demand and staffing levels and consideration of altering train stop locations could help to mitigate these points. Passenger help points will also be provided in the scheme.

Positive Impact:

All users

The delivery of Thanet Parkway Railway Station is expected to have positive benefits for all residents and businesses in Thanet. The delivery of improved rail connectivity should help to achieve equal accessibility and opportunities for all.

Age

Research has suggested that Kent has an aging population with the number of people over the age of 65 set to rise. Car or van ownership for pension households is lower than that for the average household in Kent. Pensioners are therefore expected to be more reliant on public transport (particularly bus services) than other adults. Similarly children and young people are also more reliant on the use of public transport to access services such as education.

mitigating actions for highlighted issues within the screening grid. The delivery of the action plan should ensure that all members of the public are able to access information about the Thanet Parkway project.

Option 3 – Full Impact Assessment YES

You will need to undertake a full impact assessment if:

- You have concluded that the policy, strategy or service is major because of high cost, or potential to affect a large number of residents of Kent

OR

- You have identified that it could have a potential negative impact on any listed groups/ individuals with particular characteristics.

OR

- The potential impacts of a policy, procedure, project or service on a particular group are unknown.

OR

- You are going to consult on your policy, procedure, project or service

Action Plan

An action plan has been completed to identify the project management tasks which will take place to ensure equal access to information about the project and mitigating actions for specific issues highlighted above.

Monitoring and Review

Throughout the delivery phase of the project the Equality Impact Assessment will be considered and updated when required. This has included following public consultation, and as the design continues to evolve.

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer

Signed:

Name: Joseph Ratcliffe

Job Title: Transport Strategy Manager

Date: 08/11/2019

DMT Member

Signed:

Name: Barbara Cooper

Job Title: Corporate Director – GET

Date: To be approved

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Race	A very small proportion of the residents in Thanet indicated in the 2011 Census that English was not their first language and so may not be able to read consultation information such as the publicity information.	For the public consultation of Thanet Parkway, information is made available in alternative formats, upon request.	Better understanding of the project by all members of the public.	Project Manager	Public consultation 2015,2017. COMPLETE 2019 Engagement	Resources have been allocated for the provision of information about Thanet Parkway in alternative formats.
	Safety concerns as station is unstaffed	There will be excellent CCTV and lighting coverage, the lifts will be remotely monitored and help points will be available.	Alleviation of safety concerns.	Project Manager – design Team	During project design	Included in design costs.
Disability	People who are visually impaired, have learning difficulties or have other print impairments such as dyslexia, may not be able to read consultation information such as the publicity information.	Consultation information is made available in alternative formats, such as Easy Read and Word version.	Better understanding of the project by all members of the public and more comfort for residents during the project lifecycle.	Project Manager	Public consultation 2015,2017 COMPLETE 2019 Engagement	Resources have been allocated for the provision of information about Thanet Parkway in alternative formats.
	During construction: dust, pollution and airborne contaminants may have an impact on people with respiratory problems	A Construction Management Plan will identify methods to reduce this risk, including working	Reduction or removal of construction impacts.	Project Manager – design team/con-tractor	During design and construction	Included in design and construction costs.

		hours and mitigation (such as damping down).				
	Safety concerns as station is unstaffed	There will be excellent CCTV and lighting coverage, the lifts will be remotely monitored and help points will be available.	Alleviation of safety concerns.	Project Manager – design Team	During project design	Included in design costs.
	Given that the station is out of town, some less abled users may not be able to access the station by car.	Provide facilities within the station design to enable alternative access to the station.	Increased opportunity for group to use the railway.	Project Manager	Outline Design COMPLETE	Accounted for in project costs.
	The subway design will mean users will access the platforms at one end.	Investigate the opportunity to have different length trains stop at different points to reduce walking distances along platforms.	Limit walking distances	Rail Project Manager	Detailed design	To be scoped in detailed design.
	East Kent Association for the blind provided useful comments on making the station more amenable to people with visual impairment.	Consider points along with best practice when designing subway refurbishment interior.	Ensure that visually impaired users are as able to use the station as possible.	Design Team	Detailed design	Allowance made in project cost.
Age	Older people may not be able to access information about the project via the internet.	Information will be provided in hard copy formats at public consultation events	Better understanding and awareness of the project for residents. People will feel more	Project Manager	Public consultation 2015,2017 COMPLETE	Resources have been allocated for the provision of information

		<p>and on requests via free postal address.</p> <p>The consultation questionnaire and promotional leaflet will be sent to every resident in Clifsend.</p> <p>Information will be provided about the project at local libraries, Town and Parish Council offices, and railway stations in the area.</p>	confident using the station and facilities.		2019 Engagement	about Thanet Parkway in the form of setting up free postal address, sending information to Clifsend residents, arranging consultation events and sending information to Clifsend residents in copy formats.
	Given the station is out of town and some people may not be able to drive or have access to a car, they could be disadvantaged (for example the elderly and young).	Provide facilities within the station design to enable alternative access to the station.	Increased opportunity for group to use the railway.	Project Manager	Outline Design COMPLETE	Accounted for in project costs.
	The subway design will mean users will access the platforms at one end.	Investigate the opportunity to have different length trains stop at different points to reduce walking distances along	Limit walking distances	Rail Project Manager	Detailed design	To be scoped in detailed design.

		platforms.				
	Safety concerns as station is unstaffed	There will be excellent CCTV and lighting coverage, the lifts will be remotely monitored and help points will be available.	Alleviation of safety concerns.	Project Manager – design Team	During project design	Included in design costs.
Gender	Safety concerns, as station will be staffed. This can be supported with data from Transport for London as women feel more vulnerable when travelling after dark.	There will be excellent CCTV and lighting coverage, the lifts will be remotely monitored and help points will be available.	Alleviation of safety concerns.	Project Manager – design Team	During project design	Included in design costs.
Pregnancy/ maternity	The subway design will mean users will access the platforms at one end.	Investigate the opportunity to have different length trains stop at different points to reduce walking distances along platforms.	Limit walking distances	Rail Project Manager	Detailed design	To be scoped in detailed design.
Carer's responsibilities	Carer's may be required to provide greater levels of assistance given the station in proposed to be unmanned and may be impacted more by entrance to platforms at one end.	Investigate the opportunity to have different length trains stop at different points to reduce walking distances along platforms. Help points will be included in the design.	Limit walking distances Outline design station	Rail Project Manager	Detailed design Outline design	To be scoped in detailed design. Included in current cost

From: Susan Carey, Cabinet Member for Environment
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 29 November 2019

Subject: Fly Tipping Enforcement Plan – Update

Classification: Unrestricted

Past Pathway of Paper: Environment and Transport Cabinet Committee – 16 July 2019

Future Pathway of Paper: N/A

Electoral Division: All

Summary: KCC has committed £250,000 to reduce the level of fly tipping in Kent, building on the close work already undertaken with district and borough councils, Kent Police and other partners through the Kent Resource Partnership (KRP) to tackle this crime.

The collection and enforcement of flytipping is the primary responsibility of the district and borough councils, with KCC playing a supporting role via the KRP. The funding will assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.

This report provides an update to Cabinet Committee on the actions that have been undertaken since July 2019 and planned actions in the coming months.

Recommendation: The Cabinet Committee is asked to note and comment on the actions undertaken as part of the flytipping enforcement plan since July 2019 and the planned actions for the coming months.

1. Background

- 1.1 Fly tipping is anti-social and a crime often carried out by local criminal gangs. Kent residents bear the cost of fly tipping through the added disposal costs and the disruption caused by the blocking of highways.
- 1.2 To tackle this issue the County Council works closely with the District and Borough Councils and Kent Police and we have a long history of joint working through the well-established Kent Resource Partnership (KRP).
- 1.3 In May 2019, KCC committed £250,000 to develop a fly tipping enforcement plan to reduce the level of fly tipping in Kent. The funding is being used to assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.
- 1.4 A paper detailing the planned actions utilising the funding was presented to Environment and Transport Cabinet Committee in July 2019 (Appendix A). This paper provides an update to those actions.

2. Update on actions

Days of action

- 2.1 In the last year, officers from Local Authorities across Kent together with Kent Police have been working together in a joint operation “Op Assist”, which involves days of action with other partners to crack down on fly tipping and unlicensed waste collectors across Kent. Flytipping is now a “top-3” priority for the Police Rural Task Force. Police resource recently doubled in numbers to 12 PCs, 1 Sgt, 1 Coordinator and 1 inspector. The KCC investment is allowing the number of “Op Assist” action days to double each month.
- 2.2 Building on successful days undertaken earlier in the year, a further 7 Op Assist days of action have been undertaken during July – October 19. The results achieved during these days are shown below.

Local Authority	Date and time of Op	Targets (profiles produced by analyst)	LA Enforcement Officers	Vehicles Stopped	Fixed Penalty Notices Issued	Vehicle Seizures	LA Producer Notices Issued
Maidstone BC	24/07/19 PM	2	2	2	1	2	-
Sevenoaks DC	28/08/19 AM	1	1	5	1*	-	2
Dover DC	30/08/19 PM	11	1	4	-	-	-
Maidstone BC	11/09/19 AM	7	2	1	1	1	-
Swale BC	30/09/19 PM	7	2	3	-	0**	1
Maidstone BC	07/10/19	5	2	9	-	2	
Thanet DC	10/10/19	8	6	10	1	2 (for Police offences)	7 (Environmental Notices)

*Sevenoaks DC issued a £300 FPN to a business however, the business produced all the relevant waste paperwork they require so the FPN was withdrawn.

** 2 vehicles were seized by Kent Police during the Op for other criminal offences.

- 2.3 The KRP has created a template press release to be utilised by all district and borough councils to publicise the successes of the days of action. In a similar vein, all councils are being urged to share any successes, including any prosecutions or other enforcement actions across Kent, on social media using the #KeepKentClean. This will show flytippers that Kent councils and partners are working together to crack down on flytipping across Kent. We also know that flytippers do not just flytip in one district but countywide and beyond, so it is important that successes are shared by all partners.
- 2.4 Due to the success and impact of these ‘days of action’, we will work with district and borough councils, Kent Police and other partners to deliver more days of action in the coming months, ensuring high visibility to the public.

Duty of Care Communications Campaigns

- 2.5 A communications campaign was launched across Kent in October targeting residents and small businesses to explain their duty of care in relation to waste disposal. The aim of the campaign is to:
- Reduce the incidents of flytipping in Kent
 - Ensure businesses understand their responsibilities when disposing of waste
 - Ensure householders understand their liabilities
 - Starve illegitimate disposal businesses of custom
- 2.6 The campaign is using short information videos and animations online and via social media, newspaper adverts, bus advertising, posters and leaflets. This campaign will be actively promoted for the next 6 months.
- 2.7 The main message of the campaign for residents is to alert them to rogue traders operating in Kent, advertising as waste disposal services, rubbish collection or household clearances and then flytipping the waste. These rogue traders often advertise on social media or in newspaper adverts, with too good to be true prices and are undercutting legitimate businesses. The campaign encourages residents to undertake simple checks to ensure they are hiring legitimate businesses and to avoid receiving a £400 fine themselves. The checks are:
- to ask for a waste carrier's licence
 - where they will dispose of the waste
 - a receipt or invoice
- 2.8 Videos and animations have also been produced targeted at businesses, to ensure they are complying with their duty of care and to ensure they provide the relevant information to residents before collecting their waste. Finally, an animation to explain how to report flytipping either via local district and borough councils or via the Country Eye App has also been released.
- 2.9 In the coming months, a video will also be produced showing the impact of flytipping, using the stories of real victims, via Kent Police and the NFU.

Duty of Care Small Business Course

- 2.10 Using LOCASE¹ funding we are starting to roll out Kent wide small business waste courses originally piloted by KCC Waste Management and Dover District Council (DDC). The course explains to small businesses and waste carriers how to deal with their waste legally and is being delivered by the DDC enforcement officer and KCC's Waste Enforcement Advisor. Unfortunately, take-up of the courses so far has been lower than hoped for. As a result, we may look to deliver fewer courses but spanning multiple districts (rather than 1 course per district as originally planned) and considering different tactics to increase engagement.
- 2.11 In the new year, we also plan to develop an engaging and visual e-learning package targeted at businesses looking to obtain a waste carriers license. The Environment Agency and Defra have shown interest in this initiative.

¹ Low Carbon Across the South East (LoCASE) is an EU funded project set up to help businesses tackle and adapt to climate change.

Enforcement technology

- 2.12 The funding has also been used to purchase some additional technical equipment to tackle environmental crime. This consists of some cameras, trackers and SmartWater. The equipment can be used to monitor flytipping 'Hot Spots' or used to target known offenders. District and borough councils have been working with KCC's Waste Enforcement Advisor to identify hotspots, with some equipment already having been deployed.

Enforcement signage

- 2.13 New signage utilising the #KeepKentClean branding is being deployed across Kent at flytipping hotspots by the district and borough councils. The signage explains that 'we are watching', that CCTV is active locally, explains the consequences of flytipping and how to report flytipping. The signage is also 'glow in the dark', acting as a deterrent, useful when people may consider flytipping at night. Authority Aware tape has also been provided to all districts across Kent to place around flytips before it is collected, similar to police tape. 'Take Your Litter Home' signage has also been deployed at key locations across Kent.

Magistrates' Training

- 2.14 In the coming months, KCC Waste Management with support from Kent Police, the NFU and the KRP will be contacting the Magistrates Association to raise awareness of environmental crime within Kent. If there is interest, we will arrange a presentation and training which will be delivered by district enforcement staff, KCC, Kent Police and the NFU. The aim is to encourage larger fines or sentences to be given.
- 2.15 The maximum fine available for flytipping is:
- £50,000, or 12 months imprisonment (Magistrates)
 - Unlimited fine and up to 5 years imprisonment (Crown Court)

In Kent, the average fine provided is £596 with very few cases resulting in a custodial sentence, which highlights the reasons for awareness raising. Victim impact statements will be presented to highlight real cases of the impact of flytipping on communities and businesses in Kent.

Consistency of reporting

- 2.16 One of the key areas to tackle working across the KRP is consistency of reporting flytipping data. District/ borough councils are required to report flytipping statistics to Defra via a system called Waste Data Flow. There is a national issue with the consistency of reporting, where for example, different local authorities interpret what constitutes flytipping and 'types' of flytipping differently. To ensure we are consistent in Kent, we are going to work with all district/ borough councils to develop a consistent reporting standard, culminating in a training session in February 2020, with the consistent reporting commencing in April 2020.

3. Success Measures

- 3.1 The success measures for the various actions, remain as below:

- **Days of action** – vehicle stops, vehicle seizures, Fixed Penalty Notices, arrests, prosecutions. Effectiveness of the documentary – number of people reached, social media posts
- **Duty of Care Communications Campaign** – number of people reached, shares on social media, more people know what to do
- **Duty of care small business course** – number of attendees, feedback, Defra considering completion of course prior to waste carrier's licence being given, number of times e-learning undertaken
- **Enforcement technology** – enforcement action taken, Fixed Penalty Notices given, increase in fines and prosecutions as a result of evidence obtained by technology
- **Enforcement signage** - fly tipping reduced at hotspots, reduction in litter, fewer multiple reports of the same incident of fly tipping as a result of the 'authority aware' type
- **Magistrates training** – increase knowledge and awareness, greater fines and sentences given for fly tipping offences
- **Consistency of reporting** – all district report in a consistent manner, resulting in data being more reliable and comparable

3.2 Ultimately the aim is for a reduction in instances of fly tipping and an increased number of prosecutions.

3.3 Through a strong communication campaign with householders and businesses alike, it is hoped that those illegitimate businesses, undercutting legitimate businesses, will eventually be starved of waste to collect and therefore reduce instances of flytipping.

4. Conclusions

4.1 Fly tipping is an anti-social crime often carried out by local criminal gangs and Organised Crime Groups and has a devastating impact on local communities and the environment.

4.2 Work is on track to help reduce the level of fly tipping in Kent through better enforcement and better communication between Local Authorities, Kent Police, private landowners and other parties.

4.3 KCC's investment is allowing more of what is already working to be undertaken across Kent. With many of the actions already in progress and with more to come, we will continue to work with all partners to monitor the success of the actions.

5. Recommendation

Recommendation: The Cabinet Committee is asked to note and comment on the actions undertaken as part of the flytipping enforcement plan since July 2019 and the planned actions for the coming months.

6. Appendices

Appendix A - Fly Tipping Enforcement Plan Report - Environment & Transport
Cabinet Committee 16 July 2019

7. Report Author

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From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 16 July 2019

Subject: Fly Tipping Enforcement Plan

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All

Summary: KCC has committed £250,000 to reduce the level of fly tipping in Kent, building on the close work already undertaken with district and borough councils, Kent Police and other partners through the Kent Resource Partnership to tackle this crime. The funding will assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.

This report updates Cabinet Committee on the current and future actions plan to address this anti-social behaviour.

Recommendation: The Cabinet Committee is asked to note and comment on planned actions and success measures in the fly tipping enforcement plan.

6. Background

- a. Fly tipping is anti-social and a crime often carried out by local criminal gangs. Kent residents bear the cost of fly tipping through the added disposal costs and the disruption caused by the blocking of highways.
- b. To tackle this issue the County Council works closely with the District and Borough Councils and Kent Police and we have a long history of joint working through the well-established Kent Resource Partnership.
- c. In May 2019, KCC committed £250,000 to develop a fly tipping enforcement plan to reduce the level of fly tipping in Kent. The funding will assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.

7. Current Action

- a. The Cabinet Member for Planning, Highways, Transport and Waste has held one-to-one meetings with all district and borough leaders to understand how KCC can help to support them further. The Cabinet Member has also met with the Police and Crime Commissioner (PCC) who has agreed to assist the actions being taken and has made an offer of financial support through the Crime Support Units. A letter has also been sent from the Cabinet Member to the Chief Constable requesting his personal support and to seek views of how the additional funding can help Kent Police to increase levels of enforcement action and successful prosecutions.
- 2.3 Chief Inspector Rachel McNeil has been appointed to lead for Kent Police.
- 2.4 Meetings have also been held with the Kent Environment Crime Practitioners' Group, Kent Resource Partnership, Environment Agency, National Farmers Union and the Vehicle and Operations Service Agency (VOSA).
- 2.5 Planned action will include more electronic surveillance including mobile CCTV and covert cameras to enable better targeting of criminal activity and use of Apps such as Country Eye, which is already supported by the PCC. There will be even greater sharing of intelligence between agencies to enable better collation of statistics and communications to identify trends for targeted action and to alert householders and businesses and inform magistrates.
- 2.6 In the last year, officers from Local Authorities across Kent together with Kent Police have been working together in a joint operation "Op Assist", which involves days of action with other partners to crack down on fly tipping and unlicensed waste collectors across Kent.
- 2.7 Building on successful work in North Kent which led to a number of prosecutions in May, on 12 June, Op Assist was carried out in five districts; Ashford, Canterbury, Folkestone & Hythe, Dover and Thanet. 107 vehicles commercial vehicles were stopped and checked to ensure drivers had the correct documentation and licences. During the operation,
- 27 local authority producer notices were issued¹
 - 5 local authority fixed penalty notices were issued
 - 5 vehicles were seized
 - 1 person was arrested for drink driving
 - 2 persons were reported for driving whilst disqualified
 - 4 prohibition notices were issued by VOSA
 - 1 deflection rectification notice was issued and
 - 1 stolen woodchipper was recovered and an arrest is pending
- 2.8 Due to the success and impact of these 'days of action', we will work with district and borough councils, Kent Police and other partners to deliver more frequent events, ensuring high visibility to the public.

¹ A Local Authority Producer notice is a notice provide by the relevant LA to the individual transporting the waste, which asks them Page 168
to provide their waste carrier's details and waste transfer notices within a set period of time at the relevant local council office.

8. Future Actions

- a. The following actions are being pursued which will form the basis of a fly tipping enforcement action plan.

i. Duty of Care Communications Campaigns

- b. There will be targeted campaigns to engage residents and small businesses. A PR consultant will be engaged to help draft a Kent-based campaign using videos, social media, paid advertising, billboards and point of sale advertising.

(ii) Duty of Care Small Business Course

- c. Using LOCASE funding we will look to roll out Kent wide small business waste courses piloted by KCC Waste management and Dover District Council (DDC). The course will explain to small businesses and waste carriers how to deal with their waste legally. The course will be delivered by the DDC enforcement officer *and* KCC's Waste Enforcement Advisor.
- d. We will also develop an engaging and visual e-learning package targeted at businesses looking to obtain a waste carriers license. The Environment Agency, Federation of Small Businesses, Kent Invicta Chamber of Commerce and trading standards contacts are already engaging in this initiative. Defra has also shown an interest.

(iii) Days/ nights of action

- e. This will have a documentary focus covering each stage of enforcement activity from evidence gathering, identifying the target and filming vehicle seizures/ stops. The documentary will be supported by press releases and social media messaging. There will be a sharing agreement in place across all parties to ensure maximum public accessibility and visibility.

(iv) Building on #keepkentclean

- f. Fly tipping hotspot signage will be produced; '#keepkentclean' and rolled out countywide at hotspots. We will also install 'Take your litter home' signs at district litter hotspots and 'Authority aware' tape for use at fly tips (similar to police tape).

(v) Magistrates Training

- g. We are contacting the Magistrates Association to raise awareness of environmental crime within Kent. If there is interest, we will arrange a presentation and training which will be delivered by district enforcement staff. The aim is to encourage larger fines or sentences to be given.

(vi) Trackers/ covert equipment/ mobile CCTV cameras/ other related technology

- h. Central resource covert cameras will be placed in appropriate hotspots countywide and we will use trackers and Smartwater as part of sting operations and mobile CCTV cameras to identify any vehicles of interest.

(vii) Automated phone system for intelligence reports

- i. Completion of intelligence reports and the sharing of this information between relevant partners is vital to the success of the enforcement plan. Many enforcement officers state they do not have the time to complete intelligence reports. KCC's Intelligence Manager has suggested that an automated phone system, where enforcement officers could leave a message, to then be downloaded each morning by the intel team, could be beneficial and encourage intel to be submitted.

9. Success Measures

- a. A number of success measures are being developed around each action including:
- **Duty of Care Communications Campaign** – number of people reached, shares on social media, more people know what to do
 - **Duty of care course** – number of attendees, feedback, Environment Agency considering completion of course prior to waste carrier's licence being given, number of times e-learning undertaken
 - **Days / nights of action** – vehicle stops, vehicle seizures, Fixed Penalty Notices, arrests, prosecutions. Effectiveness of the documentary – number of people reached, social media posts
 - **#keepkentclean** – fly tipping reduced at hotspots, reduction in litter, fewer multiple reports of the same incident of fly tipping as a result of the 'authority aware' type
 - **Magistrates training** – increase knowledge and awareness, greater fines and sentences given for fly tipping offences
 - **Trackers/ covert equipment/ mobile CCTV cameras/ other related technology** – enforcement action taken, Fixed Penalty Notices given, increase in fines and prosecutions as a result of evidence obtained by technology
 - **Automated phone system for intel reports** – increase in intel reports received via system and how intel is then used to support investigations (and resultant outcomes)
- b. Ultimately the aim is for a reduction in instances of fly tipping and an increased number of prosecutions.
- c. Through a strong communication campaign with householders and businesses alike, it is hoped that those illegitimate businesses, undercutting legitimate businesses will eventually be starved of waste to collect and therefore reduce instances of flytipping.
- d. In addition, it is proposed that a Cross Party Member Group be established to consider all aspects of this enforcement action plan, and other related waste matters.

10. Conclusions

- a. Fly tipping is an anti-social crime often carried out by local criminal gangs and Organised Crime Groups and has a devastating impact on local communities and the environment.

- b. The County Council works closely with the District and Borough Councils and Kent Police and we have a long history of joint working through the well- established Kent Resource Partnership. We are in a strong position to continue to work together to tackle flytipping and will utilise the Kent Resource Partnership as the means in which communication and education will be made with the public, businesses and partners.

11. Recommendation

Recommendation: The Cabinet Committee is asked to note and comment on planned actions and success measures in the developing fly tipping enforcement plan.

12. Report Author

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From: Susan Carey, Cabinet Member for Environment
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: Adoption of Household Waste Recycling Centre Enforcement Policy

Decision No: 19/00091

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: For decision by Cabinet Member for Environment

Electoral Division: Whole of Kent

Summary: The purpose of the Enforcement Policy is to determine good practice and to demonstrate clarity and consistency in the delivery of environmental enforcement duties and powers relevant to Kent County Council's delivery of the Household Waste Recycling Centre (HWRC) service. The intended audience of the Enforcement Policy is members of the public, and our partners, in order to help ensure that KCC's approach to enforcement at the HWRCs is open and fair. The Policy has been reviewed and approved by Invicta Law.

The policy addresses several issues which can occur at HWRCs including: Abuse of staff and other customers, trade waste abuse, theft of materials, fly-tipping outside the sites, and non-adherence to HWRC policy.

The Enforcement Policy is largely an aggregation of existing policies. There are no substantive changes to policies already agreed by Members, however, as this document may need to be disclosed or called upon in legal proceedings, a Key Decision is required to approve the Policy.

The Enforcement Policy aims to clarify procedures that may be taken to ensure compliance with existing KCC HWRC operating policies by site users.

Recommendation:

The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Environment to introduce the Enforcement Policy which will support KCC and their contracted HWRC Providers in the effective, transparent and permitted delivery of HWRC waste enforcement practices as shown at Appendix A.

1. Background

- 1.1 KCC Waste Management operates a network of 18 HWRCs for Kent's 1.6m residents to dispose of their household waste. KCC has a statutory requirement to provide HWRCs for Kent residents to deposit their own household waste, as set out in the Environmental Protection Act 1990 (EPA 1990 part 2, 51b). It is unlawful for trade/commercial waste to be disposed of at any of KCC's HWRCs.
- 1.2 Kent's HWRCs are currently managed by 3 private waste management companies (Commercial Services Kent Limited, FCC and Biffa). These organisations manage the day-to-day operation of the HWRCs on behalf of KCC.
- 1.3 There are several policies and procedures in place which aim to prevent unlawful activity at the HWRCs, namely abuse of staff and other customers, trade waste abuse, theft of materials, fly-tipping outside the sites, and non-adherence to HWRC policy. However, there is not a published policy which states the actions that can be taken by KCC and its partners to enforce against these unlawful activities. The Enforcement Policy has therefore been prepared which can be disclosed or called upon in Legal proceedings.

2. Enforcement Policy

- 2.1 The Enforcement Policy allows KCC and its partners to:
 - Carry out enforcement in a fair, practical and consistent manner
 - Meet enforcement objectives through the provision of advice and information to individuals and businesses. Where there is a degree of risk or impact to residents, businesses, the Council, or where the law demands a robust approach, then the actions identified in the Enforcement Policy will be utilised.
- 2.2 Enforcement is any formal or informal action taken to prevent or rectify infringements of legislation or policy. The enforcement options may differ where different areas of legislation are used, but the principles of application should remain consistent.
- 2.3 Enforcement includes visits, inspections, verbal and written advice, assistance with compliance, written warnings, the serving of statutory notices, issuing of fixed penalty notices (through relevant district/ borough council), formal cautions, prosecutions, and liaison and co-operation with other enforcement authorities and organisations where appropriate.
- 2.4 There are no financial implications to the introduction of this policy, however greater enforcement practices should ensure HWRC policies are upheld and deter non-adherence, therefore providing savings to the service.
- 2.5 Appendix B shows the detail of the full HWRC Enforcement Policy document. However, in summary, the Enforcement Policy details the actions which can be taken to address the following issues which may occur at HWRCs:
- 2.6 **Abuse of staff and other customers**

This relates to instances where a member of staff, or indeed another customer(s) is subjected to harassment, physical harm or verbal abuse by a site user.

All staff are expected to be able to work in safe conditions and experience no harassment or physical abuse. Harassment is unwanted or unjustified behaviour which affects the dignity of anyone in the workplace, and which the recipient finds threatening, demeaning or offensive as set out in the Health and Safety at Work Act 1974.

2.7 Trade Waste

HWRCs are provided for residents for the disposal of household waste only. It is unlawful for trade/commercial waste to be disposed of at any of KCC's HWRCs. As such, and due to the high cost for disposing of this waste, KCC has several policies in place to prevent trade waste from coming through its HWRCs, coupled with a reliance upon monitoring and enforcement. The HWRC contractors and KCC will work together to ensure trade waste is not being taken in to the HWRCs. The deposit of trade waste at a HWRC is deemed illegal under Section 34 of the Environmental Protection Act 1990, Duty of Care.

2.8 Theft of materials

Theft of materials from the HWRCs means where a person or persons other than those contracted to do so, removes waste materials or equipment without permission. The removal of materials or equipment without prior consent of the authority or site contractor is theft. This could also relate to theft of materials from a KCC Waste Transfer Station.

2.9 Fly-tipping

Any waste left at the entrance of our HWRCs is classed as fly-tipping. Any person suspected of committing fly-tipping at the entrance of our HWRCs, can be investigated further under Section 33 of the Environmental Protection Act 1990.

2.10 Non-adherence to HWRC policy

KCC has various operating policies in force at all HWRCs. Non-adherence is where a person disregards site management policy e.g. limits and/or charging for specific material streams, type of vehicle used to access sites, and health and safety policies. For details of current policies please see the HWRC Operating Policies at www.kent.gov.uk/waste. Any enforcement action will be undertaken by KCC with support from HWRC Contractors. Failure to comply with the terms and conditions of KCC's operating policies may lead to further action and investigations.

3. Legislation

3.1 In order to investigate financial crime within the Waste Disposal Authority, KCC can investigate offences under the Environmental Protection Act 1990, The Fraud Act 2006, The Theft Act 1968 and 1978 and various other legislations

3.2 Under section 222 of the Local Government Act 1972, KCC can undertake prosecutions if the local authority considers it expedient for the promotion or protection of the interests of the inhabitants of their area. They prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name.

- 3.3 Working in partnership with the Kent District and Borough Councils, KCC can also investigate under delegated powers, offences under the Environmental Protection Act 1990.
- 3.4 These offer a wide range of powers to enable KCC to fulfil the duties for which it is responsible.

4. Equalities and Data Protection implications

- 4.1 An Equality Impact Assessment (EqIA) was completed to ensure consideration was given to the impact of introducing this policy. This initial assessment indicated that any impact on users could be reasonably mitigated.
- 4.2 A Data Privacy Impact Assessment (DPIA) initial screening was undertaken which found that a DPIA is not necessary as no personal data is collected, shared, used or processed as part of the production of the HWRC Enforcement Policy itself or as a result of the policy. It did recognise that DPIAs may be required for individual enforcement activities which arise as a result of implementation of the policy.

5. Next Steps

- 5.1 Following consideration of the recommendations by Environment and Transport Cabinet Committee (ETCC), a final decision will be taken by the Cabinet Member for Environment on whether to introduce the HWRC Enforcement Policy.

6. Conclusion

- 6.1 KCC has several policies and procedures currently in place to combat abuse of the HWRC service. Clear and transparent enforcement of existing policies along with targeted communications will encourage responsible behaviours and avoid wrongdoing, as well as making financial savings and reducing demand/capacity at the HWRCs. The introduction of this policy will strengthen enforcement procedures, helping to protect the HWRC service and making it more accessible for residents. The Policy will be published on kent.gov.uk.
- 6.2 The Enforcement Policy will be reviewed and updated as and when substantial changes occur. New legislation or changes to HWRC operating policy may introduce new types of powers and possible enforcement actions which may also require updates to the document.

7. Recommendations

The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Environment to introduce the Enforcement Policy which will support KCC and their contracted HWRC Providers in the effective, transparent and permitted delivery of HWRC waste enforcement practices as shown at Appendix A.

8. Background Documents

- 8.1 Appendix A: PROD KCC Household Waste Recycling Centre Enforcement Policy
- 8.2 Appendix B: KCC Household Waste Recycling Centre Enforcement Policy
- 8.3 Appendix C: Equalities Impact Assessment

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Susan Carey, Cabinet Member for Environment

DECISION NO:

19/00091

For publication

Key decision*

Yes – impacts across all divisions

Subject: Household Waste Recycling Centre Enforcement Policy

Decision:

As Cabinet Member for Environment, I am taking the decision to:

Introduce an Enforcement Policy to clearly identify procedures in relation to the delivery of environmental enforcement duties and powers relevant to Kent County Council's Household Waste Recycling Centre (HWRC) service.

The Enforcement Policy document will be published on www.kent.gov.uk and includes actions which can be taken to address the following issues which may occur at HWRCs:

- Trade waste
It is unlawful for trade/commercial waste to be deposited at KCC HWRCs
- Theft of materials
Where waste materials or equipment is removed without permission
- Fly-tipping
At the entrance of HWRCs
- Abuse of staff and other customers
Harassment, physical harm or verbal abuse by a site user
- Non-adherence to HWRC policy
Where site management policies and health and safety procedures are disregarded by a site user

In reaching this decision I have taken into account:

1. The views of the KCC Waste Management Service
2. The Equality Impact Assessment
3. The views of the Environment and Transport Cabinet Committee

Reason(s) for decision:

Analysis has shown that the current waste infrastructure will not cope with the expected levels of waste growth anticipated as a result of the forecast population increase. Waste Management Officers are developing projects and policy changes designed to reduce demand on site and create clearer intelligence that will enable stronger and more successful enforcement actions against individuals defrauding the Authority, for example, through illegal disposal of trade and commercial waste.

KCC has several policies and procedures currently in place to combat abuse of the service. Clear and transparent enforcement of existing policies along with targeted communications will encourage responsible behaviours and avoid wrong-doing, as well as making financial savings and reducing

demand/capacity at the HWRCs. The introduction of this policy will aid enforcement procedures helping to protect the HWRC service, making sites more accessible for residents.

Introduction of this policy will support KCC and their contracted HWRC Providers in the effective delivery of HWRC waste enforcement practices.

Cabinet Committee recommendations and other consultation:

The proposal is being discussed by Members of Environment and Transport Cabinet Committee at their meeting on 29 November 2019.

Any alternatives considered:

None

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

Appendix B

Kent County Council Household Waste Recycling Centres Enforcement Policy



Version 1: October 2019



1.0 Background, purpose and aims of the document

1.1 Background

Kent County Council (KCC) operates 18 Household Waste Recycling Centres (HWRCs) within Kent for Kent residents to dispose of their household waste. In addition, 6 of these sites also operate Waste Transfer Stations (WTS) for the deposit and bulk loading of waste materials collected and delivered by the District and Borough Councils of Kent, as well as trade waste from businesses at some of the sites.

KCC has a statutory requirement to provide HWRCs for Kent residents to deposit their own household waste, as set out in the Environmental Protection Act 1990 (EPA 1990 part 2, 51b).

Kent's 18 HWRCs are currently managed by 3 private waste management companies. These organisations manage the day-to-day operation of the HWRCs on behalf of KCC:

Facility	Managed by
Ashford HWRC & WTS	Biffa Ltd
Canterbury HWRC	Biffa Ltd
Dartford HWRC	Commercial Services Kent Limited
Deal HWRC	Biffa Ltd
Dover HWRC & WTS	Biffa Ltd
Faversham HWRC	Biffa Ltd
Folkestone HWRC	Biffa Ltd
Gravesham/Dartford HWRC & WTS	FCC Environment
Herne Bay HWRC	Biffa Ltd
Margate HWRC	Biffa Ltd
Maidstone HWRC	Commercial Services Kent Limited
New Romney HWRC	Biffa Ltd
Sandwich HWRC (Richborough)	Biffa Ltd
Sevenoaks HWRC & WTS	Commercial Services Kent Limited
Sittingbourne HWRC & WTS	Biffa Ltd
Sheerness HWRC	Biffa Ltd
Swanley HWRC	Commercial Services Kent Limited
Tunbridge Wells HWRC & WTS	Commercial Services Kent Limited

1.2 Purpose of the document

The purpose of this enforcement policy is to determine good practice and to demonstrate clarity and consistency in the delivery of those environmental enforcement duties and powers relevant to KCC's functions to deliver a HWRC service.

This relates to the following issues which can occur at the HWRCs:

1. **Trade waste abuse** – where a person deposits, or attempts to deposit, trade or commercial waste (waste emanating from a business) at a HWRC.
2. **Theft of materials** – where a person or persons other than those contracted to do so, removes waste materials from the HWRCs/WTSs without permission.
3. **Fly-tipping** – Waste is sometimes left at the entrance to the HWRC
4. **Abuse of staff and other customers** – where a member of staff or any other HWRC user/ customer is subjected to harassment, physical harm or verbal abuse by a site user.
5. **Non-adherence to HWRC policy** – where a person disregards site management policy e.g. limits and/or charging for specific material streams, type of vehicle used to access sites, and health and safety policies.

The intended audience of this enforcement policy is members of the public and any other interested parties in order to help ensure that KCC's approach to enforcement at the HWRCs is as open and fair as possible. It will be published on the KCC website.

1.3 Aims

This policy document aims to:

- Carry out enforcement in a fair, practical and consistent manner
- Meet enforcement objectives through the provision of advice and information to individuals and businesses and where the degree of risk or impact to residents, businesses, the Council, or the law demands a robust approach, then these actions will also be utilised.

2.0 Definition of enforcement

Enforcement is any formal or informal action taken to prevent or rectify infringements of legislation or policy. The enforcement options may differ where different areas of legislation are used, but the principles of application should remain consistent.

Enforcement includes visits, inspections, verbal and written advice, assistance with compliance, written warnings, the servicing of statutory notices, issuing of fixed penalty notices (through relevant district/ borough council), formal cautions, prosecutions, and liaison and co-operation with other enforcement authorities and organisations where appropriate.

KCC aims to carry out its waste enforcement policy in a fair, equitable and consistent manner.

3.0 Legislation

In order to investigate financial crime within the Waste Disposal Authority, KCC can investigate offences under the Environmental Protection Act 1990, The Fraud Act 2006, The Theft Act 1968 and 1978 and various other legislations.

Under Section 222 of the Local Government Act 1972, KCC can undertake prosecutions if the local authority considers it expedient for the promotion or protection of the interests of the

inhabitants of their area. They may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name.

Working in partnership with the Kent District and Borough Councils, KCC can also investigate under delegated powers, offences under the Environmental Protection Act 1990.

These offer a wide range of powers to enable KCC to fulfil the duties for which it is responsible.

4.0 Enforcement options

Where action is required a formal decision will need to be made on a case-by-case basis. This will require the prosecuting authority to conduct a test under the Code for Crown Prosecutors. This is a two-tier test- 1) Public Interest 2) Evidential Test. Both tests will need to be satisfied for the prosecuting authority to bring a prosecution. A copy of the Code can be found [here](#) which explains the criteria that the prosecuting authority will need to satisfy, but individuals are recommended to obtain independent legal advice on the code if necessary.

In all cases the priority will be to resolve the situation, rectify any problems and recoup any losses to the authority. Other options will be considered and implemented if deemed appropriate to fulfil the purpose. The range of enforcement options available includes the following:

No action or advice provided

In certain circumstances, e.g. where the risk to, or detrimental impact on the community, Kent County Council, its contractors or environment is small, contravention of the law or HWRC operating policies may not warrant any action. However, those in question will be provided with sufficient information in identifying their wrong-doing and actions to undertake to avoid further instances of wrong-doing. Providing advice can also be used in circumstances where an individual or group may be unaware of their non-compliance with the law or policies.

Indirect action

This may include referring the issue to another body for enforcement action, e.g. Trading Standards, the Police or a District/ Borough council.

Written warning

If deemed appropriate, for some waste related issues we will write to the individual setting out the concerns of the authority, and the relevant legislation/policies. This may apply where an offence has been committed but it is not thought appropriate to take any further action, in which case the suggested corrective action and a timescale will be given together with access to clear advice and guidance. Failure to comply with the advice or the deadline could result in further enforcement action being taken.

Waste Disposal Costs

There may be occasions where KCC or its HWRC contractor have paid for the disposal of waste incurred from illegal activity e.g. the disposal of trade waste or non-payment of chargeable materials. In this case, KCC can issue an invoice or request payment to seek to recover these disposal costs. If this payment remains unpaid by the offender, KCC can undertake debt recovery and may be preferable to court proceedings. In all cases it is important to ensure that proof of illegal disposal is clear.

Statutory Notice

These are used as appropriate in accordance with relevant legislation (they usually require offenders/ individuals to take specific action or to cease certain activities) e.g. to behave in a way which is not anti-social, nor cause a nuisance to any other user or staff member of the site. Should the individual not comply, KCC reserves the right to withdraw permission of entry to all HWRCs in Kent and to call the Police to assist with removal from site. Restricting access to sites could range from restriction of the HWRC site/ time/ day of access, to a time limited ban from all KCC HWRCs.

Simple Caution

This is used to deal quickly and simply with less serious offences and to avoid appearances in criminal courts. A formal or simple caution may be given to an offender who has admitted the offending.

KCC will consider a formal caution in the following circumstances:

- if there is sufficient evidence to prove the case
- if the offender has admitted the offence
- if the offender has agreed to be cautioned
- if the offence has not been committed by the offender before.

Prosecution

The process for bringing a prosecution has already been explained above.

Where it is necessary to carry out a full investigation, the case will be progressed without undue delay. All investigations into alleged breaches of legislation will be conducted in compliance with statutory powers and all other relevant legislation (and relevant Codes of Practice), including the requirements of:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996 (CPIA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Human Rights Act 1998 (HRA)

As part of the investigation process, persons suspected of breaching legal requirements will, wherever possible,

- Be requested to attend a formal interview in accordance with PACE

Be given the opportunity to provide an explanation or make any additional comments about the breach

- Be entitled to be accompanied by their legal representative

Before a decision to prosecute is taken, the alleged offence(s) will be fully investigated, a report compiled by the investigating officer for review by a manager and legal services.

We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, including potential harm and loss and its significance in making the decision.

Proceeds of Crime Actions

The purpose of the Proceeds of Crime (POC) action is to recover the financial benefit that the offender has obtained from the relevant criminal conduct. Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in serious cases. Proceedings are conducted according to the civil standard of proof.

Prosecution costs

The council should always seek to recover the costs of the investigation and court proceedings as part of any prosecution. All investigations must be conducted in accordance with the requirements of PACE, (and Codes of Practice), the CPIA (and Codes of Practice) and other relevant enactments related to the conduct of such criminal investigations.

Enforcement technology

KCC utilises a range of technologies to support the day to day operation of the HWRCs. Some of this technology can also be used to help with enforcement at the sites. This includes CCTV, Automatic Number Plate Recognition (ANPR) and body worn camera/ videos. Please refer to the Household Waste Recycling Centre and Enforcement Surveillance Equipment privacy notice which describes the personal information we collect in order to undertake the enforcement activities available [here](#).

5.0 Enforcement actions at HWRCs

5.1 Trade Waste

Household Waste Recycling Centres are provided for residents for the disposal of household waste only. It is unlawful for trade/commercial waste to be disposed of at any of KCC's HWRCs, which is a service provided for the disposal of household waste only by residents. As such, and due to the high cost for disposing of this waste, KCC has a number of policies in place to prevent trade waste from coming through its HWRCs, coupled with a reliance upon monitoring and enforcement. The HWRC contractors and KCC will work together to ensure trade waste is not being taken in to the HWRCs. The deposit of trade waste at a HWRC is deemed illegal under Section 34 of the Environmental Protection Act 1990, Duty of Care.

You need to be registered as a Waste Carrier with the Environment Agency (EA) to carry your own waste (Lower Tier waste carrier) or other people's waste (Upper Tier waste carrier).

Householders also have a [Duty of Care](#) to check that anyone they use to take away and dispose of their domestic waste is registered with the EA as a Waste Carrier. This includes persons advertising 'Tip Runs / Waste Removal services' on social media. Householders could be prosecuted for failing to comply with their Duty of Care if they fail to take reasonable measures to ensure their domestic waste is not handled by an unauthorised waste carrier. The unlawful deposit of trade waste at a HWRC could also be investigated under the Fraud Act 2006 if required.

What actions can KCC take?

1. If a site operative at the HWRC suspects that the waste you are depositing relates to a business, they will ask you to complete a non-commercial and non-industrial waste form, known as a trade waste form. This states that the waste is from your own household and not connected with a business.
2. Failure to cooperate with this request may lead to you being asked to leave the site. Further investigations will be made into the origin of the waste which could form part of a criminal investigation.
3. Photographs and body worn video of your waste and vehicle may be taken by the site operative as evidence in this matter
4. You may receive an advice letter in the post, which will explain the terms and conditions of use of the HWRCs, and a business waste guide in the event you may require further information on how to deal with business waste
5. You may be required to attend a recorded interview to determine your use of the sites. This will enable you to provide your version of the events surrounding your visit to the HWRC. It will also enable the Council to offer you advice on how to handle your waste.
6. Investigations could result in no action being taken, referral to another body for action, a caution, recovery of waste disposal costs, or prosecution etc.

This is to ensure that the HWRCs are being used appropriately and that the tax payer is not paying for any business waste deposited.

5.2 Theft of materials

Theft of materials from the HWRC means where a person or persons other than those contracted to do so, removes waste materials or equipment without permission. The removal of materials or equipment without prior consent of the authority or site contractor is theft. This could also relate to theft of materials from a KCC Waste Transfer Station.

Once materials have been deposited at the HWRCs/Waste Transfer Stations they are the property of the authority or the waste management contractor and therefore removal of this waste without consent is considered theft under Section 1 of the Theft Act 1968, which KCC and the contractor will gather evidence and work with Kent Police to investigate and prosecute as required.

What actions can KCC take?

1. Details of any person suspected of stealing from our HWRCs or Waste Transfer Stations will be reported to the Police.
2. HWRC site staff and KCC will fully support the Police in their investigations and supply the required evidence, including Body Worn Camera footage, CCTV footage and Automatic Number Plate Recognition (ANPR) evidence. This could result in prosecution by the Police.

5.3 Flytipping

If waste is left at the entrance of our HWRCs this is classed as fly tipping. Any person suspected of committing fly tipping by the entrances to our HWRCs, will be investigated further under Section 33 of the Environmental Protection Act 1990.

What actions can KCC take?

1. KCC (together with the relevant district/ borough council as appropriate) will investigate instances of fly tipping outside the HWRC
2. This could lead to the issue of a Fixed Penalty Notice, possible seizure of your vehicle or court action.

5.4 Abuse of staff and other customers

This relates to instances where a member of staff, or indeed another customer(s) is subjected to harassment, physical harm or verbal abuse by a site user.

All staff are expected to be able to work in safe conditions and experience no harassment or physical abuse. Harassment is unwanted or unjustified behaviour which affects the dignity of anyone in the workplace, and which the recipient finds threatening, demeaning or offensive as set out in the Health and Safety at Work Act 1974.

KCC expects customers who are using their HWRCs to behave in a way which is not anti-social, nor cause a nuisance to any other user or staff member of the site.

The HWRCs have site operatives and supervisors employed directly by the HWRC contractors, and from time to time agency staff, who are responsible for the smooth and successful operation of the sites. This policy will also apply to any other visitors to the HWRCs.

It should be noted all site users should also expect the site staff to be polite, courteous, helpful and professional at all times. In the event that this is not the case, this should be reported to the HWRC Contractor in the first instance as a complaint, and they will be required to investigate the incident. If a satisfactory response is not received, the complainant should then contact KCC who will undertake its own investigation.

The KCC HWRC Customer Charter can be found in Appendix A.

What actions can KCC take?

1. The first action will be for site staff to take any health and safety actions as necessary (i.e. administer first aid, complete an incident book entry, report to KCC, call the police).
2. All instances and injuries resulting from abuse, violence and aggression at the HWRCs will be reported to Kent Police. The Police will undertake their own investigations.
3. Photographs and body worn video, CCTV and ANPR may be used as evidence in investigations
4. If the Police do not act, consideration should be given to seeking other routes for protection. This could be a warning or, if necessary, a ban from site. The ban will be applied for by KCC, via the courts by way of an injunction, and if not complied with, enforced by civil action. Such orders could also have a penal notice attached to them, a breach of which would amount to contempt of court and result in imprisonment. An Injunction may be obtained in a number of ways, including trespass to land where they have been banned or where a warning has been given (verbally and recorded on a body worn video or in writing) that breaching rules will lead to them being banned. KCC can also apply for an Anti-Social Behaviour Order under the Anti-Social Behaviour, Crime and Policing Act 2014 The final decision will sit with KCC, will never be taken lightly and may not be permanent.

5.5 Non-adherence to HWRC policy

KCC have various operating policies in force at all our HWRCs. Non-adherence is where a person disregards site management policy e.g. limits and/or charging for specific material streams, type of vehicle used to access sites, and health and safety policies.

For details of current policies please see the HWRC Operating Policies at www.kent.gov.uk/waste and as provided in Appendix B.

This relates to policies set by KCC and therefore any enforcement action will be undertaken by KCC with support from HWRC Contractors. Failure to comply with the terms and conditions of KCC's operating policies may lead to further action and investigations.

What actions can KCC take?

1. All breaches of KCC HWRC policies will be investigated by KCC. Advice will be given in the first instance to ensure the customer is fully aware of the policy and to ascertain the reasons behind the breach.
2. Continued abuse of the policies will result in further action being taken.
3. You may be required to leave the site and not allowed to deposit your waste.
4. A formal written warning may be issued.
5. Failure to pay the relevant fees for disposing of the waste will be treated as a dishonest act and may amount to Theft under the Theft Act 1978, making off without payment or Fraud under the Fraud Act 2006.

6.0 Complaints

All complaints should be directed to KCC who can be contacted as follows:

Kent County Council
Waste Management
First Floor
Invicta House
Maidstone
Kent
ME14 1XX

Tel: 03000 41 73 73

Email: wastesupport@kent.gov.uk

7.0 Equal and Fair Treatment

Enforcement practices will be constantly monitored and reviewed to ensure that they are fair and equitable. Leaflets and other guidance will be made available in appropriate languages, wherever possible, and translation services will be made available when necessary.

8.0 Monitoring of policy

This policy will be reviewed and updated as and when substantial changes occur. There may be cases where decisions are made which fall out of scope of the current policy document, and this will be recorded and taken account of in subsequent reviews of the document. New legislation or changes to HWRC operating policy may introduce new types of powers and possible enforcement actions which will also require updates to this document.

This Waste Enforcement Policy has been considered by the Environment & Transport Cabinet Committee and a Member Decision taken thereafter.

Appendix Contents

Appendix A - HWRC Customer Charter

Appendix B - Household Waste Recycling Centres Operating Policies

Appendix A – Kent HWRC Customer Charter

Context

Kent County Council wants our residents' visits to the Household Waste Recycling Centres (HWRCs) to be a positive experience.

In order to achieve this we ask you to follow a few simple guidelines as laid down in our Customer Charter.

General

We ask residents to bring their household waste to the HWRCs in loads they can comfortably manage to carry themselves. At some HWRCs this may involve negotiating steps to access the relevant container. Wherever possible, residents should bring someone with them if they need help with bulky or heavier items.

The operators at the HWRCs will assist members of the public with their waste on request, however, they cannot be held responsible for any damage to residents' vehicles when doing so, and will not be able to assist with items that may put them at risk of personal injury.

All District and Borough Councils provide a chargeable bulky collection service for heavier household items of furniture.

What you can expect from us

- Our HWRCs to be clean and tidy.
- Our HWRCs to be safe, hazard free and to comply with relevant health and safety standards.
- The operators at our HWRCs to take responsibility for their own safety and ensure they do not do anything to endanger the safety of others on site.
- The operators at our HWRCs to be courteous, helpful and professional.
- The operators at the HWRCs to direct members of the public to the correct recycling containers with their waste.
- The operators at the HWRCs to manage any complaints in a professional and courteous manner.

What we expect from you

- To separate and recycle as much of your waste as possible in the appropriate containers.
- Please treat site staff with respect. They are here to help you.
- To park in the designated marked parking areas and adhere to the speed limit and traffic signs.

- It is not permitted to park outside the site and carry waste in.
- All waste should be a size and weight that is manageable so that you can easily lift it into the containers.
- To take responsibility for your own safety and ensure that you do not do anything to endanger the safety of yourself or others on site.
- Please follow any instructions given by the operators regarding health and safety.
- Please wear appropriate clothing and footwear, and wear safety or gardening gloves.
- To walk in the marked walkways and use the pedestrian crossings, where available.
- Report to an operator if you have hazardous waste e.g. chemicals, asbestos etc, or chargeable waste (soil, rubble, hardcore, plasterboard and tyres).
- To keep children under the age of 16 and animals in your vehicle at all times.
- To take care when depositing items into containers, especially the compactors.
- To not lean over into the containers.
- Notify an operator immediately if you spill anything on site e.g. paint, oil etc.
- To take extra care in wet, icy and snowy weather, particularly on the steps to the containers.
- To take responsibility for the safety of your personal items such as keys, handbags and mobile phones.
- You cannot take items or materials that have been deposited at these sites by others.
- To adhere to all other HWRC policies.
- Non compliances with site rules and policies may lead to enforcement action being taken against you.

Appendix B – HWRC Policies (published at www.kent.gov.uk/waste)

Household Waste Recycling Centres Operating Policies

Household Waste Recycling Centres are provided for residents for the disposal of your domestic waste only

Trailer size

You can bring trailers as well as a car as long as you're not exceeding the limit on soil, rubble, hardcore, tyres and asbestos.

Trailer bodies must comply with the following:

- Not more than 2.05m in length.
- Sides of trailers must not be built up to allow for more capacity; as this is unsafe, access will not be granted to site.
- Trailers must not be overloaded and must be within the vehicles towing capacity.
- No agricultural trailers or horse boxes are permitted.
- Trailers cannot be used with restricted vehicles as outlined in the 'vehicle restrictions' section of the operating policies.
- Conformance with all other HWRC policies.

Soil, Rubble and Hardcore

Charges apply for the disposal of soil, rubble and hardcore:

- £4 per bag/item
- Limit of 5 bags/items per day
- Any bag up to the size of a standard black sack may be used
- Part bags will be charged as per whole
- Payment by card only. Receipts are available

Plasterboard

Charges apply for the disposal of plasterboard:

- £6 per bag/sheet
- Any bag up to the size of a standard black sack may be used
- Part bags/sheets will be charged as per whole
- Payment by card only. Receipts are available

Tyres

Tyres are charged at £2.50 per tyre and limited to 5 per visit; car and motorbike tyres only. No commercial tyres will be accepted. Tyres are accepted at all Kent Household Waste Recycling Centres.

Household Waste Recycling Centres accept card payments only. Please request a receipt.

Asbestos

Waste asbestos cement products are accepted at all Kent Household Waste Recycling Centres, except Sheerness.

No more than 5 bags/sheets (or equivalent) per month.

The asbestos must be:

- double bagged or wrapped in plastic sheeting
- not sticking out from the packaging
- no more than 10 feet (3 metres) x 5 feet (1.5 metres)
- kept damp

Wear protective gloves and a face mask and do not break or cut the material.

The asbestos container is kept locked for health and safety reasons. Please ask a member of staff on site to unlock the container for you. They will not be able to help you lift the asbestos.

You will be required to complete a declaration of non-trade waste form confirming the waste is from your own home.

For large quantities, or if you need someone to collect the asbestos, contact the [Asbestos Removal Contractors Association](#) for a company near you.

Vehicle restrictions

Restricted vehicles including vans and pick-ups as well as domestic vehicles over 2 metres in height, require [vehicle vouchers](#) to enter the centres subject to application criteria.

Hire vans are not permitted access to the Household Waste Recycling Centres.

Vehicle Restrictions

Restricted vehicles including vans and pick-ups as well as domestic vehicles over 2 metres in height, require vehicle vouchers to enter the centres subject to application criteria.

Restricted vehicles

If the only vehicle in your household is a restricted type vehicle, your vehicle may qualify for [vouchers](#) if you are only bringing in your domestic waste.

Assessment criteria:

- Has a load carrying capacity section instead of rear seats and is 3.5 tonnes or less in weight and under 2 metres in height
- Van -with panels in place of any of the windows and / or no rear seats
- Car-derived van - with panels in place of any of the windows and / or no rear seats
- Pick-up or open back vehicle with single or double cab (crew cab) including those with and without a hard top.

Checks are undertaken to deter fraudulent applications.

It is illegal to dispose of waste from any business, trade or commercial activity at these sites.

Private vehicle

If the only vehicle within your household is a domestic type vehicle over 2 metres in height and less than 3.5 tonnes in weight, for example a camper van, your vehicle may qualify for vouchers to enter a site if you're only bringing in your domestic waste.

Checks are undertaken to deter fraudulent applications.

Vehicle Voucher renewals

You can [apply online for more vouchers](http://www.kent.gov.uk/waste). www.kent.gov.uk/waste

Customers with disabilities

If you have a disability and use a vehicle which is over 2m in height, please contact us at wastesupport@kent.gov.uk so we can make individual arrangements.

Alternative formats

For Easy Read, audio, Braille and alternative languages, please contact us at wastesupport@kent.gov.uk

Safety information

- It is not permitted to park outside the centre and carry waste in
- Children and animals must remain in your vehicle
- Threatening language or behaviour towards site staff will not be tolerated
- CCTV and Automatic Number Plate Recognition are in operation at all sites
- You can't take items or materials which have been deposited at these sites by others
- All waste should be a size and weight that is manageable so that you can easily lift it into the containers
- It is advisable when using the centre to wear sensible footwear and if bringing in items that are heavy or sharp, gloves are recommended.

Members of staff are on hand at the centres to help you if you need it, please just ask.

Business waste

It is illegal to dispose of waste from any business, trade or commercial activity at these sites. They are only for household waste.

Bulky waste

You can bring large, bulky, non-recyclable waste as long as you follow the policies.

Bulky items will be allowed on to the recycling centre site on a roof rack if the waste is deemed to be 'domestic' waste, with the height barrier opened to allow access.

Height barriers will not be opened for a vehicle with an empty roof rack if it exceeds the 2m height restriction.

Your local council also operates a bulky waste collection scheme for items which are too large to go into the normal collections or local bring banks.

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Appendix C

Kent County Council Equality Analysis/ Impact Assessment (EqIA)

Directorate/ Service:
GET / Waste Management

Name of decision, policy, procedure, project or service:
Household Waste Recycling Centre Enforcement Policy

Responsible Owner/ Senior Officer:
Hannah Allard, Waste Business Development Manager

Version:

Version	Author	Date	Comment
1	Kirsty Bareham	10/09/19	Initial draft
2	Hannah Allard	04/10/19	Amendments

Author:
Kirsty Bareham, Waste Business Development Officer

Pathway of Equality Analysis:

The Enforcement Policy will be taken to Environment and Transport Cabinet Committee on 29 November 2019. The Cabinet Member for Environment, Transport and Waste will take the decision after this date.

Summary and recommendations of equality analysis/impact assessment.

- **Context**

Kent County Council (KCC) Waste Management operates within a two-tier system as the Waste Disposal Authority (WDA), for receiving and disposing or onward processing of Kent's household waste.

This waste is collected by the district and borough councils as the Waste Collection Authorities (WCA) or delivered directly by householders to Household Waste Recycling Centres (HWRCs) around the County.

It is the statutory responsibility of the WDA to provide a HWRC service to residents in accordance with the Environmental Protection Act 1990;

EPA Section 51: Functions of waste disposal authorities

(1) It shall be the duty of each waste disposal authority to arrange:

(b) For places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited.

KCC currently operate 18 HWRCs around the County, six of which are collocated with a Waste Transfer Station (WTS) for the bulk loading of WCA collected household waste.

Updated 21/11/2019 04/10/2019

The Kent Waste Disposal Strategy (2017-2035) was adopted in February 2017 and sets out the overarching ambition for KCC Waste Management in managing waste generated by householders.

Enforcement of policies was reviewed and considered during the first phase implementation process. Although strong enforcement practices are already in place, it was felt a dedicated and transparent policy would enable customers and stakeholders to clearly understand KCC's duties to enforcement practices.

- **Aims and Objectives**

The purpose of the Enforcement Policy is to determine good practice and to demonstrate clarity and consistency in the delivery of those environmental enforcement duties and powers relevant to KCC's functions to deliver a HWRC service.

In this context, environmental enforcement relates to the following issues which can occur at the HWRCs:

1. **Trade waste abuse** – where a person deposits, or attempts to deposit, trade or commercial waste (waste emanating from a business) at a HWRC.
2. **Theft of materials** – where a person or persons other than those contracted to do so, removes waste materials from the HWRCs/WTs without permission.
3. **Fly-tipping** – where waste is left at the entrance to the HWRC.
4. **Abuse of staff and other customers** – where a member of staff or any other HWRC user/ customer is subjected to harassment, physical harm or verbal abuse by a site user.
5. **Non-adherence to HWRC policy** – where a person disregards site management policy e.g. limits and/or charging for specific material streams, type of vehicle used to access sites, and health and safety policies.

The intended audience of the Enforcement Policy is members of the public and any other interested parties in order to help ensure that KCC's approach to enforcement at the HWRCs is as open and fair as possible. It will be published on the KCC website.

Note: The Enforcement Policy is largely an aggregation of existing policies. There are no substantive changes to policies already agreed by Members.

The Enforcement Policy aims to clarify procedures that may be taken to ensure compliance with existing KCC HWRC operating policies by site users.

This EqlA considers the impact of introducing the Enforcement Policy.

- **Summary of equality impact**

Adverse Equality Impact Rating **Low**

Attestation

Updated 21/11/2019 04/10/2019

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning **Household Waste Recycling Centre Enforcement Policy**. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed:

Name: David Beaver

Job Title: Head of Waste Management
& Business Services

Date:

DMT Member

Signed:

Name: Simon Jones

Job Title: Director of Highways,
Transportation and Waste

Date:

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age			<ul style="list-style-type: none"> • Children are required to remain in vehicles at HWRCs and should not be directly using the facilities. Therefore, children should not be affected by the Enforcement Policy • Where Body Worn Cameras are utilised, children will not be filmed as they must remain in vehicles and site staff will also be informed as part of their training not to film children on site • Interviews will be arranged at a time that is reasonable and practical for all customers 	

			<ul style="list-style-type: none"> • Interviews are generally arranged to be held at district/ borough council offices as close to registered address of the interviewee as possible to reduce travel time 	
Disability			<ul style="list-style-type: none"> • Where facility users with disabilities are invited to interviews, local meeting venues with any required facilities will be used to ensure customers are able to attend and access the interviews at a time that is reasonable and practical • Information will be read to customers if requested. Audio copies of recorded interviews will be available as well as 	

			<p>a printed version upon request.</p> <ul style="list-style-type: none"> • With regards to the use of Body Worn Cameras on site, for those with hidden disabilities or mental health and wellbeing problems, site staff will be advised that if the customer informs site staff, they should ask if the customer is happy for filming to continue 	
Sex				
Gender identity/ Transgender				
Race			<ul style="list-style-type: none"> • Information regarding the Enforcement Policy and any related correspondent relating to enforcement actions will be available in alternative 	

			<p>languages where requested</p> <ul style="list-style-type: none"> • Interpreters will be provided where required for interviews 	
Religion and Belief			<ul style="list-style-type: none"> • Awareness of religious ceremonies - Every effort will be taken to ensure interviews are not arranged at a time that would affect the customers religion e.g. prayer times etc. 	
Sexual Orientation				
Pregnancy and Maternity			<ul style="list-style-type: none"> • Consideration will be given to customers with dependencies and family commitments to ensure any interviews/meetings are arranged at a time that is 	

			reasonable and practical	
Marriage and Civil Partnerships				
Carer's Responsibilities			<ul style="list-style-type: none"> • Consideration will be given to customers with carers responsibilities to ensure any interviews/meetings are arranged at a time that is reasonable and practical 	

Part 2

Equality Analysis /Impact Assessment

Protected groups

The initial screening has recognised that there may be a low negative impact on the following characteristics through the implementation of the Enforcement Policy:

- Disability
- Race
- Religion and Belief
- Pregnancy and Maternity
- Carer's Responsibilities

However, it should also be noted there may be positive impacts by the introduction of the Enforcement Policy, as current policies and procedures will be clearly identified.

Information and Data used to carry out your assessment

Information and data sourced from kent.gov.uk.

Age

Kent has an older age profile than the national average with greater proportions of people aged 45+ years than England.

Disability

46.7% of Kent residents describe their health as being very good, while 1.1% are in very bad health. 17.6% of Kent residents have some limitation to their day to day activities. The remaining 82.4% stated that their day to day activities were not limited.

Race

The largest ethnic group in Kent is White. 93.7% of all residents are of white ethnic origin. The remaining 6.3% of Kent residents belong to other four broad ethnic groups which we have identified as the Black Minority Ethnic (BME) group. The Asian/ Asian British group is the 2nd largest ethnic group after the "White" ethnic group in Kent equating to 3.3% of the total population.

Religion

The largest followed religion in Kent is Christian (62.52%) and other stated religions lower in percentage are Buddhist (0.46%), Hindu (0.75%), Jewish (0.12%), Muslim (0.95%) and Sikh (0.72%) and other religion (0.42%).

Who have you involved consulted and engaged?

Updated 21/11/2019 04/10/2019

KCC's Enforcement Officer has been consulted, to understand any actions required to be undertaken relating to enforcement, to ensure we are complying with KCCs equalities duty.

Analysis

It has been identified that Disability, Race, Religion and Belief, Pregnancy and Maternity and Carer's Responsibilities characteristics have the potential to be slightly affected by the Enforcement Policy but nothing that cannot be easily mitigated against. See action plan.

Adverse Impact

No adverse impacts were noted for the introduction of the Enforcement Policy. Procedures and actions have been identified to mitigate against any low negative impacts. See action plan.

Positive Impact:

Procedures are in place to reduce impacts and/or positively support protected groups.

JUDGEMENT

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken

Internal Action Required YES

There is potential for adverse impact on particular groups but mitigation will be actioned as identified in the action plan.

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Age	Access to venues	Ensure interviews are arranged at a time and a venue that is reasonable and practical and to help reduce travel time	There are no barriers to people of any age (16 and above) being able to attend interview	Enforcement Officer	Ongoing	Not applicable. Interviews are usually held within District Council Offices
Age	Body Worn Videos	Children must remain in vehicles at all times at the sites, so should not be subject to being filmed using Body Worn Cameras, however, site staff will also be told during training to ensure that no children are filmed	No filming of children on site	Enforcement Officer	Ongoing	Not applicable.
Disability	Access to venues	Ensure there is disability access when booking venues for	There are no barriers to people with disabilities being able to	Enforcement Officer	Ongoing	Not applicable. Interviews are usually held within District

		interviews	attend interview			Council Offices which will be DDA compliant
Disability	Availability of information in an accessible format	Information will be read to customers if requested. Audio copies of recorded interviews will be available as well as a printed version upon request.	There are no barriers to people with disabilities being able to access information during interviews	Enforcement Officer	Ongoing	Minimal cost for production of audio notes where required
Disability	Body Worn Videos	For those with hidden disabilities or mental health and wellbeing problems, site staff will be advised that if the customer informs site staff, they should ask if the customer is happy for filming to continue	Filming should cease if requested by an individual who has identified to site staff that they have mental illness or wellbeing problem	Enforcement Officer	Ongoing	Not applicable.
Race	Language barriers	Information available in alternative	There are no barriers to people whose first	Waste Management Team	Ongoing	Nominal cost for interpreters and translation of

		languages where requested. Provision of interpreters will be provided where required for interviews.	language is not English. HWRC staff have the knowledge and skills to communicate and support customers.			documents to alternative languages, where required. Waste Business Development Team budget.
Religion and belief	Interruption to religious ceremonies	Every effort will be taken to ensure interviews are not arranged at a time that would affect the customers religion e.g. prayer times etc.	There are no scheduling conflicts with interviews and religious ceremonies	Enforcement Officer	Ongoing	Not applicable
Pregnancy and Maternity	Scheduling/access challenges due to pregnancy and child-care	Consideration will be given to customers with dependencies and family commitments to ensure any interviews/meetings are arranged at a venue and time that is reasonable	There are no barriers to people with child-care responsibilities or who are pregnant, being able to attend interview	Enforcement Officer	Ongoing	Not applicable

		and practical				
Carer's Responsibilities		Consideration will be given to customers with carers responsibilities to ensure any interviews/meetings are arranged at a venue and time that is reasonable and practical	There are no barriers to people with carer responsibilities being able to attend interview	Enforcement Officer	Ongoing	Not applicable

Have the actions been included in your business/ service plan?

No - this policy is adhered to on a day to day basis.

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

If the activity will be subject to a Cabinet decision, the EqlA must be submitted to committee services along with the relevant Cabinet report. Your EqlA should also be published .

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

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From: Susan Carey, Cabinet Member for Environment
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: SC18031 – recommissioning of contracts for the Management and Operation of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent, including Haulage Services

Decision No: 19/00092

Classification: Unrestricted

Past Pathway of Paper: Services Commissioning Board on 10 September 2019
Commissioning Advisory Board on 5 November 2019

Future Pathway of Paper: For decision by Cabinet Member for Environment

Electoral Division: Whole of Kent

Summary: The report details the commissioning plan for the recommissioning of contracts for the Management and Operation of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent, including Haulage Services. The service has worked with Commercial Lead, Strategic Commissioning with Waste Management and Invicta Law. A commercial case for recommissioning these contracts is developed and an Invitation to Tender was published 24 October 2019.

Recommendation: The Environment and Transport Cabinet Committee is asked to consider, endorse or make recommendations to the Cabinet Member for Environment to award new service contracts for the Management and Operation of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent, including haulage services (as shown at Appendix A).

1.0 Background

- 1.1 Kent's HWRCs are currently managed by three waste management companies (Commercial Services Kent Limited, FCC and Biffa). These organisations manage the day-to-day operation of the HWRCs, Transfer Stations and haulage on behalf of KCC.
- 1.2 Contracts for the operation and management of HWRC & Transfer Stations provide plant, labour, waste bulking and haulage to dispose of Kent's municipal waste by maximising recycling and the transport of materials to final disposal points for recycling or energy recovery.
- 1.3 Waste Management operates 18 HWRCs, incorporated within these are six Transfer Stations. The management and operation of these sites is currently contracted to three

Providers. These contractual arrangements are delivered through three contractual Lots. These contracts expire on 31st October 2020.

- 1.4 The site at Pepperhill, operated by FCC is out scope as this facility is operated under a separate contract which expires in 2035.

2.0 The report

- 2.1 The service has worked with Strategic Commissioning's Commercial Lead for Waste Management Services to develop the commercial case for recommissioning these contracts with advice from Invicta Law on the application of Lease Agreements.

- 2.2 The services are divided over three geographical contracts:

- SS1313– Management and Operation of HWRCs and WTSs, and associated Haulage Services in Mid Kent;
- SS1313– Management and Operation of HWRCs and WTSs, and associated Haulage Services in East Kent and
- LS/22/108948/679 - Management and Operation of HWRCs and WTSs, and associated Haulage Services in West Kent.

- 2.3 The recommissioning of these services enables KCC to update and standardise the contract terms & conditions and service specification. Further to this, negotiate and award sustainable contracts to Supplier(s) that are incentivised to deliver quality services such as improved customer service, higher recycling levels, reducing contamination and developing re-use initiatives.

- For the 12 sites serving Mid Kent and East Kent, the service will undertake a Competitive Procedure with Negotiation (CPN) in accordance with Regulation 29 of Public Contracts Regulations 2015 (PCR) to negotiate and award contract(s) to commence on 1 November 2020 for an initial period of 5 years, with an option to extend for an additional 5 years.
- For the 5 sites in West Kent, the service will negotiate directly with KCC's Commercial Service Group (CSG) to award a new 5 year contract accordance with Regulation 12 (Public contracts between entities within the public sector) of PCR 2015, to commence on 1 November 2020 for an initial period of 5 years, with an option to extend for an additional 5 years.

- 2.4 To mitigate financial pressures and to fund the enhancements of service, KCC has already reduced operational costs through waste minimisation with other expected reductions in disposal by implementing a charging policy for non-household materials at HWRCs. It is proposed, where commercially advantageous, that KCC will take back commercial control for the sale of materials that were previously the title of Biffa Municipal.

- 2.5 It has been established through market engagement that potential Suppliers have limited appetite to take title and commercial risk for the final disposal of recyclable materials.

- 2.6 Potential Suppliers have expressed interest where they operate disposal and re-processing facilities, as such opportunities will be evaluated within the tendering process.

3.0 Financial Impact

- 3.1 The annual cost of this service across seventeen sites is c.£10.2m. Initial calculations, based on assumptions regarding indicative market rates and price inflation, estimate a budget pressure of c. £1m which has been included in the MTFP.
- 3.2 Members have indicated that they would like to see service improvements such as re-use and identifying methods for increasing levels of recycling.
- 3.3 In West Kent, CSG have identified means for further operational efficiencies. It is anticipated these efficiencies may offset the cost of providing an enhanced service specification within the existing budget.
- 3.4 There are anticipated increases to service costs in Mid Kent and East Kent, accepting that Biffa's prices for these services are abnormally low and are unsustainable.

4.0 Legislation

- 4.1 KCC has a statutory requirement to provide HWRCs for Kent residents to deposit their own household waste, as set out in the Environmental Protection Act 1990 (EPA 1990 part 2, 51b).
- 4.2 KCC will be using Regulation 12 (Public Contracts between entities within the public sector) of the Public Contracts Regulations 2015 to vary this Contract.

5.0 Equalities and Data Protection implications

- 5.1 As this service can affect those with protected characteristics, mitigations are recorded within the EqIA (Appendix B).
- 5.2 Data Protection implications – initial screening is that a full DPIA will not be necessary as no personal data is collected for the tendering of this contract. It did recognise that DPIAs may be required for individual enforcement activities which arise as a result of implementation of the Household Waste Recycling Centre Enforcement Policy.

6.0 Next Steps

- 6.1 The next commission steps are as follows. The Commissioning Advisory Board have asked to continue to be briefed following in February.
- Tender Clarification/Negotiation
Commences 13 January 2020; and to be completed by Friday 31 January 2020.

- Invitation to Submit Final Tenders (ISFT)
Commences Monday 3 February 2019; evaluation to be completed by Friday 21 February 2020.
- Contract Award;
Commences: Monday 24 February 2020; to be completed by Monday 16 March 2020 (including standstill period).
- Service Mobilisation (Mid Kent and East Kent only)
Commences Monday 24 February 2020; implementation 1 November 2020.

7.0 Conclusion

7.1 The commissioning approach is designed to deliver contracts that represent best value for money and are financially sustainable, including:

- transparent service costs;
- drive the right commercial behaviours by suppliers;
- are with suppliers that are invested in the continuous improvement of services; and
- maximise recycling in Kent and reduce the cost of waste disposal services.

8.0 Recommendations

The Environment and Transport Cabinet Committee is asked to consider, endorse or make recommendations to the Cabinet Member for Environment to award new service contracts for the Management and Operation of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent, including haulage services, as shown at Appendix A.

9.0 Background Documents

Appendix A: Proposed Record of Decision
Appendix B - Equalities Impact Assessment

10.0 Contact details

Report Authors:

Simon Jones
Director, Highways, Transportation & Waste
simon.jones@kent.gov.uk

David Beaver
Head of Waste Management and
Business Services
david.beaver@kent.gov.uk

Relevant Corporate Director:

Barbara Cooper
Corporate Director, Growth, Environment and Transport
barbara.cooper@kent.gov.uk

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

<p>DECISION TO BE TAKEN BY</p> <p>Susan Carey</p> <p>Cabinet Member for Environment</p>	<p>DECISION NO:</p> <p>19/00092</p>
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<p>For publication</p>

<p>Key decision* Yes – County Wide impact</p>
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<p>Subject: Management and Operation of Household Waste Recycling Centres and Waste Transfer Stations in Kent, including haulage services</p>
--

<p>Decision: As Cabinet Member for Environment, I agree to award new service contracts for the Management and Operation of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent, including haulage services.</p>

<p>Reason(s) for decision: The current three contracts for the Management and Operation of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent, including Haulage Services are due to end on 31 October 2020.</p> <p>The recommissioning of these services will enable KCC to update and standardise the terms and conditions and service specification for these supply contracts, as well as negotiate and award sustainable contracts to an experienced supplier that is incentivised to deliver quality services (including improved customer service and experience, improved recycling levels, reduce contamination and re-use).</p>
--

<p>Cabinet Committee recommendations and other consultation: The outcomes of the invitation to tender will be discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 29 November 2019.</p>
--

<p>Any alternatives considered: As the Waste Disposal Authority, Kent County Council ensures that waste collected by the district and borough councils is disposed of in line with key environmental legislation and regulations.</p>
--

<p>Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:</p>

.....
signed

.....
date

Name:

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**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Growth, Environment and Transport

Name of decision, policy, procedure, project or service: Kent County Council's Household Waste Recycling Centre and Transfer Station Service

Responsible Owner/ Senior Officer: Kay Groves (Waste Services Manager)

Version: 1

Author: Caroline Wright

Summary and recommendations of equality analysis/impact assessment.

- **Context**
Contractual arrangements for the management of Household Waste Recycling Centres and Transfer Stations in Kent
- **Aims and Objectives**
No change – re-procurement of a statutory requirement
- **Summary of equality impact**

Adverse Equality Impact Rating **Low** / **Medium** / **High**

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning **the re-procurement of Household Waste Recycling Centres and Transfer Stations in Kent**. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: *David Beaver*

Name: David Beaver

Job Title: Head of Waste Mgmt and Business Services

Date: 14/11/2019

DMT Member

Signed:

Name:

Job Title:

Date:

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent? Could this policy, procedure, project or service promote equal opportunities for this group?

Protected Group	Please provide a brief commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age	None	None	None	<p>Medium</p> <p>Data held about the HWRC customer base indicates there are a significant number of people in the 50–70 year age bracket who utilise the HWRCs. Older people may require assistance with unloading their vehicle and site staff should be proactive in offering help. This may help to prevent a delay in unloading vehicles which will limit disruption to other site users. Assistance is also available to aid householders to dispose of waste over retaining walls or where steps are in place.</p>
Disability	None	None	None	<p>Medium</p> <p>Having an HWRC in every district reduces travel times for a number of residents, which could be beneficial for many individuals, including those customers with a disability.</p> <p>Staff should be trained and skilled to communicate with customers who may have learning difficulties to ensure high quality customer service is provided to these individuals. Staff should be aware that people with a disability may require assistance with unloading their vehicle and site staff should be proactive in offering help.</p> <p>KCC requires its providers to ensure staff are adequately trained in the field of equality and diversity, to equip them to respect differences without prejudice. KCC will not tolerate derogatory comments or actions.</p>

November 2019

Gender	None	None	None	<p>Low</p> <p>There is potential for prejudices and gender stereotype perspectives to be unchecked by HWRC site staff, e.g.; assumptions being made about the customer's abilities or access requirements based upon their assumed gender.</p> <p>The practices of KCC providers must not treat certain customers less favourably than others because of Protected Characteristic.</p> <p>KCC requires its providers to ensure staff are adequately trained in the field of equality and diversity, to equip them to respect differences without prejudice. KCC will not tolerate derogatory comments or actions.</p>
Gender identity/ Transgender	None	None	None	<p>Low</p> <p>There is potential for prejudices and gender stereotype perspectives to be unchecked by HWRC site staff, e.g.; assumptions being made about the customer's abilities or access requirements based upon their assumed gender.</p> <p>The practices of KCC providers must not treat certain customers less favourably than others because of Protected Characteristic.</p> <p>KCC requires its providers to ensure staff are adequately trained in the field of equality and diversity, to equip them to respect differences without prejudice. KCC will not tolerate derogatory comments or actions.</p>
Race	None	None	None	<p>Low</p> <p>Where individual's accents (both the customers' and site staff) may impact upon understanding and ability to meet the customer needs at the sites e.g. understanding where to place an item. In this circumstance, site staff should communicate respectfully and with patience to meet the customers' needs where they have a low level of English language.</p> <p>KCC requires its providers to ensure staff are adequately trained in the field of equality and diversity, to equip them to respect differences without prejudice. KCC will not tolerate derogatory comments or actions.</p>

November 2019

Religion and Belief	None	None	None	<p>None A customer's religion or belief is not obvious or to be assumed from physical appearance. There is potential for prejudices and stereotype perspectives to occur by HWRC site staff towards customers and vice versa.</p> <p>KCC requires its providers to ensure staff are adequately trained in the field of equality and diversity. KCC will not tolerate derogatory comments or actions.</p>
Sexual Orientation	None	None	None	<p>None A customer's sexual orientation is not relevant to the nature of customer service provided at HWRCs.</p> <p>KCC requires its providers to ensure staff are adequately trained in the field of equality and diversity, to equip them to respect differences without prejudice KCC will not tolerate derogatory comments or actions.</p>
Pregnancy and Maternity	None	None	None	<p>None-Low Depending on their stage of pregnancy, customers may require assistance with unloading their vehicle and site staff should be proactive in offering help. Assistance is also available to aid such customers to place materials over any retaining walls or up steps where applicable.</p>
Marriage and Civil Partnerships	None	None	None	<p>Low There is potential for prejudices and stereotype perspectives to be unchecked by HWRC site staff with regard to same sex marriage / civil partnership and negatively impact upon the customer experience.</p> <p>KCC requires its providers to ensure staff are adequately trained in the field of equality and diversity, to equip them to respect differences without prejudice. KCC will not tolerate derogatory comments or actions.</p>
Carer's Responsibilities	None	None	None	<p>None It is possible that a carer may need to bring household waste to an HWRC on behalf of an individual that they are caring for. Arrangements would be put in place to ensure the individual's waste can be disposed of.</p>

November 2019

Part 2**Equality Analysis /Impact Assessment**

This assessment has been refreshed from the May 2015 full EQIA assessment, conducted by Melanie Price and Hannah Allard. The refresh has not realised any changes to the risk to the Protected Groups

Protected groups

No change

Information and Data used to carry out your assessment

No change

Who have you involved, consulted and engaged?

No change

Analysis

No change

Adverse Impact,

No change

Positive Impact:

No change

JUDGEMENT

No major change

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken
- **Adjust and continue** - adjust to remove barriers or better promote equality
- **Continue the policy** - despite potential for adverse impact or missed opportunity. Set out the justifications: there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements.
- **Stop and remove the policy** – policy shows actual or potential unlawful discrimination it must be stopped and removed or changed

Internal Action Required ~~YES~~/NO

There is potential for adverse impact on particular groups and we have found scope to improve the proposal...

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications

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Have the actions been included in your business/ service plan? **NO – the actions form part of the contractual obligations of the Provider.**

Appendix

Please include relevant data sets

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published.

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

From: Susan Carey, Cabinet Member for Environment
Barbara Cooper, Corporate Director of Growth
Environment and Transport

To: Environment and Transport Cabinet Committee - 29th
November 2019

Decision No: 19/00090

Subject: Clinical Waste Collection, Reception and Disposal
Contract – SC18063

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: For decision by the Cabinet Member for Environment

Electoral Division: All divisions in Kent.

Summary: This report seeks agreement to enter into a contract for Collection, Reception and Disposal of Clinical Waste materials collected at the kerbside by all the Waste Collection Authorities in Kent.

Due to the expiry of the existing contract and no further option to extend KCC is required to recommission a new contract.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment to award a new contractual arrangement for the Collection, Reception and Disposal of Clinical Waste collected by the Waste Collection Authorities (as shown at Appendix A). It seeks approval to enter into up to a 4 year arrangement based upon the indicative gate fees.

1. Introduction

- 1.1. Provision of this disposal service is a statutory obligation of the Waste Disposal Authority under the Environmental Protection Act 1990 and other such legislation.
- 1.2. Due to recent changes in the clinical waste market and the closure of Healthcare Environmental Services (HES), KCC is in a bottleneck situation where there is limited supply to serve this requirement.

2. Financial Implications

- 2.1. Due to the restricted clinical waste disposal market with increased demand, there is a limited supply of High Temperature Incinerators (HTI). As a result, this has led to an increased cost of this type of processing method. There is therefore a risk that processing costs may increase alongside collection costs if there is no local market interest. However, Waste Management has worked closely with Strategic Commissioning and tested the market. Furthermore, it is proposed that officers use the NHS Shared Business Solution (SBS) Waste Management and Minimisation Framework where better rates have been pre-agreed.
- 2.2. This contract further seeks to mitigate against the risk of increasing disposal costs by contracting a supplier that will work in partnership to meet KCCs ambition to reduce the mispackaging of waste and result in more cost effective processing methods.

3. Policy Framework

- 3.1. This commission accords with the supporting outcome within the Strategic Outcome Plan;

Kent's physical and natural environment is protected, enhanced and enjoyed by residents and visitors.

- 3.2. The Kent Joint Municipal Waste Management Strategy has one key policy statement that support the Waste Regulations. These apply directly to this proposed procurement:
 - Policy 11 - The KWP will strive to make waste and recycling services accessible and easy to use for all householders, across all housing types and sectors of the community.

4. The Report

- 4.1. KCC Waste Management currently has a contract with Tradebe Healthcare Limited (ref. SS14118) for the collection, reception and disposal of clinical waste collected kerbside from all 12 WCAs within Kent. This contract was extended for two years in two single year extensions and is due to end 31st December 2019 and cannot be extended further.
- 4.2. This new contract will be effective from 1 January 2020, for a four-year duration, which is the maximum term permitted through the proposed buying framework. This procurement will use NHS Shared Business Solution (SBS) framework which is a public sector owned professional buying organisation with a framework for waste management and minimisation framework.
- 4.3. An Equalities Impact Assessment has been conducted with no adverse impact on protected characteristics. The Data Protection Impact Assessment initial screening has determined there are no relevant factors that require further consideration for assessment.

4.4. The current annual contract value is £198,000, with current market pricing this could rise by 15% but officers hope to mitigate this rise by using this framework and its pre agreed pricing structure.

4.5. Procurement time table:

ITT Out	23/10/2019
Tender Return	13/11/2019
Start ITT Evaluation	13/11/2019
Moderation	15/11/2019
Complete ITT Evaluation	21/11/2019
Pre-Award Meeting	26/11/2019
Complete Award Report	03/12/2019
Award Report Finalised	05/12/2019
Financial Authority Granted	10/12/2018
Authority to Contract Granted/SCB	10/12/2019
Contract Award Decision - Issue Award Letter	10/12/2019
Standstill over	20/12/2019
Contract Commencement	01/01/2020

5. Conclusions

5.1. The proposed commissioning solution (to use an existing public organisation framework) has been recommended to mitigate increasing costs for clinical waste disposal as this framework still has preagreed rates from when the market was more competitive.

6. Recommendation(s)

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment to award a new contractual arrangement for the collection, reception and disposal of clinical waste collected by the Waste Collection Authorities (as shown at Appendix A). It seeks approval to enter up to a 4 year period.

7. Background documents

Appendix A – Proposed Record of Decision

Appendix B – Equality Impact Assessment

8. Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Susan Carey

Cabinet Member for Environment

DECISION NO:

19/00090

For publication

Key decision*

Yes – County Wide impact

Subject: Clinical Waste Collection, Reception and Disposal Services – SC18063

Decision:

As Cabinet Member for Environment, I agree to award a new contractual arrangement for the collection, reception and disposal of clinical waste collected by the Waste Collection Authorities. It seeks approval to enter up to a 4-year period.

Reason(s) for decision:

KCC Waste Management has a contract with Tradebe Healthcare Limited for the collection, reception and processing of clinical waste that is collected from households by the 12 Waste Collection Authorities. This contract was extended for two years in two single year extensions. It is due to end 31st December 2019.

Cabinet Committee recommendations and other consultation:

The proposal will be considered by Members of the Environment and Transport Cabinet Committee at their meeting on 29 November.

Any alternatives considered:

The contract has previously been extended for two years in two single year extensions. There is no further extension available and therefore it needs to be recommissioned.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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EQUALITY IMPACT ASSESSMENT

WASTE MANAGEMENT

Clinical Waste Collection & Disposal services

16th October 2019



KENT COUNTY COUNCIL

EQUALITY IMPACT ASSESSMENT

Directorate: Growth, Environment and Transport

Name of policy, procedure, project or service

Clinical Waste Receipt, Collection, Processing & Disposal services

Type

This EqIA focuses on the implementation of a Contract for Waste Receipt, Collection, Processing & Disposal services of clinical waste arisings from KCC/District Council depots or sites.

Responsible Owner/ Senior Officer

Kay Groves, Waste Services Manager

Date of Screenings:

A: Initial screening: 24 April 2015

Pages 6 - 7

B: Interim screening:

C: Final screening:

Version	Author	Date	Comment
1	Kay Groves	24/04//2015	
2	Kay Groves	16/10/2019	
3			

EIA screening conducted at start of the procurement for a Provider for Alternative Waste treatment and/or Final disposal of residual waste

Page 235

Characteristic	Could this policy, procedure, project or service affect this group differently from others in Kent? YES/NO	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO	Assessment of potential impact HIGH/MEDIUM/LOW/ NONE/UNKNOWN		Provide details: a) Is internal action required? If yes, why? b) Is further assessment required? If yes, why? c) Explain how good practice can promote equal opportunities
			Positive	Negative	
Age	No	No	NONE	NONE	The appointment of a new Provider to handle the Clinical Waste Receipt, Collection, Processing & Disposal service is not a customer facing service, there will be no impact on this group. It is the responsibility of District Council's (as the statutory Waste Collection Authorities) to ensure EqlAs have been completed for their domestic collection services and appropriate action has been taken to provide an equitable service for customers with Protected Characteristics.
Disability	No	No	NONE	NONE	As above.
Gender	No	No	NONE	NONE	As above.
Gender identity	No	No	NONE	NONE	As above.
Race	No	No	NONE	NONE	As above.
Religion or belief	No	No	NONE	NONE	As above.
Sexual orientation	No	No	NONE	NONE	As above.

Pregnancy and maternity	No	No	NONE	NONE	As above.
Marriage and civil partnership	No	No	NONE	NONE	As above.

Part 1: INITIAL SCREENING (November 2013)

Context

Kent County Council is procuring to provide a contract which involves both the collection, from KCC Transfer Stations and from District Council Depots, and disposal of Clinical Waste.

Aims and Objectives

From January 2020 Kent County Council will:

- Secure a Provider(s) to provide a Clinical Waste Receipt, Collection, Processing & Disposal service from KCC/District Council depots.

Beneficiaries

The intended beneficiaries are householders in Kent as recipients of the district council domestic collection services. Due to the status of Offensive waste it is necessary for the WDA to provide specialist contractual arrangements to dispose of this waste.

Data

As the Waste Disposal Authority, Kent County Council is responsible for ensuring that all waste collected in Kent is disposed of correctly in the most financially efficient way. The disposal of this waste is a 'back office' procedure, with all 'customer facing' elements of this process the responsibility of the Waste Collection Authority (WCA).

Potential Impact

This Equality Impact Assessment is a screening to indicate potential areas of impact, both positive and negative, to the diverse population of Kent, which could result from the award of a new contractor to process the Authority's clinical waste.

There are no Protected Characteristics that will be impacted upon either positively or negatively.

The screening table (page 3-4) details the initial assessment.

From: Susan Carey, Cabinet Member for Environment
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 29 November 2019

Subject: Flood Risk Management Policies

Decision Number: 19/00087; 19/00088; 1900089

Classification: Unrestricted

Past Pathway of Paper: Kent Flood Risk Management Committee

Future Pathway of Paper: N/A

Electoral Divisions Affected: Countywide

Summary: Kent County Council (KCC) undertakes a number of functions as the Lead Local Flood Authority for the County. These include acting as a statutory consultee for surface water in planning, regulating ordinary watercourses and undertaking investigations into flooding. KCC is proposing to adopt new and revised policies for these functions that clarify our role and ensure our policies are up to date with current guidance and best practice.

Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment, on the proposed decision to adopt the following policies (as shown in Appendices A, E and I):

- Drainage and Planning Policy (Appendix B)
- Land Drainage Policy (Appendix F) and
- Section 19 Reporting Policy (Section 4.3);

and to delegate to the Director of Environment, Planning and Enforcement the authority to make any further modifications which may be necessary such as formatting changes and typographical errors in order to publish these policies.

1. Background

1.1 Kent County Council (KCC) is the Lead Local Flood Authority (LLFA) for Kent under the Flood and Water Management Act 2010 (the Act). As LLFA, KCC has a strategic overview of local flooding (flooding from surface water, groundwater, and ordinary watercourses).

1.2 As LLFA, KCC has a number of powers and duties for the management of local flood risk in the county. These powers and duties include:

- The duty to act as a statutory consultee for surface water in planning,
- The power to regulate works in ordinary watercourses, and
- The duty to publish reports of investigations into flood events.

1.3 KCC is revising or bringing forward new policies that set out how we undertake some of our powers and duties as a LLFA. These policies are:

- Drainage and Planning Policy,
- Land Drainage Policy, and
- Section 19 Reporting Policy

1.4 These policies were presented to the Kent Flood Risk Management Committee on 22 July 2019 and they were individually publicly consulted on between 19 August to 30 September 2019. Each policy had a separate Equality Impact Assessment (EqIA) that was presented as part of the consultation. The responses to these consultations are set out in each consultation report found in Appendices C, G and J.

2. Drainage and Planning Policy Statement

2.1 Introduction

2.1.1 As a LLFA, we have been a statutory consultee for surface water within the planning process since April 2015. As a statutory consultee we are required to provide the Local Planning Authority technical advice and guidance on surface water management proposed in major planning applications¹. A response is required to be returned to the local planning authority within 21 days of being consulted on a major planning application.

2.1.2 Our consultation responses are based on guidance from existing planning policies, National Planning Practice Guidance, and the published national Non-Statutory Technical Standards for Sustainable Drainage which was published by the Department for Environment, Food and Rural Affairs (DEFRA) in 2015.

2.1.3 KCC adopted a Drainage and Planning Policy Statement in 2015 that sets out our requirements for surface water management in major developments. The Drainage and Planning Policy Statement is consistent with the Non-Statutory Technical Standards and National Planning Policy Framework (NPPF).

2.1.4 The Drainage and Planning Policy Statement is used by the following groups:

¹ Major development is defined within the Development Management Procedure Order as development that involves any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

- developers when considering their approach to development on new sites or redevelopment of brownfield sites in preparing submissions;
- professionals involved in developing drainage schemes including engineering and urban and landscape professionals;
- local authorities when developing local planning and land-use policy.

2.1.5 Following recent changes to the NPPF and the publication of DEFRA's 25-Year Environment Plan, and our experience of undertaking this role for over four years, we have updated our Drainage and Planning Policy Statement.

2.1.6 The revised Drainage and Planning Policy is attached in Appendix B.

2.2 Revised Drainage and Planning Policy

2.2.1 From our experience of performing our role as statutory consultee, we have found that the information submitted with planning applications regarding surface water management does not always comply with our Drainage and Planning Policy Statement (2017) and that applications do not always contain sufficient information to support a decision. Consequently, we often have to request more information from the applicant, which causes planning delays.

2.2.2 Additionally, we cannot be certain that the drainage system approved in the planning application has been delivered by the developer's contractors. We have found in some cases that important features of the drainage system have not been constructed as approved.

2.2.3 One of the primary intentions of the revised Drainage and Planning Policy is to create a more concise document which provides greater clarity on our requirements for surface water management. In Section 4.3 of the Drainage and Planning Policy 'Consultation submission requirements', we have included a clear table (Table 1) detailing the information required at each stage of planning. The previous version only displayed our minimum requirements for full planning stage. This addition should better enable developers to submit the correct level of information at each stage to support approval of planning applications.

2.2.4 The revision also includes requirements for a verification report, as a post construction condition that is recommended for all major planning applications on which KCC is consulted. The intention of the verification report is to confirm if the drainage system has been constructed in accordance with the approved designs and to identify any changes that have been made to the design and whether there would be any impact on the performance of the system as a result of these changes. As the LLFA, it is important that we understand how implemented drainage systems work and ensure that any variations or changes to the drainage system deliver the same standard of service. We are also required to maintain a record of structures and features in the county, and this verification report will support us in keeping this record up to date.

- 2.2.5 The details and format of the verification report have been developed in consultation with the development community in Kent and their consultants.
- 2.2.6 Otherwise, there have only been minor changes to the policy requirements set out in the Drainage and Planning Policy. They have been reorganised to be easier to follow and the formatting has been revised to make them easier to read. More attention has been given to promoting amenity and open space to encourage a range of social, environmental and economic benefits than might otherwise be delivered in sustainable drainage systems. It is our intention to promote sustainable drainage measures in open space to provide the opportunity for improved water quality, biodiversity and amenity as well as drainage.

2.3 Drainage and Planning Policy Consultation

- 2.3.1 The consultation asked seven questions about the revision of the Drainage and Planning Policy, including questions about the EqIA.
- 2.3.2 We received 34 responses. The consultation report can be found in Appendix C. A summary of the responses is provided below:
- Respondents generally agreed that the Drainage and Planning Policy is consistent with the NPPF and other national guidance, with 69% agreeing or strongly agreeing with the statement.
 - 66% of respondents agreed or strongly agreed that KCC's requirements for drainage submissions were clearly stated in the policy statement, 17% neither agreed or disagreed and 7% of respondents disagreed.
 - 70% agreed or strongly agreed that the Verification Report improves the quality of sustainable drainage measures, 13% disagreed and 17% did not know or neither agreed nor disagreed.
- 2.3.3 The consultation has highlighted some areas for clarification on some technical matters. In response to comments about technical design details, links with the Kent Design Making It Happen guide have been highlighted. We have also made some other technical amendments to clarify the Drainage and Planning Policy and provided links to industry standards to support the delivery of the policy.

3. Land drainage Policy

3.1 Introduction

- 3.1.1 KCC as the LLFA has powers as a Land Drainage Authority, under the Land Drainage Act 1991, to regulate ordinary watercourses in Kent. An ordinary watercourse is a watercourse that is not a main river; it may be a small river, stream, ditch or drain and does not always need to flow.
- 3.1.2 As a Land Drainage Authority, KCC has powers to provide consent for any works within an ordinary watercourse. In exercising this role, we must ensure that the works do not increase the risk of flooding, and we

are also obliged to ensure that there is no loss of habitat or pollution to the watercourse.

- 3.1.3 Land drainage consent is separate to planning permission; some works may be subject to both a planning application and land drainage consent. Granting of one does not automatically mean the other will follow or that the other is not required. We generally advise applicants to obtain planning permission first, as the location and extent of the structure may alter through the planning process, whereas land drainage consent is concerned with design and engineering details, so these factors need to be specified in the consent application.
- 3.1.4 KCC also has enforcement powers to ensure that ordinary watercourses are maintained to pass ordinary flows and to remove unconsented structures. KCC's preferred approach to enforcement is to work with the relevant landowner to avoid the need to undertake formal enforcement. Our powers of enforcement only allow us to undertake the necessary works and to charge the landowner the costs. We do not have the power to compel landowners to undertake works.
- 3.1.5 The Land Drainage policy, attached in Appendix F, sets out how KCC proposes to exercise these powers and gives guidance to applicants for land drainage consent.

3.2 Draft Land Drainage Policy

- 3.2.1 The Land Drainage policy statement is new. Previously, KCC has undertaken this Land Drainage function according to the Land Drainage Act and best practice based on guidance from the Environment Agency, who performed this role prior to it being passed to KCC, and other relevant legislation, including the Habitats Regulations.
- 3.2.2 This formal statement of our policy consolidates our requirements into one statement, informed by our experience of performing this role over the past six years. It is designed to clarify our requirements for landowners, and to ultimately enable greater compliance. It particularly focusses on Land Drainage consent for culverts. Culverts represent a significant portion of the applications for consents we receive.
- 3.2.3 Culverting watercourses for the purpose of facilitating new development is not a sustainable policy. Culverting watercourses removes habitat and prevents fish migration and increases flood risk. Many flood risk issues in Kent are associated with culverted watercourses, as they are expensive and difficult to inspect and maintain, and they reduce the connectivity of the watercourse to its natural floodplain, which often gets developed. To this end, as a general rule, KCC's preference is not to use culverts, but we accept them where they are unavoidable, principally for access to new developments. In doing so, we work with the applicant to reduce the risk to flood risk and biodiversity.
- 3.2.4 The Land Drainage Policy sets out the requirements for applicants to demonstrate that proposed works, including culverts, are appropriate for the proposed watercourse and do not increase flood risk.

3.3 Land drainage Policy Consultation

- 3.3.1 The public consultation on the Land Drainage policy asked six questions about the draft policy, including questions about the EqIA.
- 3.3.2 The consultation exercise received 31 responses. There was strong support for the policies which are proposed. The consultation response report can be found in Appendix G.
- 3.3.3 Responders to the consultation did highlight that the links with Drainage and Planning Policy need to be clearer, and in response, we have added text to the Land Drainage policy to clarify these links. Other comments related to water quality issues, which are not covered by Land Drainage regulation. In order to improve clarity, we have provided links to the relevant Environment Agency webpages.

4. Section 19 reporting

4.1 Introduction

- 4.1.1 KCC has a duty to undertake investigations into flood events in Kent under Section 19 of the Flood and Water Management Act 2010 and to publish a report of the investigation. The purpose of an investigation is to determine which risk management authorities have relevant flood risk management functions and whether those risk management authorities have exercised those functions in response to the flood. We have discretion as to how we conduct these investigations i.e. the thresholds for these investigations are not prescribed.
- 4.1.2 A flood investigation is only needed when no risk management authority has exercised or is proposing to exercise its functions in respect of the flood or if there is no clear relevant risk management authority.
- 4.1.3 It should be noted that the Flood and Water Management Act does not require the report of the investigation to set out the causes or circumstances of the flood. Some explanation of the causes, however, is necessary in an investigation report in order to provide background to the flooding, to identify the appropriate risk management authorities and to determine what, if anything, could be done in response to the flooding.
- 4.1.4 A policy for investigating flooding incidents was set out in the first Kent Local Flood Risk Management Strategy that was adopted by the County Council in 2012.
- 4.1.5 The current flood investigation approach is:

Flood investigations will be undertaken where no other risk management authority is exercising or is proposing to exercise its functions in respect of the flood and where the flood is significant.

Where the definition of a significant flood event is one that causes:

- internal flooding to one or more properties;
- external flooding of five or more properties;

- flooding of roads, rail and other transport infrastructure to an extent that they become impassable by vehicles;
- flooding of or near locally important services or infrastructure, for example health centres and electricity substations, to an extent that they cannot function normally.

4.1.6 The Kent Local Flood Risk Management Strategy was refreshed in 2017 (it was considered at ETCC in the meeting on 30 November 2017). The new Strategy did not include policies regarding how KCC would exercise its duties as LLFA, as it focussed on the broad strategic issues of local flood risk management.

4.1.7 Therefore, the policy for investigating flooding needs revising.

4.2 Background

4.2.1 The current policy for investigating flood events sets the threshold for an investigation relatively low. These minimum requirements result in a formal report of the flood event which is often not necessary or useful.

4.2.2 Further, producing the report of the investigation is time consuming and resource intensive, which can delay the delivery of actions to mitigate future floods. The evidence for the report must be compiled from a number of sources and written into a report which needs to be consulted on with the parties referenced in it. This process can typically take nine to twelve months from the flood to publishing the report, sometimes longer.

4.2.3 For smaller flood events, the formal report is not necessary, nor does it lead to any particular outcome. The report itself does not provide KCC with any powers to require risk management authorities to undertake works; it is only a public statement of the circumstances. Formal, public reports of flood investigations are often not wanted by the victims of the flooding either; simple statements of the issues are usually all they require.

4.2.4 However, there are circumstances where reports of flood investigations remain valuable such as occasions where several properties have been flooded and there is no recent memory of flooding, and/or where the flooding is complex, and a public report is useful for explaining the causes.

4.3 Proposed policy

4.3.1 In order to create a more proportionate and effective investigation policy, KCC proposes to investigate events that have flooded residential properties internally or that have disrupted local services; however, it proposes that not all of these flood events should be followed by a public report.

4.3.2 In carrying out these investigations, KCC officers will continue to liaise with the subjects of the flooding and report to them the findings of the investigation, though not necessarily publicly.

4.3.3 KCC proposes to increase the threshold for publishing reports of flood investigations so that they are used when they add value. The proposed policy for publishing reports of flooding is set out below:

Section 19 Flood Investigation Policy

KCC will undertake an investigation into a flood event and publish a report of the findings where no other risk management authority is exercising or proposing to exercise its risk management functions, and where:

- the flooding causes internal flooding to five or more properties or critical infrastructure assets in a localised area; or
- the flood mechanism is complex, for instance there are two or more sources of floodwater involved or the source or mechanism of the flooding is unclear and there is a public interest to explain this mechanism; or
- KCC determines that a report of the flooding is merited.

4.3.4 Once approved by the Cabinet Member, the Section 19 reporting policy will be published on the KCC Section 19 Report webpage, along with details of how to report a flood event.

4.4 Consultation

4.4.1 The consultation exercise on the Section 19 Reporting policy received 25 responses. The consultation response report can be found in Appendix J.

4.4.2 There was broad support for the policies which are proposed, although some responders did raise objections to the proposed policy.

4.4.3 These objections all focussed on the change of the threshold from one property to five properties internally flooded. Respondents expressed the view that small floods should all be investigated as they may be indicative of wider problems that may worsen. KCC does agree with this, and this policy is not inconsistent with this view. The change of threshold in the proposed policy affects the *publication of a report* into an investigation. KCC will undertake investigations into flood events that do not meet this threshold, but we will not necessarily publish a report of the investigation. KCC will include text on the Section 19 report webpage to clarify this point.

5. Legal

5.1 As the LLFA and the Land Drainage Authority, KCC has the power to develop policy for the powers and duties it exercises. The policies presented in this report set out how KCC will apply these roles. They are consistent with relevant legislation including the Flood and Water Management Act 2010 and the Land Drainage Act 1991 and associated guidance. Any legal issues that might arise will be on individual cases where these policies are applicable, rather than on the content of the policies.

6. Financial

6.1 KCC currently undertakes the roles set out in these policies. The policies clarify and update how KCC undertakes these roles. There are no new financial burdens from these policies.

7. Equalities

7.1 An equalities impact assessment (EqIA) has been prepared for each of the three policies. These EqIAs were included in the consultations that were undertaken.

7.2 The EqIA did not identify any significant equalities impacts. The consultation did not highlight any gaps in the EqIAs.

8. Data Protection

8.1 Some personal data will be collected as part of delivering these policies, however it will not be processed in a way that meets requirements for a Data Protection Impact Assessment (DPIA). Data is held on a KCC server, in accordance with KCC data security policy.

9. Recommendations

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment, on the proposed decision to adopt the following policies (as shown in Appendices A, E and I):

- Drainage and Planning Policy (Appendix B)
- Land Drainage Policy (Appendix F) and
- Section 19 Reporting Policy (Section 4.3);

and to delegate to the Director of Environment, Planning and Enforcement the authority to make any further modifications which may be necessary such as formatting changes and typographical errors in order to publish these policies.

10. Appendices:

Appendix A: Proposed Record of Decision – Drainage and Planning Policy

Appendix B: Drainage and Planning Policy Statement

Appendix C: Drainage and Planning Policy Consultation Report

Appendix D: Drainage and Planning Policy EqIA

Appendix E: Proposed Record of Decision – Land Drainage Policy

Appendix F: Land Drainage Policy Statement

Appendix G: Land Drainage Policy Consultation Report

Appendix H: Land Drainage Policy EqIA

Appendix I: Proposed Record of Decision – Section 19 Reporting Policy

Appendix J: Section 19 Reporting Policy Consultation Report

Appendix K: Section 19 Reporting Policy EqIA

Report Author:

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Relevant Director:

Katie Stewart, Director of Environment,
Planning & Enforcement
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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Susan Carey

Cabinet Member for Environment

DECISION NO:

19/00088

For publication

Key decision*

Yes – County Wide impact

Subject Drainage and Planning Policy update 2019

Decision:

As Cabinet Member for Environment, I agree to adopt the Drainage and Planning Policy.

Reason(s) for decision:

As a Lead Local Flood Authority (LLFA), Kent County Council has been acting as a statutory consultee for surface water within the planning process since April 2015. KCC is required to provide technical advice and guidance on planning applications in relation to surface water drainage strategies, designs and maintenance arrangements put forward by developers via the Local Planning Authority for major developments. The Drainage and Planning Policy Statement sets out the drainage requirements that KCC will require when reviewing surface water management provisions, which will seek to deliver the requirements of the Non-Statutory Technical Standards and National Planning Policy Framework (NPPF). With recent changes in the NPPF and publication of DEFRA's 25-Year Environment Plan, the Drainage and Planning Policy Statement has been revised to be consistent with them.

Cabinet Committee recommendations and other consultation:

A public consultation on the revised Drainage and Planning Policy Statement started on 19th August and ran until 30th September 2019. All consultation documents were available online at www.kent.gov.uk/drainageandplanningpolicy and alternative formats including hard copies were available upon request.

The revised Drainage and Planning Policy Statement will be presented to the Environment and Transportation Cabinet Committee on 29 November.

Any alternatives considered:

If the policy was not updated it would not reflect changes in planning policy or lessons learned from performing this function and will be inconsistent with NPPF and DEFRA's 25-Year Enforcement Plan

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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Kent County Council

Drainage and Planning Policy

Local flood risk management strategy guidance

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Date	Revisions details
October 2016	Clarification on technical matters; submission summary form.; pre-application advice; post-construction verification reports; standard advice.
June 2017	Further clarification of technical matters and amendments to general wording including revised M5-60, 50% reduction for brownfield sites, runoff control per soil type, discharge to highway systems, off-site drainage improvements and developer contributions.
November 2019	Clarification of drainage submission requirements and revised drainage policies to reflect latest changes in NPPF and include the requirements for a verification report and any changes as a result of consultation.

The overall policy will be assessed biennially and reviewed when National policy or other relevant policy changes occur.

1 Role of this Policy

This policy sets out how Kent County Council (KCC), as Lead Local Flood Authority (LLFA) and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development. It is consistent with the Non-Statutory Technical Standards for Sustainable Drainage (as published by Defra in March 2015) and sets out the policy requirements KCC has for sustainable drainage. It should be read in conjunction with any other policies that promote sustainable drainage, specifically:

- the National Planning Policy Framework and,
- any specific policy set out by the relevant Local Planning Authority

This policy is also supported by KCC guidance and policy provided in:

- Kent Design Guide Technical appendices (*'Making It Happen'*) 2019
- Water. People. Places- a guide for Masterplanning sustainable drainage in developments
- KCC Land Drainage Policy

The aim of this policy document is to clarify and reinforce these requirements. It also includes references to other design considerations which impact sustainable drainage design and delivery.

This policy should be used by:

- developers when considering their approach to the development of new sites or redevelopment of brownfield sites,
- developers or their consultants when preparing submissions to support a planning application for major development,
- professionals involved in developing drainage schemes including engineering and urban and landscape professionals,
- development management officers when considering development applications,
- local Authorities when developing local planning and land-use policy.

With this current update, we seek to ensure that multifunctionality of open space is now emphasised within development master planning. This provides an opportunity for Kent to look to wider benefits of sustainable drainage and strengthen policies for the delivery of drainage systems which are fully sustainable, thus providing quantity control, quality improvement, biodiversity enhancement and amenity. Changes to the National Planning Policy Framework (NPPF) in 2019 and Defra's 25-Year Environmental Plan¹ promote a robust approach to sustainable development.

¹ 25-year Environment Plan, published January 2018 on www.gov.uk/government/publications/25-year-environment-plan.

2 Introduction

2.1 Background

KCC was made a LLFA for Kent by the Flood and Water Management Act 2010 (the Act). As LLFA, KCC has a strategic overview of 'local flooding'. Local flooding is defined by the Act as flooding which is caused by:

- **Surface water,**
- **Groundwater, and**
- **Ordinary Watercourses**

The management of surface water within new development is a key factor in managing local flooding.

Since commencement of the Act in 2010, the Government has assessed various means of promoting sustainable drainage systems. In April 2015, LLFAs were made statutory consultees in planning for surface water. Our understanding of local drainage and local flood risk presents a strong platform from which to provide advice and guidance to Local Planning Authorities on the management of surface water.

In undertaking this role KCC coordinates with the 12 local authorities as well as Kent's own planning department and the Ebbsfleet Development Corporation. Where appropriate we will also liaise with other relevant flood risk management authorities, such as the Environment Agency, sewerage undertakers and the county's Internal Drainage Boards (IDB).

2.2 Legislative Framework

As a LLFA within Kent, KCC is required under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the Development Management Procedure Order') to provide consultation response on the surface water drainage provisions associated with major development.

Major development is defined within the Development Management Procedure Order as development that involves any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

As a statutory consultee, KCC must provide a substantive response within 21 days of consultation (Article 22 of the Development Management Procedure Order). A substantive response is one which:

- (a) states that the consultee has no comment to make;
- (b) states that, on the basis of the information available, the consultee is content with the development proposed;
- (c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or
- (d) provides advice to the consultor.

The Planning and Compulsory Purchase Act 2004 describes the duty to respond as a consultee, including the duty to report to the Secretary of State on compliance with the provision of substantive responses.

The Town and Country Planning (General Development Procedure Amendment No. 2, England) Order 2006 introduces the concept of Critical Drainage Areas as “*an area within Flood Zone 1 which has critical drainage problems and which has been notified [to] the local planning authority by the Environment Agency*”. However, no Critical Drainage Areas have yet been defined within Kent and will not require further consultation.

2.3 Sustainable Drainage in Planning

Sustainable drainage systems are designed to control surface water as close to its source as possible. Wherever possible they should also aim to closely mimic the natural, pre-development drainage across a site. A well-designed sustainable drainage approach also provide opportunities to:

- reduce the causes and impacts of flooding,
- remove pollutants from urban run-off at source,
- combine water management with green space with benefits for amenity, recreation and wildlife.

The purpose of the planning system is to contribute to the achievement of sustainable development and deliver the requirements of the National Planning Policy Framework (NPPF). The use of sustainable drainage systems helps to achieve the sustainability objectives of the NPPF.

2.4 Design Strategies

Development has the potential to change surface water and ground water flows, depending upon how the surface water is managed within the development proposed. Planning applications for major development should therefore be accompanied by a **site-specific drainage strategy** that demonstrates that the drainage scheme proposed is in compliance with KCCs sustainable drainage policies, as outlined within this document.

The drainage strategy must also demonstrate that the proposed surface water management proposal is consistent and integrated with any other appropriate planning policy and flood risk management measures that are required.

2.5 Strategic Consultation

As a LLFA Authority, KCC has a consultation role in relation to the preparation of local plans, neighbourhood plans, strategic flood risk assessments and other planning instruments produced by Local Planning Authorities².

KCC will provide advice and guidance on local flood risks and appropriate policy for any area upon request.

KCC will also provide information to individuals and other organisations with respect to drainage and local flood risk for use in the preparation of other relevant planning documents upon request.

² National Planning Policy Guidance, Flood Risk and Coastal Change, paragraph 2.

3 Planning policy and guidance for drainage

This section sets out the sources of planning policy relevant to the management of surface water. These policies will form the basis of KCCs assessment of any submitted drainage strategy. The drainage strategy will need to demonstrate how the development meets these requirements.

3.1 NPPF

The National Planning Policy Framework (NPPF) was published on 27 March 2012 with further revisions in 2019; it sets out the Government's planning policies for England and outlines how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the relevant Local Planning Authority's development plan, following public consultation and with due regard for other material considerations.

The NPPF is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development, excepting where adverse impacts significantly outweigh the benefits (or where specific policies indicate that development should be restricted). Flooding and drainage may also be considered material considerations in the determination of planning applications as their management contributes to sustainable development.

Paragraphs 155, 157, 163,165 and 170 of the NPPF (Appendix A) have particular relevance to flooding and drainage. These paragraphs include consideration for area of flood risk, incorporation of sustainable drainage systems, taking account of advice from LLFA, operational standards, maintenance requirements and multifunctionality.

The NPPF is supported by the **Planning Practice Guidance**³ which provides further advice on how planning can take account of the risks associated with flooding in plan-making and the application process.

3.2 Water Environment Regulations 2003

The Water Environment Regulations 2003 make provision for the purpose of implementing in river basin districts the Water Framework Directive (Directive 2000/60/EC of the European Parliament) which established a framework for Community action in the field of water policy. These regulations will remain in place until such time that UK law is revised to reflect changes in EU membership. These Regulations require a new strategic planning process to be established for the purposes of managing, protecting and improving the quality of water resources.⁴

³ The Planning Practice Guidance is a web-based resources which can be accessed from the Planning Portal at: http://planningguidance.planningportal.gov.uk/?s=Drainage&post_type=guidance

⁴ This framework became UK law in December 2003

Therefore, this provides an opportunity to plan and deliver a better water environment, focusing on ecology. The WFD aimed for the water environment to reach 'good' chemical and ecological status in inland and coastal waters by 2015. Planning and programmes are continuing in six year cycles until 2027.

The WFD drives water quality improvement planning along total river catchment areas, with the production of River Basin Management Plans. The directive puts a duty on public bodies to have regard to river basin management plans (and associated supplementary plans) when exercising their functions where it may affect a river basin district.

Controlling water is inherent in the WFD's objectives, as uncontrolled surface flow or flooding can cause unmanageable water quality problems. Sustainable drainage principles are key to meeting the objectives of the WFD in its continuing cycles.

3.3 Habitats Regulation 2017

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive⁵), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

The sites where habitats and species are legally protected due to their exceptional importance are known as Natura 2000 sites; this network protects rare, endangered or vulnerable habitats and species. The Natura 2000 network includes Special Areas of Conservation (SACs, identified under the Habitats Directive), Special Protection Areas (SPAs, identified under the Birds Directive) and Ramsar sites (wetlands of international importance designated under the Ramsar Convention). All Natura 2000, or 'European', sites are also classified as Sites of Special Scientific Interest (SSSIs) but not all SSSIs are Natura 2000 sites.

⁵ More information on the Habitats Directive can be found at:

http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

3.4 Defra's 25-Year Environment Plan

The 25 Year Environment Plan was published in January 2018; it sets out government action to tackle the growing problems we face in the environment and aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species, reduce risk of environmental hazards and promote sustainable development.

The plan is supported by the concept of natural capital, meaning it places value on natural assets, which includes geology, soils, water and all living organisms. Specific components of the Environment Plan are introduced in current updates of the NPPF.

The Environment Plan will need to be underpinned by law and enforced by a new legal framework for the environment to replace the system the EU currently provides. It is beneficial to be aware of the changes in legislation and policy indicated in this plan as it provides government direction to sustainable development.

3.5 Non-statutory technical standards for sustainable drainage

To support the LLFAs statutory consultee role, Defra published the '**Non-Statutory Technical Standards for Sustainable Drainage Systems**' on 23 March 2015. These standards provide advice and guidance for the design, maintenance and operation of sustainable drainage systems.⁶

Further guidance on the application of the Non-Statutory Technical Standards will be provided by Defra and associated stakeholders.

A summary of the requirements of these non-statutory standards is provided in Appendix B. The policies in this policy are consistent with the Non-Statutory Technical Standards.

3.6 Local Authority Guidance

Local Planning Authorities are ultimately responsible for determining planning applications and have numerous planning and policy documents to support the delivery of sustainable development within their districts.

⁶ The Non-statutory Technical Standards are published at:

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

3.6.1 Local Plans and Neighbourhood Plans

National planning policy places Local Plans at the heart of the planning system. Local Plans set out a vision and a framework for future development of the area. Local Plans should be based upon and reflect the presumption in favour of sustainable development. They should also address housing provision, the economy, community infrastructure and environmental issues such as adapting to climate change and ensuring high quality design.

The management of flood risk and surface water can be dealt with through policies for sustainable construction, flood risk, open space, landscape character and green infrastructure. These policies may be supported by further Supplementary Planning Documents or guidance notes.

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Parish Councils and Neighbourhood Forums (where there is no Parish Council) and their communities can shape development in their areas through the production of Neighbourhood Development Plans. These plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.

Any drainage strategy should make reference to relevant Local Plan and Neighbourhood Plan policies. It may also have to provide evidence which supports delivery of biodiversity, amenity and other benefits.

3.6.2 Supplementary planning documents

Some local authorities in Kent have specific drainage guidance, policies and standards for development within their district areas, which may include specific surface water discharge rates. Other local authorities may introduce similar guidance. These documents provide substantive guidance on how drainage should be delivered.

3.6.3 Strategic Flood Risk Assessments (SFRA)

Strategic Flood Risk Assessments are required to inform the development of Local Plans, as stated within the NPPF. A SFRA assesses the risk to an area from flooding from all sources, taking into account the effects of predicted climate change. They should also assess the impact that land use changes and development will have on flood risk within the district in question. Each Local Planning Authority in Kent has prepared and referenced a SFRA within their planning documents. These documents provide key information on the potential sources and magnitude of flooding and may provide information for specific site allocations.

3.7 Kent County Council Guidance

The Local Flood Risk Management Strategy (the Local Strategy) for Kent sets out a countywide strategy for managing the risks from local flooding. One of the five objectives set out in the Local Strategy specifically states the importance of '*ensuring that development in Kent takes account of flood risk issues and plans to effectively manage any impacts*'.

To support delivery of this objective, KCC has developed guidance to define the approach to planning and design of drainage. When considering surface water drainage within new developments in Kent, it is therefore recommended that reference is made to specific guidance and wider information available:

3.7.1 Water. People. Places – a guide for masterplanning sustainable drainage into developments

This guidance outlines the process for integrating sustainable drainage systems into the masterplanning of large and small developments⁷. This guidance should be used as part of the initial planning and design process for all types of development, with specific reference made to the relevant development typologies.

3.7.2 Kent Design Guide Technical Appendices: Making It Happen

The Kent Design Guide was produced to ensure that all new development results in vibrant, safe, attractive, liveable places. '*Making It Happen*' comprises technical appendices that provide advice and guidance on the design and construction of drainage systems which KCC may be adopting.

The sustainability chapter (drainage systems) has been revised in May 2019 and contains specific technical guidance for drainage design.

3.7.3 Land Drainage Policy

KCC has powers under Section 23 of the Land Drainage Act 1991 to consent works in an ordinary watercourse and to enforce the removal of unconsented works.

Land Drainage regulations are generally concerned with the physical condition of watercourses, including whether they are blocked or how they are modified, including

⁷ The document can be found at: <http://www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems>

the introduction of new structures to them. This policy sets out how Kent County Council exercises these land drainage functions.

3.7.4 Surface Water Management Plans

Surface Water Management Plans (SWMPs) have been prepared by KCC (in partnership with other relevant stakeholders) to identify specific local actions to manage local flood risk. They have been undertaken in areas which were identified as a potential risk from local flooding in the Preliminary Flood Risk Assessment. These studies may provide a greater understanding of the current flood risk. Any proposed development should include consideration of any findings and recommendations of the relevant SWMP for the area. The areas covered by SWMPs are regularly being updated and can be found on the KCC website⁸.

3.7.5 Kent Environment Strategy

As part of a county wide partnership, KCC has produced a Kent Environment Strategy—*A strategy for environment, health and economy* (KES) setting out how Kent and their partners propose to address significant opportunities and challenges from environmental change and development pressures (such as a need for improved air and water quality, decline in biodiversity and the impacts of climate change)⁹. It is accompanied by an implementation plan and includes partnership actions that will deliver against the priorities set out in the strategy. KCC adopted the strategy in January 2016 and has invited the District Councils to also adopt it to provide a basis for co-ordinated action.

The KES recognises that the environment is a key part of the infrastructure supporting the Kent economy. The strategy aims to make the most of environmental opportunities whilst addressing challenges arising from development pressures, need for improved air and water quality, decline in biodiversity and the effects of climate change.

3.8 Other Guidance & Tools

In approaching or reviewing design, technical aspects may need clarification and specification in order to satisfy KCC that it meets the required standard. KCC will make

⁸ SWMPs can be found at: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans>

⁹ The Strategy can be found at: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kent-environment-strategy>

reference to good practice presented within the following documents, and would recommend that any designer also refers to:

3.8.1 CIRIA *SuDS Manual (C753), 2015*

This guidance document provides comprehensive information on the all aspects of the life cycle of sustainable drainage from initial planning, design through to construction and management including landscaping, waste management and costs.

3.8.2 Building Regulations

Building Regulations exist to ensure the health, safety, welfare and convenience of people in an around buildings. Part H of the Building Regulations specifically covers drainage. The consultation with the LLFA addresses flood risk to and from developments and does not replace any requirement for Building Regulation approval.

3.8.3 BS 8582:2013 Code of practice for surface water management for development sites

The British Standard gives recommendation on the planning, design, construction and maintenance of surface water management systems for new development and redevelopment sites in minimizing and/or mitigating flooding and maximizing the social and environmental benefits.

3.8.4 UK Sustainable Drainage Guidance

The UK Suds Tools website which provides estimation tools for the design and evaluation of surface water management systems. The website has been developed and is supported by HR Wallingford. The web site can be accessed at: <https://www.uksuds.com/>. The website provides estimations for greenfield runoff, storage analysis and other tools

3.8.5 Long Term Flood Risk Information

In 2013 the Environment Agency, working with LLFAs, produced the Long Term Flood Risk map, which depicts the risk associated with surface water flooding. The Risk of Flooding from Surface Water maps show flooding scenarios as a result of rainfall with the following chance of occurring in any given year (annual probability of flooding is shown in brackets): 1 in 30 (3.3%), 1 in 100 (1%), and 1 in 1000 (0.1%).

The Risk of Flooding from Surface Water map is published on the Gov.UK website on the “Long Term Flood Risk Information” pages.¹⁰This mapping is key to assessing overland flow routes and to identifying any locations at high risk of surface water flooding.

¹⁰ <https://flood-warning-information.service.gov.uk/long-term-flood-risk>

4 Drainage Consultation

4.1 Introduction

A drainage strategy should be submitted to the relevant Local Planning Authority along with any planning application for major development. It may either form part of a wider Flood Risk Assessment, or it can be submitted as a separate and dedicated standalone document.

Whilst consultation is not undertaken with KCC for minor development, applicants should be aware that the NPPF priorities for sustainable drainage do apply to all development, irrespective of scale (NPPF, Paragraph 163). Developers of sites for minor development are encouraged to consider the policies outlined in this document, as well as any local specific policy with respect to site drainage design. Applicants for these smaller developments are directed to guidance and standing advice on best practice to help minimise flood risk.

It is important that any consultation request we receive reflects the level of risk to a site (or the risk that may result from its development). Consequently, consultation may also occur for development, other than major development in areas of higher local flood risk, as described in Section 4.3.

Consultation on flood risk will also occur with other risk management authorities. For example, the management of tidal and fluvial flood risk and the prevention of inappropriate development in the associated flood-plain remains the responsibility of the Environment Agency. The Environment Agency is also responsible for the management of permitting regulations which may affect discharge to water bodies or the ground. Similarly, if any drainage scheme requires connection to a public sewer, additional approval will be required from the appropriate sewerage undertaker.

Within Flood Zones 2 or 3 (areas of medium/high tidal or fluvial flood risk), a Drainage Strategy should be a component of a wider Flood Risk Assessment and should outline how the management of runoff will not exacerbate the existing flood risk to/from the development proposed.

A Flood Risk Assessment should also be submitted with any application for planning permission on sites in excess of 1 ha in Flood Zone 1 (low flood risk); in these instances the Flood Risk Assessment/Drainage Strategy should be primarily concerned with the management of surface water within the proposed development site.

Other third parties, including but not limited to the Environment Agency, IDB, The Highways Authority, the Sewerage Undertaker and adjacent landowners, could have an

effect on the design of a drainage system. Consultation with relevant third parties is essential early in the design process. This information should be provided as part of the consultation process.

4.2 Consultation Process

4.2.1 Overview

Consultation with KCC will occur through the planning process. KCC will be notified of the submission of a major planning application by the Local Planning Authorities within Kent (as defined in Section 2.5).

A substantive response to the LPA is legally required from KCC within 21 days of consultation.

4.2.2 Pre-application Advice

Incorporating appropriate drainage is easier and more sustainable if it is planned and designed in from the start of a development. KCC encourages pre-planning consultation to ensure that the issues are appropriately addressed at an early stage.

Pre-planning advice from KCC can provide the following benefits:

- background information to identify constraints and matters in relation to flood risk and drainage pertinent to the application;
- an indication of whether a proposal would be acceptable in principle, saving time and cost within the planning process;
- reduced time to prepare the proposal;
- provides clarification of the guidance and policies that will be applied to the development proposal;
- identifies whether specialist input is required; and,
- identification and engagement of other key stakeholders.

KCCs pre-application planning advice in relation to new development is discretionary and is provided as a chargeable service. Details and forms for pre-application advice is found on kent.gov.uk. Standing advice for specific development scenarios and types is also available on Kent's website.¹¹

We provide free advice to:

- individual homeowners who have specific drainage or flood related issues which may impact their own house for development; and,
- Parish councils, Local community groups, or Flood Forums on works proposed to improve local communities.

¹¹<http://www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems#tab-3>

4.2.3 Planning application submission

The Local Planning Authority will confirm that a Drainage Strategy has been submitted with the planning application and pass it to KCC for consultation. KCC will review the submitted material for adequacy and, depending upon the submission, may request further information. This will be communicated to the applicant via the Local Planning Authority.

The drainage strategy submitted to support a planning application must reflect the development proposal (including site area, type of development, general arrangement and layout).

All elements of the proposed drainage strategy should be within the defined planning and development application boundary as defined by the development's "red-line" boundary. This ensures that planning approval and any subsequent conditions will apply to the entirety of the drainage measures. It would not be acceptable to have any drainage measures, most notably attenuation basins or soakaways outside of the planning application site boundary unless secured by other planning conditions, approvals or agreements.

In reviewing a drainage application, KCC will, in the first instance, confirm compliance with this policy, national planning policy (as defined in the NPPF), and compliance with the Non-Statutory Technical Standards. Local planning requirements (as set out in Local Plans or other local planning documents) and other site-specific land-use factors that affect surface water management will also be referenced, where appropriate. Additionally, KCC will consider adherence to wider environmental principles of the NPPF that may have a bearing on drainage design (for example, water quality, biodiversity and amenity).

A consultation response will be prepared and returned to the Local Planning Authority within the required 21 days following receipt of a suitably detailed submission. The consultation response may result in a request for further information or for planning conditions for subsequent determination.

4.3 Consultation Submission Requirements

4.3.1 Introduction

Detailed information will be required to demonstrate that a drainage design is appropriate and will operate effectively. This information may be required for all drainage measures, including (but not limited to) pipe networks, attenuation features, ponds, soakaways and control structures.

Key design information must be evidenced and assessed. Key information which may be needed to demonstrate the feasibility or applicability of a design philosophy includes:

- Existing discharge rates and post development discharge rates
- Ground investigation information, groundwater levels and infiltration rates
- Condition and connectivity surveys of receiving watercourses and sewers
- Ground level and topographical survey
- Deliverability of discharge destination and right to connect

Detail of this technical information is provided in Chapter 6 of Making it Happen C2: Sustainable Drainage Systems. The lack of detailed technical information may increase the level of uncertainty we may have about the effectiveness of a drainage strategy. If the degree of uncertainty is great, this is that the proposal cannot clearly demonstrate a functioning system in line with requirements, then KCC will have grounds to object to the drainage proposal or may delay return of a substantive comment to the planning authority.

We therefore encourage pre-application discussion to identify any areas which may need further investigation or clarification to reduce any uncertainty with respect to the functioning of the system.

The detail provided in the submission will reflect the type of planning application submitted, whether 'outline' (Surface Water Management Strategy) or 'full' (Detailed Drainage Strategy) or discharge of condition (detailed design). The submission requirements are provided in Table 1 and are read as minimum requirements. It is expected that later stages of planning submissions will provide greater detail (such as estimates of storage vs modelled network calculations).

KCC recommends the inclusion of a summary sheet which contains pertinent information to assist in ensuring sufficient detail is submitted and to simplify the review process. A Drainage Strategy Summary Form is included in Appendix C.

We recommend that applicants confirm the submission requirements through pre-application discussion with KCC, particularly to identify any needs for ground investigation.

Table 1- Submission Requirements for stages of planning

Information required	Outline	Full	Reserved Matters	Discharge of Condition	Verification condition ¹²
Identification of discharge destination	✓	✓	✓	✓	✓
Development information including location plan, site layout, and drainage schematic	✓	✓		✓	
Surface water drainage strategy report or statement	✓	✓		✓	
Calculation assumptions and results including impermeable areas, infiltration rates, network calculations and models	✓	✓		✓	
Existing and proposed drainage arrangements	✓	✓	✓ ¹³	✓	
Existing and proposed discharge rates	✓	✓	✓	✓	
Ground investigation reports/survey and soakage testing results		✓	✓	✓	
Maintenance programs and access arrangements				✓	✓ ¹⁴
As built drawings or tender construction drawings				✓ ¹⁵	✓
Exceedance plan ¹⁶		✓	✓	✓	
Catchment plans	✓	✓		✓	
Water quality index		✓		✓	
Watercourse condition and connectivity		✓	✓	✓	
Proposed detailed drainage network plans and cross-sections including cover and invert levels, locations of flow controls (Critical Drainage Assets)				✓	✓
Attenuation device details including cross-sections				✓	✓
Landscape Plan			✓	✓	
Discharge agreements, consents and/or evidence of third-party agreement for discharge to their system				✓	
Phasing plan				✓	

¹² specific requirement for confirmation of drainage. *Please see section 4.3.5*

¹³ as required, where not already demonstrated in the original application

✓ Large ticks = require **greater** design detail than previous planning stage

✓ Greatest amount of detail required

¹⁴ Specific for each critical drainage asset

¹⁵ Drawings of proposed construction

¹⁶ includes conveyance, volume and depths

Identification or designation of maintaining authority/ organisation		✓		✓	✓
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4.3.2 Large scale development

Surface water management strategies for large developments (with multiple phases) will require the submission of an overall drainage strategy at outline planning stage that provides the overall site drainage strategy and a framework for the delivery of the drainage in each phase of the site.

The Surface Water Management Strategy should set out the following for the whole site, and each phase:

- discharge destination(s);
- discharge rate and volume;
- catchment areas;
- estimated impermeable areas per phase and per catchment; and,
- phasing plan with timing of construction

This Surface Water Management Strategy should act as an overall **drainage masterplan** for all phases of the development.

A Surface Water Management Strategy will be tied to a planning condition at the outline stage. Pre-application discussions are encouraged in the case of phased development to agree the level and detail of any strategic Surface Water Management Strategy and subsequent Detailed Drainage Strategies that will be required for each phase.

Depending upon the level of detail submitted at outline planning, it may be necessary to submit additional drainage information to accompany reserve matters associated with the layout to demonstrate that the Surface Water Management Strategy can be accommodated within the proposed layout.

Further details regarding the surface water management proposals for each phase of development should then be provided within a Detailed Drainage Strategy. Each phase must remain consistent with the overall site strategy and drainage masterplan.

Supporting information must be submitted to demonstrate that any variations can be accommodated within the site without exacerbating flood risk. The overall site Surface Water Management Strategy may be reviewed as different phases are delivered.

Large sites in close proximity or in one catchment are encouraged to cooperate or consult concurrently as there may be opportunities for combined solutions with mutual and greater benefit.

Any strategic drainage features that are required for the wider site's drainage strategy to function properly must be identified and delivered prior to the connection of the

drainage from any phase or sub-phase. If a single site within a wider development (e.g. school or commercial site) is reliant upon the strategic drainage system, this must be clearly indicated within the phasing plan.

4.3.3 Consultation for minor and low risk development

Minor development will not normally be reviewed by KCC, unless specifically requested by the LPA due to local drainage concerns, existing or mapped surface water flood risk, or other matters identified by the LPA in relation to delivery of sustainable drainage.

In some instances, due to the size of the development or proposal, construction for drainage provision is not needed or substantial and therefore considered low risk. Low risk development for the purposes of consultation may be regarded, but not limited to: change of use¹⁷; limited external building envelope alterations; or which results in less than 100 m² of additional impermeable area and which is not located in an area of existing flood risk or drainage problems.

4.3.4 Easements and way leaves

If any surface water flows off site and is required to cross third party land, then information must be submitted which demonstrates that the applicant has the ability to deliver the outfall from the site. This may require confirmation of agreement from a third-party landowner or confirmation of an agreed easement way leave.

4.3.5 Maintenance and verification

The design of any drainage system must take into consideration the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.

The continued operation of any drainage system is dependent upon ongoing maintenance, which may be undertaken by an adopting authority or management agent. Any drainage strategy must include details of the intended adopting authority or agent and specific details of appropriate and sufficient maintenance, and then be confirmed in the verification report.

Developers will be required to demonstrate that the drainage was constructed according to the approved plans through post-construction verification reports. These reports will also include maintenance and requirements specific to the drainage

¹⁷ change of use where vulnerability is not increased

system constructed. Detailed drainage layouts will be required which also identify "critical drainage assets"¹⁸

¹⁸ KCC's definition of critical drainage assets would be those items of interest in relation to Section 21 (1A) of the Flood and Water Management Act (2010), namely any assets that are "likely to have a significant effect on a flood risk in its area" and could include items such as inlets, outlets, controls, attenuation structures etc... Further clarification can be provided by contacting KCC's Flood and Water Management team.

4.4 Adoptable highways and drainage

Most major development would normally include some aspect of highway construction or improvement, which may be adopted or require approval by KCC as the Highway Authority. The provision of drainage to adopted highways is normally subject to Section 38 or 278 Agreement, with approval and inspection by KCC as the Highway Authority.

Highway matters may be reviewed within the consultation by KCC as LLFA. KCC will endeavour to seek internal consultation on such matters; however, the detail provided within a planning submission may not be sufficient. The response from KCC as LLFA does not commit KCC as Highways Authority to any particular highways arrangement. The nature and extent of adoption should be confirmed with the Highways team at an appropriate time within the planning and design process.

Any review provided by KCC as LLFA within the planning process does not constitute a technical approval; however the LLFA's approval may be required prior to any further adoption by KCC as the Highways Authority.

5 Policies for Sustainable Drainage

5.1 Introduction

A range of sustainable drainage techniques may be utilised across a site to manage the surface water runoff from the planned development; the use of more than one technique will often be appropriate to achieve the objectives of sustainable development on any given site (notwithstanding situations which may still arise where a conventional solution may be the most appropriate).

Given the range of design options to provide a drainage solution, KCC has defined:

- **Drainage Policies** (SuDS Policy 1 through 6) that set out the requirements for a drainage strategy to be compliant with the NPPF and guidance within the Non-Statutory Technical Standards for Sustainable Drainage
- **Environment Policies** (SuDS Policy 7 through 9) that set out expectations to be considered within a drainage strategy in response to environmental legislation and guidance that KCC and the Local Planning Authorities have a duty to comply with.

These policies, summarised in Table 2, reflect the requirements of the Local Flood Risk Management Strategy, Surface Water Management Plans and Local Planning Authority Local Plans. Sufficient information must be submitted to demonstrate that the drainage proposals comply with these policies.

Table 2: Kent County Council SuDS Policies

Policy	Summary
SuDS Policy 1	Follow the drainage hierarchy
SuDS Policy 2	Deliver effective drainage design
SuDS Policy 3	Maintain Existing Drainage Flow Paths & Watercourses
SuDS Policy 4	Seek to Reduce and Avoid Existing Flood Risk
SuDS Policy 5	Drainage sustainability and resilience
SuDS Policy 6	Sustainable Maintenance
SuDS Policy 7	Safeguard Water Quality
SuDS Policy 8	Design for Amenity and Multi-Functionality
SuDS Policy 9	Enhance Biodiversity

5.2 Drainage policies

These policies are specified from the NPPF and the guidance within the Non-Statutory Technical Standards for Sustainable Drainage, as published by Defra.

Surface runoff not collected for use must be discharged according to the following discharge hierarchy:

- to ground,
- to a surface water body,
- a surface water sewer, highway drain, or another drainage system, or
- to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.

The selection of a discharge point should be clearly demonstrated and

5.2.1 SuDS Policy 1: Follow the drainage hierarchy

When development occurs, the urbanisation process within a catchment affects the natural hydrology; if the destination of the water is altered this may result in:

- a reduced supply of rainfall to groundwater,
- an accelerated passage of flow to the receiving watercourses, and
- water directed away from existing receiving catchments.

In order to maintain the natural balance of the water cycle, the above discharge hierarchy must be adhered to. Where development results in changes in runoff destinations, the design must account for how the surface flows are managed and demonstrate it does not exacerbate off-site flood risk.

Any development application must follow the hierarchy and be accompanied by evidence as to why infiltration is not utilised. Technical information on the uses of infiltration is provided in Kent Design Making It Happen, including testing methodology and design criteria. Infiltration testing must assess infiltration rates appropriate to underlying ground conditions and may require consideration of both shallow and deep infiltration.

If infiltration is not feasible further information is required from appropriate authorities indicating the acceptability of a discharge location, discharge rate and consent to connect. This agreement may be with the relevant owner or responsible body including IDBs, highway authorities, sewerage undertakers, riparian owners, port authority, Environment Agency, Canals and River Trust and others.

Any connection or discharge must be compliant with regulations or guidance governing the operation of the existing drainage system (e.g. IDB by-laws or standard specifications for public sewers). Correspondence with the relevant owner or responsible body should be submitted to demonstrate agreement in principle to the discharge and connection point as early in the development planning process as possible.

If we are aware of a capacity issue or a sewer flooding issue that a sewer connection is likely to exacerbate, we will inform the Local Planning Authority and the sewerage undertaker. We may oppose any such proposal until it can be adequately demonstrated that the receiving authority has confirmed the acceptability of the intended rate of discharge.

Discharge to Ground

The drainage strategy may be constrained if the drainage discharges to the ground via infiltration in a source protection zone (specifically SPZ 1), area of low permeability or area with high groundwater. Consultation with the Environment Agency early in the planning process is recommended to identify any constraints or specific requirements in these areas, specifically in relation to groundwater contamination. We recommend reference to the EA's latest policy guidance on groundwater protection¹⁹.

Discharge to Sewer

An existing connection to a sewer does not automatically set a precedent and it must be demonstrated why infiltration and/or a connection to a watercourse cannot be utilised. There is a presumption against any discharge of surface water to a foul sewer.

Combined sewer systems, which carry both foul and surface water, have limited capacity and are more likely to lead to foul flooding. In our commitment to ensuring development is sustainable, we will therefore seek to reduce surface water discharges to combined sewer systems.

We will encourage developers to look for available surface water systems within a radius of the proposed development before discharges to a combined sewer is agreed acceptable. For small developments surface water sewer connections should be assessed within 90 m of the development site boundary. For larger development (over

¹⁹ The Environment Agency's approach to groundwater protection, February 2018 or latest version as published.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

100 units), a suitable distance for connection to a surface water sewer will be assessed at the time of planning, dependent upon the size and location of the development.

Where a surface water connection to an existing combined sewer is unavoidable, it must be undertaken in such a manner and at such a location to facilitate future separation of the surface water from that combined system.

Discharge to Highway Drains

KCC may consider surface water discharges into highway drainage sewers in the following circumstances:

- a) the developer/property owner is prepared to upgrade the system where required to accommodate any increased flows; and,
- b) there is a proven existing connection to the highway drainage systems.

Highway drainage connections should be raised in pre-application discussion with KCC to ensure there will be appropriate arrangements in place for highways and drainage adoption, where appropriate. Highways advice for planning applications is provided on the County's website. Please refer to Kent Design Guide- *'Making it Happen'*.

Other Consents

Other consents by regulation may be required in relation to the discharge location (e.g. Flood Risk Activity Permit and Ordinary Watercourse consent). KCC may recommend consultation with other authorities in these instances.

5.2.2 SuDS 2: Deliver effective drainage design

Any proposed new drainage scheme must manage all sources of surface water and should be designed to match greenfield discharge rates, and volumes as far as possible.

Development in previously developed land should also seek to reduce discharge rates and volumes off-site and utilise existing connections where feasible.

Drainage schemes should provide for exceedance flows and surface flows from offsite, ensure emergency ingress and egress and protect any existing drainage connectivity, so that flood risk is not increased on site or off site.

Design Criteria

The drainage system must be designed to be consistent with pre-development flow rates and designed to operate without any flooding occurring during any rainfall event up to (and including) the critical 1 in 30 year storm (3.33% AEP). The system must also be able to accommodate the rainfall generated by events of varying durations and intensities up to (and including) the critical, climate change adjusted 1 in 100 year storm (1% AEP) without any on-site property flooding and without exacerbating the off-site flood-risk. The choice of where these volumes are accommodated may be within the drainage system itself or within other areas designated within the site for conveyance and storage.

Flooding of the highway **may** be permitted in exceptional circumstances for rainfall events between 1 in 30 year and 1 in 100 year events provided:

- Depths do not exceed the kerb height
- No excessive or prolonged ponding (beyond 10 minutes), so that the highway primarily operates as a conveyance route to another attenuation feature
- Flood extents are within the site boundary

Rainfall Simulation

KCC will generally require the use of the more detailed and up-to date FEH13 dataset within detailed drainage design submissions. Where FSR data is used to determine the extreme rainfall intensity values for a site, we would expect the FSR/FEH ratios

depicted in Appendix 1 of the 'Rainfall runoff management for developments' report²⁰ (Environment Agency, 2013) to be used to adjust the calculated attenuation requirements.

If FEH13 is unavailable (and unless otherwise calculated), we will accept a rainfall depth M5-60 of **26.25 mm** to be utilised in appropriate modelling software to account for this variation.

Runoff Rates

Greenfield runoff rates must be supplied. Preferred methods are IoH124, FEH, ReFH2 or others as agreed with KCC. The rates must reflect soil conditions specific to the site and applied to an appropriate drainage area consistently through the drainage strategy.

- **Local District or Parish Greenfield Runoff Rates**

Local planning policy may identify preferred discharge rates to be utilised in place of greenfield rates based upon a strategic flood risk assessment. In these areas, the preferred discharge rates should be utilised in the design.

KCC may also set strategic discharge rates to contribute to flood risk management within a district or parish council area; or to provide a more efficient approach to surface water management within a local area. If a strategic assessment of greenfield runoff rates has been undertaken by KCC, these rates must be utilised in design.

- **Minimum discharge rates**

Small sites are associated with low greenfield runoff rates. Given advances in technology and design of flow controls, it is now possible to achieve controlled flow rates of 2 l/s. This should be considered the minimum rate to be set for small sites, unless agreed with KCC.

- **Capacity constraints**

If the proposed development contributes to an area or network with known local flood risk issues or capacity constraints then discharge rates and volume control specific to the local conditions will be specified. Developers may be required to provide flood risk modelling/assessment to identify potential constraints.

²⁰[http://evidence.environmentagency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/Rainfall Runoff Management for Developments - Revision Esflb_ashx](http://evidence.environmentagency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/Rainfall_Runoff_Management_for_Developments_-_Revision_Esflb_ashx)

- **Previously developed land**

Redevelopment on previously developed land or “brownfield land” has the potential to rectify or reduce flood risk. For developments which were previously developed, the peak runoff rate from the development must be as close to the greenfield runoff rate from the development as reasonably practicable for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event. As a minimum we would expect to see evidence that a 50% reduction in the peak runoff rate from the existing site has been sought.

An assessment of the peak flow rate of an existing drainage system must consider: (a) the connectivity and condition of the drainage system; (b) the existing total impermeable area contributing to the drainage system; and (c) the pipe full capacity of the final 5m of the outfall pipe. Within all accompanying calculations, the post-redevelopment discharge rate must take account of the predicted effects of climate change.

Runoff characteristics for a previously developed site can be estimated by other methods as described within the CIRIA SuDS Manual (Chapter 24.5). It should be noted that if a simulation model for any existing network is utilised, the operation of the network must be confirmed by a network survey to establish the network arrangements, contributing areas and network condition.

Runoff Volumes

Runoff volumes from the developed site will usually increase in comparison to the site in its natural condition; this may increase flood risk in natural receiving systems. Controlling the volume of runoff from the site is therefore vital to prevent flood risk in natural systems. Within Kent, the need and type of volume control will vary according to the soil type present, which can be broadly broken down into the following categories:

- **Highly permeable soils** – in areas underlain by chalk, we will expect that use of infiltration will be maximised. With no off-site discharge, additional volume control will not be required
- **Intermediate permeability soils** - in these areas infiltration should still be maximised; offsite discharge should be limited to QBAR, (the mean annual flood flow rate, equivalent to an approximate return interval of 2.3 years). Where sites are small and flows are calculated to be less than 2 l/s, the minimum flow rate will apply of 2 l/s.

- **Low permeability soils** - areas underlain by largely impermeable soils (e.g. Weald clay and London clay) will require "staged" discharge.

This requires that rates mimic existing greenfield runoff rates of the 1:1 year, 1:30 year and 1:100 year storm events as long as long term storage is utilised for flow volumes in excess of the greenfield volume for the 1:100 year 6 hour event.

The long term storage volume must discharge at a rate no greater than 2 l/s/ha and the total flow rate must not exceed the 1:100 year greenfield flow rate.

If long term storage is not designed for, QBAR should be applied to all events from the 1:30 year rainfall event.

Exceedance

Exceedance flows that cannot be contained within the drainage system shall be managed in flood conveyance routes. The primary consideration shall be risks to people and property on and off site.

Exceedance should be considered in two parts; very high intensity storms to ensure bypass flows from overloaded pipework (including potentially blocked gullies due to debris), and overflowing of storage systems. Consideration of exceedance routes will ensure that any residual risk arising from either or these are safely managed.

Emergency access arrangements

Access should be maintained into and through the site for emergency vehicles during all storms up to (and including) the critical, climate-change adjusted 1 in 100 year event. The drainage application must give consideration to flood risk vulnerability classifications (as defined through Planning Practice Guidance to the National Planning Policy Framework), as specific measures or protections may be assessed and need to be agreed with the appropriate authority.

Unrestricted discharge rates

If the proposed system discharges to a watercourse or main river, consideration must also be given to any requirements due to high water levels in the receiving watercourse due either to tide (i.e. tide-locking) or flood flows. Attenuation volumes required onsite to manage flows must take into account the effects of high receiving water levels. This also applies to connection made to sewers.

If the proposed site is immediately adjacent to a watercourse or main river, there may be instances where direct discharge to the waterway is promoted without attenuation. This is only likely to be a recommendation on or immediately upstream from tidal areas. Direct discharge without attenuation or limited attenuation based on high (non-standard) discharge rates to a main river must be agreed in consultation with KCC and the Environment Agency.

Phased Delivery

If a proposed development is to be delivered in phases, a commitment should be made for a surface water management strategy to be delivered with the first phase of development, designed to be capable of accommodating the runoff from each of the subsequent phases. If this is not possible, the runoff from each separate phase must be controlled independently.

Whichever approach is taken, the control of surface water runoff during construction should be considered. Temporary works may be required to accommodate phased

Drainage schemes should be designed to follow existing drainage flow paths and catchments and retain where possible existing watercourses and features.

construction. Any temporary drainage measure must be identified and clearly shown on a drainage layout drawing.

5.2.3 SuDS Policy 3: Maintain Existing Drainage Flow Paths & Watercourses

By mimicking the natural drainage flow paths and working within the landscape, more effective and cost-efficient design can be developed. Working with existing natural gradients also avoids any reliance on pumped drainage, with its associated energy use and failure risk. The natural environment including woods, trees and hedgerows can play a part in water management.

KCC encourages maintenance of the existing flow paths and drainage connectivity. Where this is the case the following conditions apply:

- a) If the proposed development is reliant on an existing discharge point, then it is recommended that the condition and conveyance capacity is confirmed through CCTV or other survey with the discharge capacity confirmed.
- b) Outfalls to ordinary watercourses should not occur to "blind-ended" ditches and should be part of a wider and contiguous drainage network.

Some sites may lie in or near more than one hydrological catchment. Surface water flows should be continued through the pre-development catchments and not diverted to adjacent catchments, in order to preserve the hydrology of catchments and prevent an increase in flood risk.

Ordinary Watercourses

An 'ordinary watercourse' is defined as any channel capable of conveying water that is not part of a 'main river'; Small rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) can all be classified as 'ordinary watercourses'.

When considering the development/redevelopment of any site, existing ordinary watercourses should be identified and accommodated within any drainage strategy

and site masterplan. They should be preferably retained as an open feature within a designated corridor, and ideally retained within public open space. Any outfall to an ordinary watercourse should be designed to ensure there is adequate erosion protection for the receiving channel and its banks.

It is not sufficient to undertake earthworks to the top of the bank of a boundary ditch. Any site improvements should include the channel itself. The landowner has riparian responsibilities for these ditches and new development provides an opportunity to address any existing ditch issues such as excessive vegetation, channel clogging, culvert improvements or bank stability.

It is recommended that any discharge to an ordinary watercourse or any modification to an ordinary watercourse be identified and agreed in principle with KCC (or other consenting authority if required) prior to the submission of any planning application. The ability of a watercourse to convey water (and to function as an effective exceedance flow route, where appropriate) will always need to be maintained.

Flood risk

For those watercourses, developers may need to consider the potential flood risk arising from them, particularly where there are structures which might influence water levels. Where a risk from flooding has been identified, appropriate flood risk mitigation should be identified and agreed with the Local Planning Authority/ KCC; development should be avoided in any area likely to be affected by exceedance of the channel's capacity, reflecting requirements of SuDS Policy 4.

Culverts

Culverting of open watercourses will not normally be permitted (except where demonstrably essential to allow highways and/or other infrastructure to cross). In such cases culverts should be designed in accordance with CIRIA *C689: Culvert Design and Operation Guide*, (2010) and KCC's Land Drainage Policy. Culverts will not be approved below/ beneath any proposed structure.

If a culverted watercourse crosses a previously developed site, it should be reverted back to open channel, wherever practicable. In any such case, the natural conditions deemed to have existed prior to the culverting taking place should be re-instated.

Measures should be in place to ensure that any future owner of a property through which a watercourse passes is aware of their maintenance responsibilities as a riparian owner.

Under the terms of the Land Drainage Act 1991, any works within an ordinary watercourse will require consent under Section 23 of the Act. This will be either from KCC or from an IDB (in the areas where they operate). Consents are unable to be amended once granted so any changes to design will need to apply for Land Drainage consenting again. Consents cannot be granted retrospectively if works are undertaken prior to approval.

If land drainage consent is required in relation to the proposed development, we recommend that the submission of any application for consent is delayed until planning permission is granted, (excepting instances when consents are required to construct or upgrade site access) as the proposed site layout may be subject to further change. Please refer to KCC web pages for guidance on ordinary watercourse consents.²¹

²¹ <http://www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/land-drainage-consent>

Overland flow paths

Account should be taken for any overland flow routes which cross the site from adjacent areas. Flow routes may be indicated by reference to the EA's surface water flow mapping however the magnitude of the contribution from upstream catchments should be assessed to determine flows and the extents of flooding. It is usually preferred that these flow routes would be accommodated within the development layout; however, flood assessment or more detailed modelling may be undertaken if these routes are to be modified or channelised. It is not acceptable to culvert overland flow routes.

5.2.4 SuDS Policy 4: Seek to Reduce and Avoid Existing Flood Risk

New development should be designed to take full account of any existing flood risk, irrespective of the source of flooding.

Where a site or its immediate surroundings have been identified to be at flood risk, all opportunities to reduce the identified risk should be investigated at the masterplanning stage of design and subsequently incorporated at the detailed design stage.

Remedial works and surface water infrastructure improvements may be identified in the immediate vicinity of the development to facilitate surface water discharge from the proposed development site.

Paragraph 165 of the National Planning Policy Framework outlines how flood risk management bodies should seek to manage flood risk through using opportunities offered by new development to reduce the causes and impacts of flooding, taking the predicted effects of climate change into account.

As LLFA, KCC will endeavour to ensure that this principle is applied across the County. Where a developer's Drainage Strategy has identified that there are existing flood risks affecting a site or its surroundings, there would be an expectation that the developer manages the identified risk appropriately to ensure that there are no on or off site impacts as a result of any development. Similarly, where there are opportunities to reduce the off-site flood risk through carefully considered on-site surface water management, we will encourage developers to explore these fully.

Avoiding areas of flood risk

All development should be preferentially located in the areas of lowest flood risk, irrespective of the source of flooding. At the earliest stages of masterplanning, an appropriate flood risk or drainage impact assessment should be undertaken to ensure that any vulnerable forms of development are located outside Flood Zones 2 or 3 and/or those areas identified as being at medium to high risk of surface water flooding. The Environment Agency's Flood Map for Planning and Long-Term Flood Risk pages should be referred to for this information.

Residential buildings should in the first instance not be located within any area indicated to be at high risk²² from surface water flooding, according to the Long Term Flood Risk²³ maps or any local flood maps.

If development is unavoidable within a surface water flood risk or flow route, then the land use should be water compatible; designed and constructed to be flood resilient; having consideration of the estimated flow depths and be designed accordingly.

Remedial works and infrastructure improvements

Local flood risk “hot spots” may be known to KCC or the local council in the vicinity of the proposed development. If the receiving system is in a poor condition and unable to convey flow effectively, remedial works may be required prior to connection or discharge to the system.

A condition survey of the outfall location and of the receiving system may be required to confirm connectivity and capacity along with any potential works required to ensure discharge can occur without impedance.

Dependent upon ownership and responsibilities, these works may be recognised as part of the development description for the proposed development as would occur for any infrastructure improvement to accommodate strategic growth, new connections and new local development.

²² High risk means that each year an area has a chance of flooding of greater than 3.3% (i.e equates to 1 in 30-year risk of flooding), with flood depths over 900mm and velocities over 0.25 m/s.

²³ <https://flood-warning-information.service.gov.uk/long-term-flood-risk>

5.2.5 SuDS Policy 5: Drainage Sustainability and Resilience

The design of the drainage system must account for the likely impacts of climate change and changes in impermeable area over the design life of the development. Appropriate allowances should be applied in each case.

A sustainable drainage approach which considers control of surface runoff at the surface and at source is preferred and should be considered prior to other design solutions.

Drainage infrastructure normally has a defined design life. This varies depending upon the nature of the system's components. The drainage must be designed to function properly to protect the development and downstream from flooding over this timeframe. This includes accommodating predictable changes, including climate change and urbanisation.

Climate Change

In 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

KCC require that the drainage design accommodates the 1 in 100 year storm with a 20% allowance for climate change, with an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

This analysis must determine if the impacts of the 40% allowance are significant and lead to any unacceptable flood risks (it is not normally expected that the site would not flood in this scenario, only that if this storm were to occur the impacts would be minimal i.e no flooding of property or sensitive infrastructure and no flooding leaves the site). The design may need to be modified to avoid any unacceptable risks, but may also need additional mitigation allowances, for example a higher freeboard on attenuation features or provision of exceedance routes. This will tie into designing for exceedance principles.

Sustainability

Design of drainage systems utilising a sustainable drainage design approach and reducing reliance on below ground systems in pipes and tanks, provides greater visibility for maintenance as well as many other benefits. Sustainable measures which control flow rates near to the source and which maximise natural losses through

infiltration and evaporation are preferred. Operation of surface systems is also more easily observed.

Urban Creep

To take account of possible future conversion of permeable surfaces to impermeable over time (e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas). Consideration of urban creep should be assessed for residential developments

An allowance for the increase of impermeable area from urban creep must be included in the design of the drainage system. The allowances set out in Table 3 must be applied to the impermeable area within the property curtilage according to the proposed dwelling density.

Table 3: impermeable area allowances for urban creep

Residential development density (Dwellings per hectare)	Change allowance (% of impermeable area)
≤ 25	10
30	8
35	6
45	4
≥ 50	2
Flats & Apartments	0

5.2.6 SuDS Policy 6: Sustainable Maintenance

Any proposed drainage schemes must be designed to be maintainable to ensure that the drainage system continues to operate as designed and must be accompanied with a defined maintenance plan.

The drainage system must be designed to take account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work. Without maintenance, the function of drainage systems may alter. Increased leaf litter, sediments and colonisation of vegetation may clog drainage measures or impact the characteristics of operational controls.

Design to be maintainable

The drainage strategy must demonstrate that adequate access is available and practicable for personnel and equipment either through an appropriate layout or legal agreement to provide agreed access arrangements in perpetuity. Consideration should also be given to the Construction Design and Management regulations for health and safety purposes.

Wherever possible, it is preferable that drainage schemes should be designed at the surface to allow easy inspection and maintenance. Drainage maintenance can usually be incorporated as part of a typical landscape maintenance specification.

KCC recommends that shared drainage measures or drainage measures serving the wider development are located within common land or public open space to facilitate easy access and maintenance. Drainage measures which serve more than one property should not be located within back gardens or other private areas.

If the proposed development incorporates existing field ditches or ordinary watercourses, we would normally require a minimum setback of 5 m to 8 m (depending upon the location, and whether the ditch/watercourse falls within an IDB regulated area). This will allow the safe access and operation of any tracked machinery that may be required to undertake any maintenance works to the banks or channels, and provides a reasonable buffer for any flora and fauna within the watercourse.

We would generally recommend that new development is designed to facilitate the maintenance of existing watercourses, with roads or walkways being provided alongside at least one bank for access. Closed fence-lines to the rear of properties

bordering a watercourse should be avoided owing to the maintenance difficulties and the potential for the inappropriate depositing of material beyond property boundaries.

With surface water drainage systems, a careful balance must be struck over the creation of habitats. The encouragement of certain protected species or creation of protected habitats may conflict with the regular maintenance works essential to ensuring long term functionality of the drainage measures. An awareness of any biodiversity objectives or site wide strategic ecological management plan should be considered as part of a maintenance plan for the drainage measures, specifically timing of vegetation cuts and silt removal to ensure no conflict with nesting birds or specific life stages of biota.

Where, in particular circumstances, underground techniques are used, more extensive inspection processes will be necessary, for example where longer pipe runs are used, CCTV surveys may be required. All inlet, outlet and control structures must be indicated and known to the appropriate adopting authority to be protected from blockage and located near the surface, to allow for easy management during routine maintenance visits.

Maintenance Plan

An operation and/or maintenance plan should be provided which indicates a schedule and time of activities, as well as critical controls or components of the drainage scheme. This plan should include an indication of the roles and responsibilities for each authority or organisation which may have a responsibility for maintenance activities. Any inter-connectivity with or reliance upon other drainage systems should be indicated.

KCC may work with LPAs to ensure that the drainage schemes associated with large, strategic, potentially problematic or sensitive sites have been established and are able to function in accordance with the approved plans and specifications.

Information on maintenance requirements will be required in early stages of planning submissions to demonstrate that adequate access is provided.

Verification report

KCC may also require the submission of a Verification Report after development completion (Appendix D). This report will demonstrate that the constructed drainage system operates as approved; will include the identification of “**critical drainage assets**”; and, will outline specific maintenance requirements and obligations for each drainage measure.

As LLFA, KCC has a duty to maintain a register of structures or features which are likely

When designing a surface water management scheme, full consideration must be given to the system's capacity to remove pollutants and to the cleanliness of the water being discharged from the site, irrespective of the receiving system.

Interception of small rainfall events should be incorporated into the design of the drainage system.

to have a significant effect on flood risk. Drainage schemes within new developments may include structures or features that will be required to be included within the register. Critical drainage assets which are not adopted by others will be recorded.

5.2.7 SuDS Policy 7: Safeguard Water Quality

Paragraph 170 (e) of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to (or being put at unacceptable risk from) unacceptable levels of water pollution or land instability. Development should whenever possible help improve local environmental conditions.

Additionally, the Water Framework Directive has been established to improve and integrate the way water bodies are managed throughout Europe. It provides a legal framework to protect and restore clean water throughout Europe to ensure its long-term sustainable use. In particular it will help deal with diffuse pollution which remains a big issue following improvements to most point source discharges.

The design of any drainage proposal should therefore ensure that surface water discharges do not adversely impact the water quality of receiving water bodies, both during construction and when operational. Sustainable drainage design principles have the potential to reduce the risk of pollution, particularly through managing the surface water runoff close to the source and on the surface. Below grade pipes and tanks which are efficient for drainage purposes may not provide appropriate water quality treatment.

The CIRIA SuDS Manual describes a methodology for determining the hazard posed by land use activities (refer to Chapter 26 of the CIRIA SuDs Manual). A simple index approach enables an assessment of the pollution hazard and value of mitigation provided by the sustainable drainage measure. This assessment will be required for all applications.

Runoff from small rainfall events can pose a particular problem for water quality. The 'first flush' of runoff contains the initial high concentration load of pollutants that has built-up on surfaces during the preceding dry period. It is possible to get a high initial pollution concentration for relatively small rainfall events.

Rainfall events that are less than or equal to 5mm in depth also comprise more than half of the rainfall events that took place. The volume of runoff from these small events therefore can cumulatively contribute significantly to total pollutant loadings from the site over a specified period of time. Interception of an initial rainfall depth of 5 mm for all rainfall events would mimic greenfield response characteristics in that runoff from small rainfall events do not generally produce any run-off.

KCC would expect that developers demonstrate that the first 5 mm of any rainfall event can be accommodated and disposed of on-site, rather than being discharged to any receiving watercourse or surface water sewer. This can easily be achieved through the inclusion of sustainable drainage measures such as infiltration systems, rain gardens, bioretention systems, swales, and permeable pavement.

Where it proves exceptionally difficult to achieve this principle, it must be demonstrated that any water leaving the site has been appropriately treated to remove any potential pollutants.

When discharging to the ground, ground conditions and protection of any source protection zones should be confirmed.

Discharge to ground shall only occur within clean, competent, natural and uncontaminated ground and information should be provided to demonstrate that a sufficient unsaturated zone has been provided above the highest occurring groundwater level. Advice may need to be sought from the EA Groundwater team in relation to these matters, particularly in SPZ 1 and may require specific mitigation.

Infiltration into Made Ground will not be accepted.

Construction Management Plan

The management and control of erosion and sediment should be considered throughout design and construction, operation and maintenance to ensure that no impact to offsite watercourses occurs.

Sedimentation can cause the loss of aquatic habitat, decreased fishery resources and can lead to increased flooding due to reduction in hydraulic capacity of the watercourse.

A Construction Management Plan will be required to demonstrate that erosion and sediment controls are adequately planned to protect water quality in receiving water environments. Any sites within a sensitive receiving catchment may require additional information. Situations in which this is a consideration will be confirmed through coordination with KCCs Biodiversity team and the Environment Agency.

5.2.8 SuDS Policy 8: Design for Amenity and Multi-Functionality

Drainage design must consider opportunities for inclusion of amenity and multi-functionality objectives and thus provide multi-functional use of open space with appropriate design for drainage measures within the public realm.

Local environmental objectives may identify other benefits which can be agreed to be delivered through appropriate design of the drainage system.

Amenity and Open Space

Where land performs a range of functions it affords a far greater range of social, environmental and economic benefits than might otherwise be delivered (Landscape Institute Position Statement, Green Infrastructure). Open spaces are often multifunctional, fulfilling several different valuable roles; for example, in the main they may be for recreational use, but they may also provide valuable wildlife habitat, an attractive landscape, paths for walking and cycling and space for community events.

Well-designed, open, sustainable drainage measures may also provide this degree of opportunity, optimising all of these functions in a way which fits with the surrounding landscape. For example, park areas which can be used as temporary flood storage during heavy rainfall events, and wetlands being used to deliver amenity value and habitat as well as water treatment. The aim should be to create networks of high quality open space which adapt for attenuation of surface water, sports and play and enhancement of biodiversity.

The integration of sustainable drainage measures into open spaces can introduce open water and variable ground surfaces into the public realm with associated risks of: drowning; slips, trips and falls; waterborne disease; and bird strike if near airports. The majority of potential risks can be assessed and removed through good site design. Reference should be made to best practice for appropriate design is provided in CIRIA's 'SuDS Manual'.

Multi-functional Design Benefits

Multi-functional design may also deliver other benefits as summarised in Table 4 (BS 8582 Code of Practice for Surface Water Management for Development Sites). New evaluation tools (BEST Benefits Estimation Tool, CIRIA) may enable a full accounting of benefits to demonstrate economies and efficiencies to including specific design elements within the drainage provision. Simple elements such as inclusion of trees, or

rain gardens within kerb build-outs may deliver other priorities being sought by the local authority.

Table 4: Multi functional surface water management design (Source: BS 8582:2013)

Infrastructure objective	Multi-functional surface water management system design and associated environmental value
1. Recreational opportunities	<ul style="list-style-type: none"> • Subsurface attenuation storage systems can be sited below permeable surfaces used for recreation • Infrequently flooded detention zones can also serve as recreational/amenity areas • Vegetated conveyance and/or storage systems can be designed to promote education, play and amenity value • Intensive green roofs can provide amenity landscape in dense urban settings • Surface water management components can be integrated with sustainable transport corridors (e.g. cycle routes) to maximize benefits
2. Water resources conservation	<ul style="list-style-type: none"> • Surface water run-off from roofs and uncontaminated paved surfaces, can be captured and stored for use • Rainwater harvesting systems can be designed to deliver surface water management benefits in addition to water supply (see BS 8515)
3. Habitats/ biodiversity enhancement	<ul style="list-style-type: none"> • Vegetated surface water management components, which store or convey water either temporarily or permanently, can often deliver locally important habitat • Such areas can contribute to urban “corridors” and “networks” of green (vegetated) and blue (water) spaces that support the movement of species
4. Traffic management	<ul style="list-style-type: none"> • Appropriately designed roads can provide, during times of extreme rainfall, short-term effective management of flood waters, either for conveyance or storage • Local road surfaces and pavements can often be designed to be pervious and allow run-off to infiltrate into the sub-base • Bioretention/biofilter zones can be integrated within pavement design to provide both traffic calming and stormwater management units • Vegetated swales running alongside roads can be designed to treat and control road run-off • Tree pits can be included to intercept run-off (with additional subsurface storage included within or adjacent to the pit)
5. Car parking	<ul style="list-style-type: none"> • Where the car parking surface is designed to be pervious, surface water can be stored and treated within the sub-base, prior to either controlled discharge, infiltration to the ground, or use. • Car parks can store additional volumes of floodwater above the surface during extreme events. • Vegetated strips, swales, bioretention systems and basins can be designed adjacent to the car park to treat and control run-off
6. Public education/ awareness	<p>Local community engagement strategies can deliver:</p> <ul style="list-style-type: none"> • an understanding of the functionality and environmental importance of the surface water management system in mitigating human impacts • a commitment towards contributing to the management of the drainage components • an understanding of the health and safety risk management strategy for the site in relation to surface water • ideas as to how the system could be used to promote children’s education strategies and increased local amenity benefits
7. Air temperature / urban heat island mitigation	<ul style="list-style-type: none"> • Urban cooling can be promoted via the return of moisture to the air through evaporation and evapotranspiration from vegetated surface water management features • Direct cooling can be provided by trees integrated within the surface water management system providing shade • Green roofs and vegetative surfaces reflect more sunlight and absorb less heat
8. Reduced energy use	<ul style="list-style-type: none"> • Green roofs provide good building insulation
9. Air quality improvement	<ul style="list-style-type: none"> • Trees, larger shrubs and vegetated surfaces used as part of the surface water management strategy can filter out airborne pollutants
10. Landscape character	<ul style="list-style-type: none"> • Well designed and integrated SuDS features can enhance aesthetic appeal and local landscape and townscape character and distinctiveness
11. Health benefits	<ul style="list-style-type: none"> • Green and blue space within developments promotes health benefits linked to

Drainage design must consider opportunities for biodiversity enhancement, through provision of appropriately designed surface systems, consideration of connectivity to adjacent water bodies or natural habitats, and appropriate planting specification.

5.2.9 SuDS Policy 9: Enhance Biodiversity

Biodiversity is defined as the variety of life on Earth; designing to protect and enhance biodiversity is therefore essential. As a direct result of human activity, the rate of species extinction over the last 200 years is far higher than in any period of the preceding 65 million years. In the UK, freshwater ecosystems are at the most risk and populations of key species have declined significantly.

The NPPF requires that Local Planning Authorities set out a strategic approach to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (NPPF para 171). Maximising the ecological value of drainage systems is consistent with national and local policies which aim to conserve and enhance biodiversity. This is underpinned by a variety of legislation including the biodiversity 'duty' for public bodies which is enshrined in the Natural Environment and Rural Communities (NERC) Act 2006.

Working with the landscape to provide drainage may promote other opportunities with greater benefits for biodiversity but also provide greater attractiveness. The linear nature of many SuDS features can help create green corridors through developments; these are important for wildlife and ensure that the associated development is connected with its surrounding environment.

KCCs 'SuDS and Biodiversity' project (2014) has demonstrated that drainage schemes within residential areas contribute to the biodiversity of the local area and provide important habitats for animals and plants that would otherwise be absent. In some cases invertebrate species of significant nature conservation value have been found.

A number of key factors were identified to strongly influence the biodiversity value of the sustainable drainage features. These included:

- connectivity with other waterbodies and habitats,
- planting assemblage and cover,
- waterbody design,
- retained water,
- fish/wild fowl presence, and

- water quality.

When assessing drainage design, particularly surface systems, it is important to consider the drainage scheme in the context of the surrounding landscape character area. Effective integration will also require carefully researched and selected plants, which work to improve the local green infrastructure.

The design of any drainage scheme can provide an opportunity for increasing biodiversity value by including surface vegetated systems with some retained water and through ensuring appropriate edge treatments and gradients. Review of engineering design by an ecologist may identify simple improvements in pond design and planting specification that would maximise the biodiversity potential.

Glossary

Aquifer	A source of groundwater comprising water-bearing rock, sand or gravel capable of yielding significant quantities of water.	EA	Environment Agency. Government Agency responsible for flooding issues from main river, and strategic overview of flooding.
Adopting authority	General term utilized in this guidance and relates to the authority that will ultimately manage the proposed drainage system	Flood event	A flooding incident usually in response to severe weather or a combination of flood generating characteristics.
Attenuation	Attenuation is the process of water retention on site and slowly releasing it in a controlled discharge to a surface water or combined drain or watercourse. The amount of discharge will vary depending whether it is a brown or greenfield site. For brownfield sites the developer must determine the likely run off and agree an acceptable discharge with the LLFA, environment agency or water authority.	Flood risk	The combination of the flood probability and the magnitude of the potential consequences of the flood event.
		Flood Risk Assessment	An appraisal of the flood risks that may affect development or increase flood risk elsewhere
Brownfield site	Any land or site that has been previously developed.	Flood Zones	Flood Zones provide a general indication of flood risk, mainly used for spatial planning.
Catchment	The area contributing surface water flow to a point on a drainage or river system.	Floodplain	An area of land that would naturally flood from a watercourse, an estuary or the sea.
CIRIA	Construction Industry Research and Information Association. www.ciria.org	Freeboard	A vertical distance that allows for a margin of safety to account for uncertainties.
Climate change	Long-term variations in global temperature and weather patterns both natural and as a result of human activity (anthropogenic) such as greenhouse gas emissions	Flood and Water Management Act	The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.
Culvert	A structure which fully contains a watercourse as it passes through an embankment or below ground.	Flow control device	A device used to manage the movement of surface water into and out of an attenuation facility.
Development	The undertaking of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.	Geocellular storage systems	Modular plastic systems with a high void ratio, typically placed below ground which allow for storage of storm water to infiltrate or discharge to another system.

Gravity drainage	Drainage which runs through pipework installed to a fall, and not therefore under pressure.	Lead Local Flood Authority	<ul style="list-style-type: none"> • The River Stour • Upper Medway • Lower Medway • Romney Marshes Area • North Kent Marshes 		
Greenfield	Undeveloped land.		Local Flood Risk Management Strategy	Under the terms of the Flood and Water Management Act 2010, LLFAs are responsible for developing, maintaining and applying a strategy for local flood risk management in their areas and for maintaining a register of flood risk assets. They also have lead responsibility for managing the risk of flooding from surface water, groundwater and ordinary watercourses. Kent County Council are the LLFA within Kent.	
Greenfield runoff rate	The rate of runoff which would occur from a site that was undeveloped and undisturbed.			Main River	Strategy outlining the Lead Local Flood Authority's approach to local flood risk management as well as recording how this approach has been developed and agreed.
Groundwater	Water that exists beneath the ground in underground aquifers and streams.				Mitigation measure
Groundwater flooding	Flooding caused by groundwater rising and escaping due to sustained periods of higher than average rainfall (years) or a reduction in abstraction for water supply.	National Planning Policy Framework	Overland Flow	A generic term used in this guide to refer to an element of development design which may be used to manage flood risk to the development, or to avoid an increase in flood risk elsewhere.	
Highway authority	Body responsible for the management and maintenance of public roads			Framework setting out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.	
Impermeable	Will not allow water to pass through it.	Internal Drainage Board (IDB)		Flooding caused by surface water runoff when rainfall intensity exceeds the infiltration capacity of the ground, or when the soil is so saturated that it cannot accept any more water.	
Impermeable surface	An artificial non-porous surface that generates a surface water runoff after rainfall.				
Infiltration	Infiltration or soakaway is the temporary storage of water to allow it to naturally soak away into the ground. Because water soaks into the ground gradually, reduces the risk of flooding downstream. Infiltration may be used where there is no surface water sewer or where existing systems are at full capacity. Infiltration helps to recharge natural ground water levels.				
Internal Drainage Board (IDB)	An internal drainage board (IDB) is a public body that manages water levels in an area, known as an internal drainage district, where there is a special need for drainage. IDBs undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district. There are six IDBs in Kent:				

Permeability	A measure of the ease with which a fluid can flow through a porous medium. It depends on the physical properties of the medium.
Pitt Review	An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England.
Rainwater harvesting	Collection and Re-use or recycling of rainwater for the purpose of garden irrigation, car washing, toilet flushing etc.
Runoff	Water flow over the ground surface to the drainage system. This occurs if the ground is impermeable, is saturated or if rainfall is particularly intense.
Source Protection Zone	Defined areas showing the risk of contamination to selected groundwater sources used for public drinking water supply.
Strategic Flood Risk Assessment	A study to examine flood risk issues on a sub-regional scale, typically for a river catchment or local authority area during the preparation of a development plan.
Surface water flooding	Flooding caused by the combination of pluvial flooding, sewer flooding, flooding from open channels and culverted urban watercourses and overland flows from groundwater springs
Surface Water Management Plan	A study undertaken in consultation with key local partners to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term.
SUDS	Sustainable (urban) drainage systems. A sequence of management practices and control structures that are designed to drain surface water in a more sustainable manner.
Watercourse	A term including all rivers, streams, ditches drains cuts culverts dykes sluices and passages through which water flows.

Appendix A. National Planning Policy Framework (Extract)

155	<p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p>
157	<p>All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:</p> <ul style="list-style-type: none"> a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
163	<p>When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁰. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ul style="list-style-type: none"> a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
165	<p>Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:</p> <ul style="list-style-type: none"> a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

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Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Appendix B. Non-Statutory Technical Standards for Sustainable Drainage

Flood risk outside the development	
S1 Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or a large estuary) the peak flow control standards (S2 and S3 below) and volume control technical standards (S4 and S6 below) need not apply.	S6 Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.
Flood risk within the development	
Peak flow control	S7 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.
S2 For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.	S8 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
S3 For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.	S9 The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.
Structural Integrity	
Volume control	S10 Components must be designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.
S4 Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.	S11 The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer must be of a suitable nature and quality for their intended use.
S5 Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.	Designing for maintenance considerations
	S12 Pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.
	Construction

S13 The mode of construction of any communication with an existing sewer or drainage system just be such that the making of the communication would not be prejudicial to the structural integrity and functionality of the sewerage or drainage system.

S14 Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.

DRAFT

Appendix C. Drainage Strategy Summary Form

Drainage Strategy Summary



1. Site details			
Site/development name			
Address including post code			
Grid reference (Centre of site)		E	N
LPA reference			
Type of application		Outline <input type="checkbox"/>	Full <input type="checkbox"/>
		Discharge of Conditions <input type="checkbox"/>	Other <input type="checkbox"/>
Has pre-application advice been sought from KCC?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If so, KCC Reference Number:			
Pre-application Meeting Date:			
Site condition		Greenfield <input type="checkbox"/>	Previously developed <input type="checkbox"/>
2. Ground conditions			
Underlying made ground	Yes <input type="checkbox"/> No <input type="checkbox"/>	Complex geology requiring specific Sustainable Drainage design i.e. Hythe Beds	Yes <input type="checkbox"/> No <input type="checkbox"/>
Site contamination identified	Yes <input type="checkbox"/> No <input type="checkbox"/>	Adjacent land constraints i.e. landfill site, underlying contamination	Yes <input type="checkbox"/> No <input type="checkbox"/>
High groundwater table	Yes <input type="checkbox"/> No <input type="checkbox"/>		
3. Existing drainage		Document/Plan where information is stated:	
Total site area (ha)			
Impermeable area (ha)			
Final discharge location	Infiltration <input type="checkbox"/>	Watercourse <input type="checkbox"/>	
	Surface water sewer <input type="checkbox"/>	Combined sewer <input type="checkbox"/>	
	Tidal reach/estuary/ sea <input type="checkbox"/>		
Where applicable specify catchment runoff rates:	Greenfield runoff rates (l/s)	Existing runoff rates (l/s)	
QBAR (l/s)			
1 in 1 year (l/s)			
1 in 30 year (l/s)			
1 in 100 year (l/s)			
4. Proposed drainage areas		Document/Plan where information is stated:	
Impermeable area (ha)	Roof		
	Highway/road		
	Other paved areas		
	Total		

Permeable area (ha)	Open space		
	Other permeable areas		
	Total		
Final discharge location	Infiltration	<input type="checkbox"/>	
	Infiltration rate	_____ m/s	
	Watercourse	<input type="checkbox"/>	
	Sewer	<input type="checkbox"/>	
	Tidal reach/sea	<input type="checkbox"/>	
Climate change allowance included in design	20% <input type="checkbox"/>	30% <input type="checkbox"/>	40% <input type="checkbox"/>
5. Post-Development Discharge rates, with mitigation			Document/Plan where information is stated:
Describe development drainage strategy in general terms:			
(a) Soil type and discharge	Permeable <input type="checkbox"/> No off-site discharge i.e. infiltration <input type="checkbox"/>	Semi-permeable <input type="checkbox"/> Infiltration maximised, QBAR off-site <input type="checkbox"/>	Impermeable <input type="checkbox"/> Staged discharge <input type="checkbox"/>
(b) Controlled developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		
6. Discharge Volumes			Document/Plan where information is stated:
	Existing volume (m ³)	Proposed volume (m ³)	
1 in 1 year			
1 in 30 year			
1 in 100 year			
1 in 100 year + CC			
7. Plans/Drawings			Document/Plan where information is stated:
A schematic of the drainage <u>strategy</u> has been included? Yes <input type="checkbox"/> No <input type="checkbox"/>			
A schematic of the drainage <u>network model</u> has been included?			

Yes <input type="checkbox"/>	No <input type="checkbox"/>	
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All information presented above should be contained within the attached Flood Risk Assessment, Drainage Strategy or Statement and be substantiated through plans and appropriate calculations.

Form completed by	
Qualifications	
Company	
Telephone	
Email	
On behalf of (client's details)	
Date	

Appendix D: Drainage Asset Record Sheet for Verification Report



Identification	Type of Structure or Feature	
	Location Name	
	Drawing Identifier	
MANAGEMENT/ OWNERSHIP	Owners Name / Company	
	Address of owner	
	Owners Contact Number	
	Maintained By	
	Adoption proposed	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Name of Adopting Authority	
	Estimated Date of Adoption	
ASSET DETAILS	National Grid Reference (NGR)	
	Cover Level	
	Invert Level	
	Max volume	
	Height	
	Diameter/Width	
	Length	

	Depth	
	Designed Flow Rate	
	Any Additional Uses	

Drainage and Planning Policy Consultation Report

November 2019

Alternative formats: For any alternative formats of the consultation material, please email alternativeformats@kent.gov.uk or call 03000 421553 (text relay service number 18001 03000 421553). This number goes to an answering machine, which is monitored during office hours.

1.	Introduction	2
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1. Introduction

The Drainage and Planning Policy (DPP) sets out the criteria for the surface water management aspects of planning applications that Kent County Council (KCC) is asked to consult on. The DPP builds on the Department for Environment, Food & Rural Affairs (DEFRA's) Non-Statutory Technical Standards and National Planning Policy Framework (NPPF).

KCC have prepared a revision of the DPP based upon our experiences of undertaking the statutory consultee role and to incorporate changes to the National Planning Policy Framework (NPPF) in 2019.

The new policy will be adopted by KCC after appearing before the Environment and Transportation Cabinet Committee in November 2019. The consultation helped to inform the final draft of the Policy

Consultation process

The DPP was presented to KCC's Flood Risk Management Committee on 22 July 2019 (the papers for the committee can be found here:

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=584&MId=8141&Ver=4>).

The committee includes representatives of the districts and boroughs of Kent as well as parish councils.

The consultation on the revised Drainage and Planning Policy started on 19th August and ran until 30th September 2019.

The Flood and Water Management team works closely with community groups and parish councils. The consultation was sent to Kent Association of Local Councils (KALC) and directly to stakeholders such as communities and parishes, the districts and boroughs of Kent (LPA's), statutory undertakers, the Environment Agency and the Internal Drainage Boards.

We hosted a developer's seminar during the consultation period to inform the revisions of the document; 97 developers and consultants were invited.

The consultation was also tweeted three times from the Flood and Water Management Twitter account during the consultation period and was retweeted from the KCC corporate Twitter account:

Date	Content
19.08.19	We have prepared a revision of our Drainage and Planning Policy. It is now out for public consultation until the 30th September. We welcome feedback from those involved in delivering development within Kent. Please see Link for more information: https://consultations.kent.gov.uk/consult.ti/DrainageandPlanningPolicy/consultationHome ...
05.09.19	Don't forget our Drainage and Planning Policy is still out for public consultation until the 30th September. Have your say! Please see Link for more information: http://www.kent.gov.uk/drainageandplanningpolicy ... This was also retweeted by the official KCC twitter page.
19.09.19	10 days left to comment on our Drainage and Planning Policy during public consultation. Have your say until the 30 th September! Please see link for more information: kent.gov.uk/drainageandplanningpolicy

The consultation asked seven questions about the revision of the DPP, each with an option to provide more details about the response. There were also questions about whether the Equality Impact Assessment (EqIA) was appropriate, as well as 'about you' questions that gathered the respondent's equalities information.

All consultation documents were available online at www.kent.gov.uk/drainageandplanningpolicy and alternative formats including hard copies were available upon request.

The following table summarises the frequency that documents were downloaded from the consultation directory: www.kent.gov.uk/drainageandplanningpolicy

Documents	Downloads
Drainage Planning and Policy Statement – (PDF version)	227
Drainage Planning and Policy Statement – (Word version)	60
Equality Impact Assessment - (PDF version)	20
Equality Impact Assessment (Word version)	6
Consultation Questionnaire (Word version)	14

In terms of promotion, 3,320 invites were sent to the consultation directory registered users who had expressed interest in being kept informed of consultations.

2. Respondents

We received 34 responses; 29 to the consultation questionnaire and five separate responses which provided written comments in the form of letters. The written responses will be looked at in Section 5. A breakdown of the responders is shown in the Figure 1.

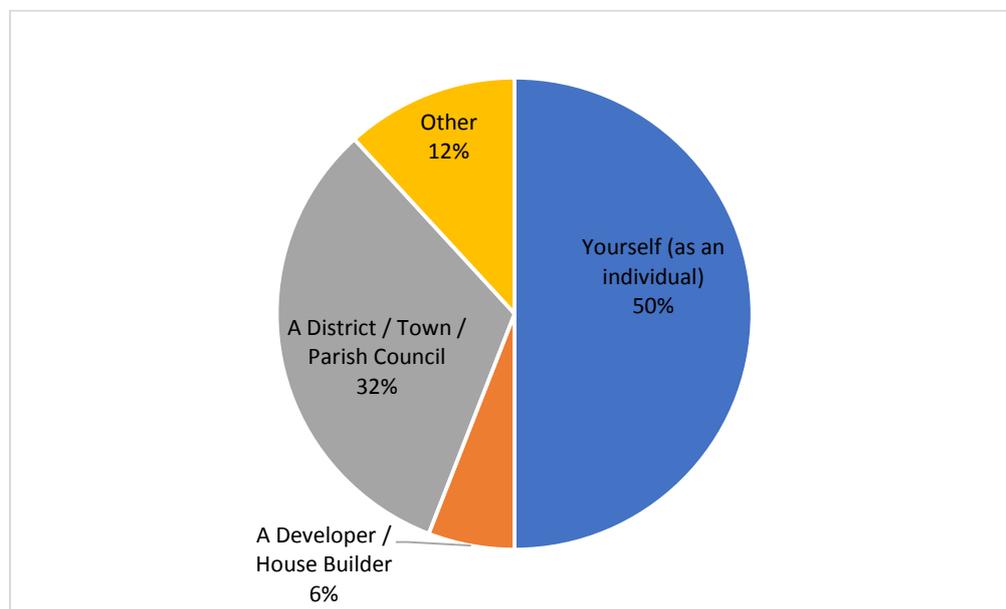


Figure 1 Breakdown of responders

Of the 34 respondents, seventeen were from individuals, eleven were on behalf of parish councils and six responded on behalf of non-governmental organisations such as sewerage undertakers, developers and technical organisations.

3. Consultation responses

This section is an analysis of the responses to questions on the DPP, including a summary of the free text responses we received.

General comments

A number of comments were received in relation to maintenance of ditches and existing drainage networks; this is not a matter for this policy and relates to maintenance undertaken by KCC Highways. For specific locations that have been referenced in the consultation responses, we have provided information to KCC Highways.

The role of parish council's and their role in the planning process was highlighted. We therefore intend to recognise the definition of parish councils more throughout the document.

A comment was made that there is not enough emphasis on consultation with relevant third parties in the early design process. This will be rephrased to highlight that third-party consultation is not only recommended but essential.

A small number of specific comments were received which it was felt needed individual responses. These have been summarised in Appendix 1 for each question.

Question 2. *To what extent do you agree or disagree that the Policy Statement is consistent with the NPPF and other national guidance for surface water management requirements for new development?*

A breakdown of the 29 responses is given in Figure 2.

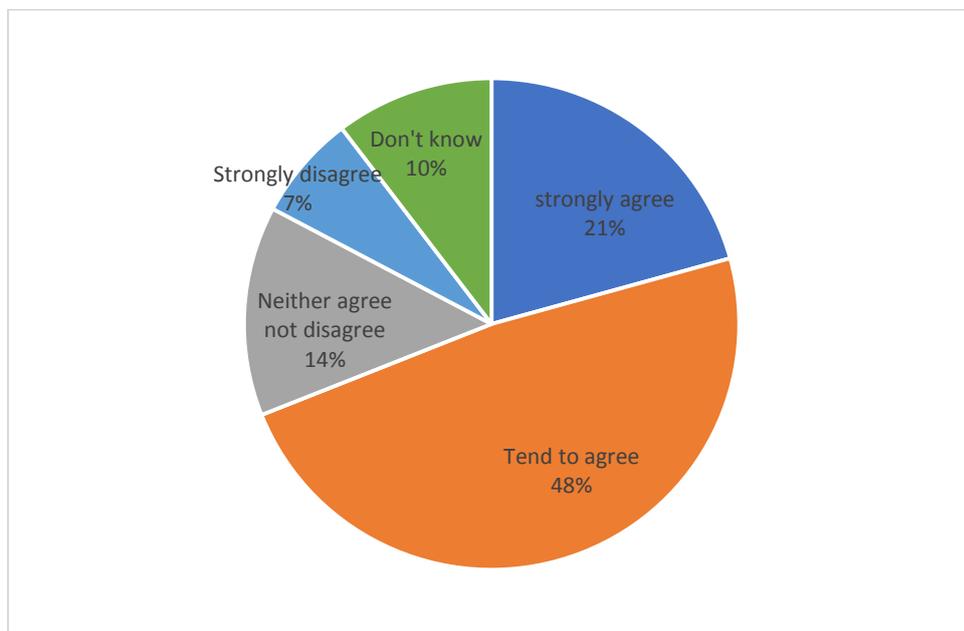


Figure 2 Breakdown of responses to Question 2

Respondents generally agreed that the DPP is consistent with the NPPF and other national guidance, with 69% agreeing or strongly agreeing with the statement. 14% of the respondents answered that they neither agree or disagree and 7% selected strongly disagree.

The comments provided from seven respondents indicated generally that the planning statement could demand more than stated within the NPPF.

A comment was received that the DPP does not consider water demand and consumption. Water supply matters are addressed through KCCs engagement with the water supply companies and is outside the remit of the DPP. Water supply issues are also addressed through Local Plan assessment.

There was a concern that the DPP does not reflect climate change allowances. SuDs Policy 5: Drainage Sustainability & Resilience requires that drainage design accommodates climate change allowance of 20% with a sensitivity analysis for climate change allowance of 40%. This approach was recommended by the Environment Agency.

KCC is actively working with the Environment Agency and other national bodies to promote sustainable and multi-functional approaches to surface water management and influence national policy on flood risk management.

We have provided response to two specific comments in Appendix 1.

Question 3. *To what extent do you agree or disagree that the Policy Statement clearly states Kent County Council's requirements for drainage submissions to support planning applications?*

29 responses were received. A breakdown is given in Figure 3.

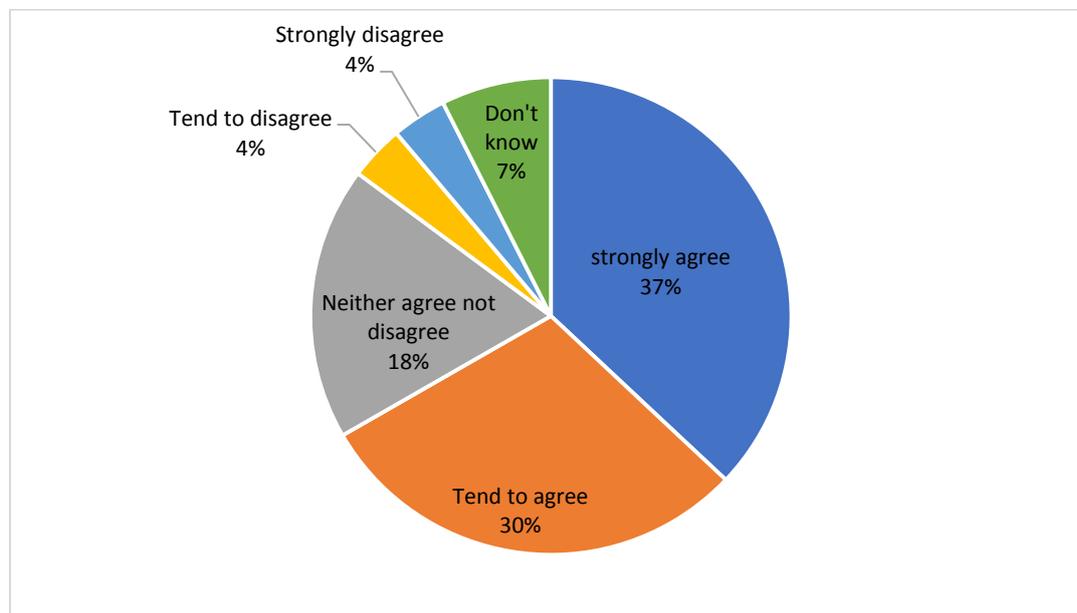


Figure 3 Breakdown of responses to Question 3

In total, 66% of respondents agreed or strongly agreed that KCC's requirements for drainage submissions were clearly stated in the policy statement, 17% neither agreed or disagreed and 7% of respondents disagreed.

A comment was received that drainage submissions do not account for change in land use and impacts on water supply. The DPP sets policy to protect water quality particularly below ground water supplies. The conversion of agricultural land to urban development may not necessarily impact infiltration to ground if a sustainable drainage approach is included within development design. The conversion of agricultural land itself is a planning matter and within the remit of the Local Planning Authorities.

A respondent indicated that areas where there are several developments should ensure that the cumulative impact of development is considered. Our policy is seeking to ensure surface water flow rates from proposed development is unchanged from pre-development conditions and therefore seeks to avoid cumulative increase in peak flow rates.

The NPPF under Paragraph 156 requires that "strategic policies should be informed by a strategic flood risk assessment....They should consider cumulative impacts in, or affecting, local areas susceptible to flooding." Kent's Local Planning Authorities are currently revising their Local Plans and should include a cumulative assessment in a wider catchment perspective and therefore address any residual risks of cumulative impact on surface water.

A respondent sought clarification on the relationship of the DPP to local policy set by local authorities. This DPP sets an approach to our requirements for drainage for all

of Kent. There are instances where local policy may be stricter and set discharge rates specifically given local conditions. In these instances, our Policy defers to any local policy. This is stated in Section 3.6.2.

We have provided responses to two specific comments in relation to cumulative considerations and culverting policy in Appendix 1.

Question 4. *Within Policy 6, we indicate that a Verification Report may be required after development completion, which outlines specific maintenance requirements and obligations for each drainage measure. To what extent do you agree or disagree that the Verification Report will improve the quality of sustainable drainage measures which are constructed?*

This question was answered by 29 respondents in total. A breakdown of their responses is given in Figure 4.

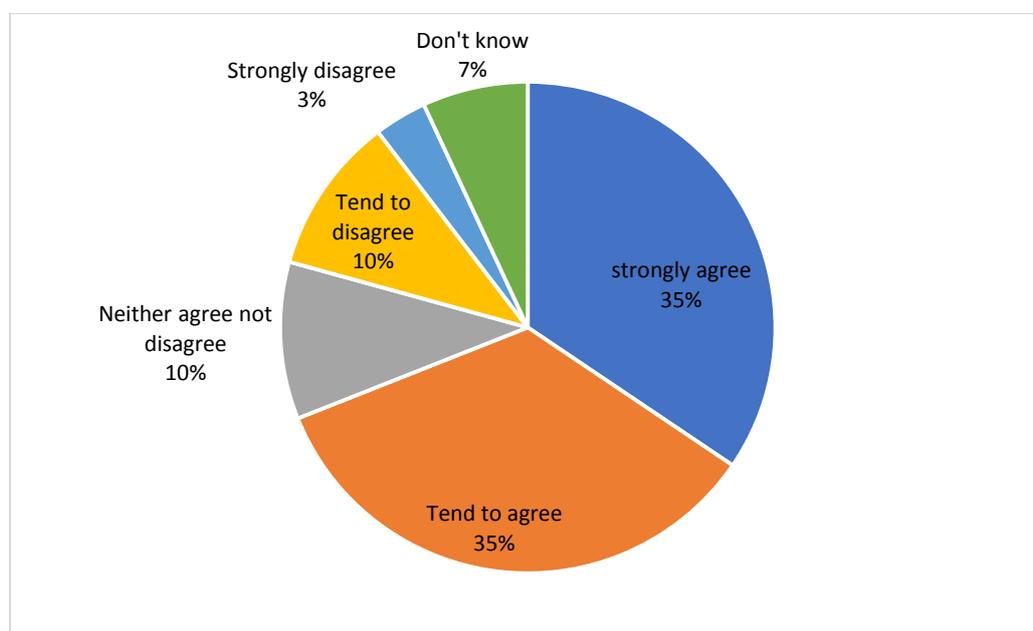


Figure 4 Breakdown of responses to Question 4

In total, 70% agreed or strongly agreed that the Verification Report improves the quality of sustainable drainage measures, 13% disagreed and 17% did not know or neither agreed or disagreed.

There is clearly strong support for this policy. Positive comments included:

This removes all potential uncertainty as to what information is required from developers. No excuse for inadequate supervision and delivery of measures on site

Such a report is vital.

Verification of such interventions is critical for this policy to be sustainable and bring about the benefits that it intends to.

There were three specific queries related to costing and timing of implementation. Our response to these are presented in Appendix 1.

Question 5. *Kent County Council have proposed in Policy 8 to promote the multi-functionality of sustainable drainage. To what extent do you agree or disagree that multi-functionality should be a high priority for delivery within sustainable drainage strategies?*

This question was answered by 28 respondents in total. A breakdown of their responses is given in Figure 5.

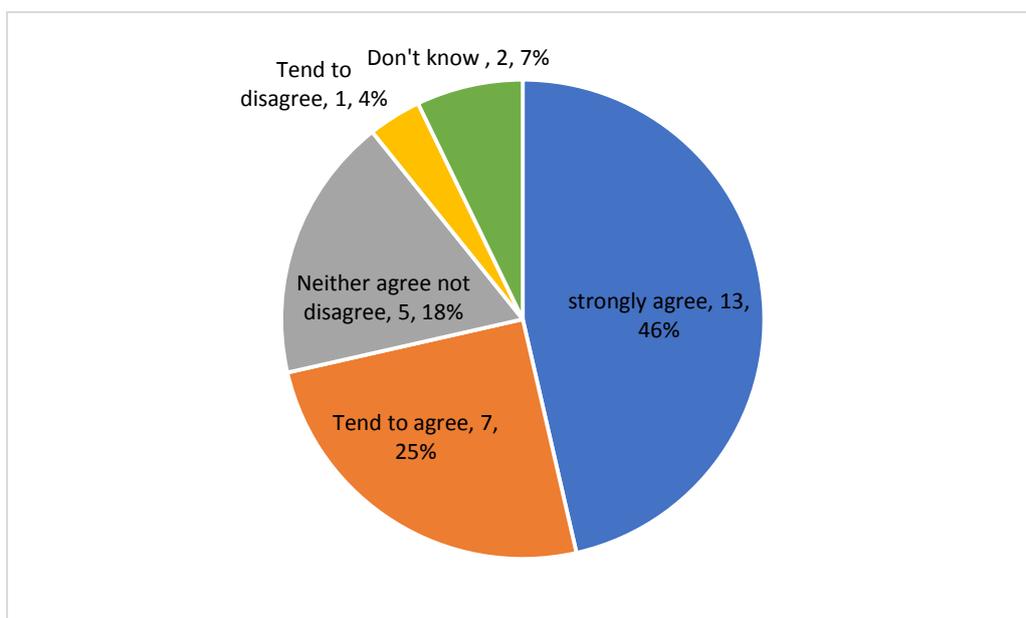


Figure 5 Breakdown of responses to Question 5

71% of respondents agreed or strongly agreed that multifunctionality is a priority for delivering SuDS, 18% neither agreed or disagreed, 7% did not know and only 4% of respondents disagreed.

Most comments supported the multi-functionality for SuDS.

Drainage ponds et cetera that can also be useable as wildlife sites and which also act as enhancing the beauty of developments is good.

...allowing water to disperse more naturally, than just 'down the drain', and anything that helps to make children (and adults) more aware of what happens around them is good.

One respondent noted that provision of sustainable drainage and multi-functionality may conflict with open space policy. We agree and are concerned that this may be the case, but this needs coordination and engagement with LPAs to deliver a wider strategic policy in relation to sustainable drainage in open space. This is outside the remit of our statutory consultee role but is a topic which will be progressed with the Local Planning Authorities in 2020.

Question 6. *Are there any other policies which should be included within the Policy Statement? Or policies which should be excluded from the Policy Statement? Please give details:*

Four responses were provided for this question with the following policy suggestions:

- a) **DPP does not assess water use, input and output in households** - This matter is outside our remit as statutory consultee for surface water drainage.
- b) **Cost implications of SuDS solutions** - As a statutory consultee in the planning process, we do not advise on costing implications as this is a matter to be addressed by the LPA through their viability assessments and through their responsibility for consideration of maintenance requirements.
- c) **Remedial works outside the proposed development** - SuDS Policy 4 states that “Remedial works and surface water infrastructure improvements may be identified in the immediate vicinity of the development as works associated with the proposed development to enable surface water discharge from the proposed development site.” If the works required are outside of the ownership of the applicant then it is agreed that they would not be included within the development description; however, improvements may need to be facilitated and agreed with third parties to ensure no obstructions or constriction on surface water discharge if it is demonstrated that a change in hydrology or hydraulics will occur.
- d) **Regular maintenance and cleaning schedule of existing drainage networks** - This matter is outside our remit as statutory consultee for surface water drainage.

- e) **Consideration of residual risks associated with surface water** - Our SuDS Policy 2 states that: “Drainage schemes should provide for exceedance flows and surface flows from offsite, ensure emergency ingress and egress and protect any existing drainage connectivity, so that flood risk is not increased on-site or off site.” We require that applicants assess the impact of the 1 in 100-year rainfall event including a climate change allowance of 40%. This enables an assessment for extreme events. If exceedance occurs, we request an exceedance plan. We therefore address matters in relation to residual risk within our remit.

Question 7. *Do you have any other comments about the Policy Statement?*

We received five comments to this question which required clarification for the respondents but did not contribute to any revisions to the document. These are summarised in Appendix 1.

Question 8. *Kent County Council have included some new policies to address how sustainable drainage is implemented. Would you be interested in further guidance or seminars in aspects of this Policy Statement?*

This question was responded to by 25 in total. Twelve respondents indicated that they would be interested in further guidance or seminars relating to the Policy Statement. Of these, nine fell into the category of parish councils and non-governmental organisations and the remaining were individuals.

4. Written responses

We received five written responses - three from local authorities, one sewerage undertaker and one technical organisation. We have summarised the substantive comments as follows:

- a) **We have had a request for clarification for attenuation policy** - KCC will require attenuation to be provided above or below ground, but controlled discharge must be provided. It is very important that if systems are below ground, a maintenance plan is provided, and inspections are undertaken.
- b) **It was recommended that the building envelope area for low risk development be reduced from 200m² to 100m² due to attenuation of the former still being significant in high intensity storms** - We recognise that for surface water management, significant impacts can occur from new impermeable areas greater than 100m², but this is not the case in all situations. We have therefore revised the response for low risk development situations to be more flexible.
- c) **There was recommendation that another calculation method be used to assess pipe-full capacity for the final 5m of an outfall pipe. This is relevant to peak flow of an existing drainage system** - We agree that reference to the capacity of the outfall pipe is important and should be considered for calculation of existing surface water drainage systems. The text where this is referenced has been revised.

- d) **Another recommendation is to reduce the threshold for submitting additional management controls to protect off-site water quality. We will reduce this threshold from 150 units to 50 units** - We have clarified when a Construction Management Plan is required. It is required for development, but additional information is required in sensitive locations. We have removed the threshold requirement.
- e) **A suggestion has been made to consider exceedance in two parts; very high intensity storms to ensure bypass flows from overloaded pipework (including potentially blocked gullies due to debris), and overflowing of storage systems** - We agree that this provides clarity as to the understanding of exceedance and have revised the text in this paragraph.

5. Revisions to the Policy

Following the review of comments we received we have revised our Policy Statement in the following sections:

- a) We have provided further clarification on suitable distances for connection into a sewer system before a combined sewer is agreed acceptable. For small developments surface water sewer connections should be assessed within 90m of the development site boundary.
- b) We have reduced our screening for low risk development to consider sites where additional impermeable area to less than 100m² but we have included this as a discretionary consideration; therefore, the distance of connection will be reviewed on an individual site basis.
- c) We have clarified our runoff requirements in 'low permeability soils' and emphasised designing for long term storage.
- d) We will consider exceedance in two parts; very high intensity storms to ensure bypass flows from overloaded pipework and overflowing of storage systems. This provides clarity as to the understanding of exceedance.
- e) The section on 'draw down time' has been removed as this is covered in Kent's Making It Happen technical guidance for Sustainable Drainage.
- f) In SuDS Policy 7 there is now reference to the CIRIA SuDS Manuals simple index approach which enables an assessment of the pollution hazard and value of mitigation provided by the sustainable drainage measure. This assessment may be required if the proposed development has the potential for pollution risk and/ or the downstream environment is particularly sensitive.
- g) We have clarified when a Construction Management Plan is required. It is required for development, but additional information is required in sensitive locations. We have removed the threshold requirement.

6. Equality analysis

Respondents were given the opportunity to comment on the initial Equality Impact Assessment. An EqlA is a tool to assess the impact any service change, policy or strategy would have on age, gender, gender identity, disability, race, religion or belief, sexual orientation, pregnancy or maternity, marriage and civil partnership and carer's responsibilities.

There were 14 responses to this question where 13 expressed surprise at the use of an EqlA for this document and did not think it was necessary. We found that no impacts or substantive comments were identified, so there is no need to amend the EqlA.

We asked standard 'about you' questions and out of the 29 respondents, only 16 were willing to answer these questions; as the questionnaire progressed, fewer than half of this number actually responded to the questions. Due to the nature of this consultation, a lot of respondents were commenting on behalf of an organisation so were not willing to provide a response in this section. The results have highlighted nothing new for our equality analysis.

7. Next steps

The revised DPP, this consultation report and the EqlA will be presented to the Environment and Transportation Cabinet Committee on 22 November. Following this, the Policy Statement will be adopted by the Cabinet Member for Planning, Highways, Transport and Waste.

This consultation report will be made available on the consultation webpage and an email alert sent to those who registered with the consultation.

Once the final DPP has been adopted it will be available on our website.

Appendix 1

Question 2. *To what extent do you agree or disagree that the Policy Statement is consistent with the NPPF and other national guidance for surface water management requirements for new development?*

KCC's response:

<p>A respondent stated that there is not clear understanding to assess the impact of the policy.</p>	<p><i>Verification reports have been implemented to overcome issues in relation to implementation and to address modifications that may be necessary to drainage schemes on an individual basis. The overall policy will be assessed biennially and reviewed when National policy or other relevant policy changes occur. This will be reflected in the DPP.</i></p>
<p>A respondent states that Paragraphs 158 to 162 of the NPPF set out the requirements for an Exception Test and Sequential Test. They state that it might be beneficial to reference the requirement to manage and reduce flooding, in-relation to the Exception Test as this is crucial for ensuring the safe/sustainable development of areas at risk of flooding.</p>	<p><i>We do not make reference to the Exception or Sequential Test when considering surface water drainage provisions. These tests are set out by the Environment Agency and are not in our remit as a statutory consultee.</i></p>

Question 3. *To what extent do you agree or disagree that the Policy Statement clearly states Kent County Council's requirements for drainage submissions to support planning applications?*

KCC's response:

<p>A question was raised as to the practicalities of culverting policy as provided under SuDS Policy 3. There was concern raised in relation to lengths of watercourse between property accesses.</p>	<p><i>We would highlight that any reversion back to open channel is considered from practicability and feasibility. Culverting is considered on a case by case basis, but we feel that our policy addresses this.</i></p>
<p>A question was raised in respect to ground investigation for deep bore soakaways and ensuring developers follow the drainage hierarchy.</p>	<p><i>Technical approach to ground investigation and determination of discharge destinations is covered in Kent's Making It Happen technical guidance for Sustainable Drainage.</i></p>

Question 4. *Within Policy 6, we indicate that a Verification Report may be required after development completion, which outlines specific maintenance requirements and obligations for each drainage measure. To what extent do you agree or disagree that the Verification Report will improve the quality of sustainable drainage measures which are constructed?*

KCC's response:

<p>A query has been raised as to whether KCC policy should include an assessment of costs and impacts on future maintenance.</p>	<p><i>Consideration of cost is within the remit of the LPA to assess as part of the overall development viability. However, as is demonstrated by the inclusion of a verification report within our policy, we recognise that implementation and maintenance are key issues. We will seek to address maintenance issues in coordination with the LPAs.</i></p>
<p>A query was raised as to the timing of provision of the verification report.</p>	<p><i>The verification report is required to be provided prior to occupation or <u>at an agreed schedule</u>. We recognise that large phased developments will have occupation occurring from early stages and that the verification requirement needs to reflect building schedules. This is to be agreed when phasing and delivery is defined.</i></p>
<p>A respondent also provided a query about maintenance funding and suggested a revised text that additionally requires agreements for the funding and undertaking of the maintenance activities.</p>	<p><i>The Ministerial Statement of December 2014 stated that LPAs have the responsibility for ensuring ongoing maintenance of sustainable drainage systems. We agree that the current institutional framework for ensuring provision of maintenance into the future may not be sufficient, but it is outside the remit of this current policy.</i></p>

Question 8. Do you have any other comments about the Policy Statement?

KCC's response:

A comment was made regarding KCC putting all local drainage systems on file including road drainage to the public in order for developers and the general public to check for any future problems with a development.	<i>This is not in the scope of this consultation</i>
A comment was made stating that Parish and Town Councils should be given the opportunity to directly comment on minor developments and effects on existing drainage infrastructure which is not in our remit as a Statutory Consultee	<i>The opportunity for Parish Councils to comment on minor applications is a matter that should be taken up with the Local Planning Authority.</i>
A query stated that the Policy Statement requires development proposals to account for a percentage of urban creep. They stated that no evidence has been provided to justify the need to accommodate future development on plot at the levels proposed.	<i>Percentages are those proposed in Non-Statutory guidance. 10% is recommended for housing to include extensions and patios. Greater housing footprint cannot accommodate increases in impermeable areas because of density, so the allowance is lower. This is included based on good practice.</i>
Anti-pollution measures to prevent soil and river contamination	<i>We address water quality considerations within SuDS Policy 7 and require the submission of a Construction Management Plan. This has been clarified within the informative text of SuDS Policy 7.</i>
The role of Neighbourhood Plans	<i>We recognise that Neighbourhood Plans have the potential to inform approaches to surface water management within local areas. It is important that they include local information, knowledge and direction on how surface water should be managed. Planning applications could then refer to Neighbourhood Plans to demonstrate appropriate and effective drainage delivery.</i>

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Kent County Council Equality Analysis/ Impact Assessment (EqIA)

Directorate:

Growth, Environment and Transport

Name of decision, policy, procedure, project or service:

Drainage and Planning Policy Statement revision 2019

Responsible Owner/ Senior Officer:

Bronwyn Buntine, Sustainable Drainage team leader

Context

The policy statement sets out how Kent County Council, as Lead Local Flood Authority and statutory planning consultee, will review drainage strategies and surface water management provisions associated with applications for major development. It is consistent with the Non-Statutory Technical Standards for Sustainable Drainage (as published by Defra in March 2015) and sets out the policy requirements Kent County Council has for sustainable drainage.

Aims and Objectives

The aim of the policy document is to clarify and reinforce these requirements. It also includes references to other design considerations which impact sustainable drainage design and delivery.

With this current update, we seek to ensure that multifunctionality of open space is now emphasised within development master planning. This provides an opportunity for Kent to look at wider benefits from sustainable drainage and strengthen policies for the delivery of drainage systems which are fully sustainable, providing quantity control, quality improvement, biodiversity enhancement and amenity. This recognises the four pillars of SuDS as defined in the CIRIA SuDS Manual (2015). Changes to the National Planning Policy Framework (NPPF) in 2019 and Defra's 25-Year Environmental Plan promote a stronger approach to sustainable development.

The policy statement should be used by:

- Developers when considering their approach to the development of new greenfield sites or redevelopment of brownfield sites,
- Developers or their consultants when preparing submissions to support a planning application for major development,
- Professionals involved in developing drainage schemes including engineering and urban and landscape professionals,
- Development management officers when considering development applications,
- Local Authorities when developing local planning and land-use policy.

July 2019

Adverse Equality Impact Rating Low

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning the **Drainage and Planning Policy Statement revision 2019**. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: T. Marchant

Name: Tom Marchant

Job Title: Head of Strategic Planning and Policy

Date: 06/08/2019

DMT Member

Signed:

Name:

Job Title:

Date:

Part 1 Screening

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age	No	No	No	No
Disability	No	No	Yes - Documents will be made available in alternative formats on request. An alternative formats statement will be placed at the start of the tool so that people who need it are aware that they can make the request. All online documents will be tested to ensure accessibility with assistive software technologies as identified by the five Government Digital Service Standards.	
Gender	No	No	No	No
Gender identity/ Transgender	No	No	No	No
Race	No	No	Yes - Documents will be made available in alternative languages upon request. An alternative formats statement will be placed at the start of the tool so that	

			people who need it are aware that they can make the request.	
Religion and Belief	No	No	No	No
Sexual Orientation	No	No	No	No
Pregnancy and Maternity	No	No	No	No
Marriage and Civil Partnerships	No	No	No	No
Carer's Responsibilities	No	No	No	No

Part 2

Equality Analysis /Impact Assessment

Adverse Impact:

Members of the public may wish to read the Policy Statement to be informed about advice provided within the planning system where decisions may impact them.

The Policy Statement may not be readable by people with poor eyesight or who cannot read English.

Positive Impact:

The preparation of a Policy Statement will ensure clarity and transparency in Kent County Council's statutory planning consultee role which promotes environmental objectives and ensures impartiality in decision making across the Local Planning Authorities.

Internal Action Required

~~YES/NO~~

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Disability	Published material may not be readable by these groups	The Policy Statement will be made available in alternative formats (ie. Large text).	Alternative formats will mitigate difficulties with access and readability.	Max Tant	Monitor requests for alternative formats	
Race	Published material may not be readable by these groups	The Policy Statement will be made available in alternative languages on request	Alternative formats will mitigate difficulties with readability	Max Tant	Monitor requests for alternative formats	

Have the actions been included in your business/ service plan?

No – they will be actioned upon a request being received. The option to request an alternative format will be advertised by a statement at the start of the webpage they are published on.

The Policy Statement will be made available through Kent County Council's web pages. Requests for the document can be made either through the web page or by contacting the Flood team. Local district councils will be provided with contact details for the Flood team to direct any enquiries from the public.

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Susan Carey

Cabinet Member for Environment

DECISION NO:

19/00087

For publication

Key decision*

Yes – County Wide impact

Subject: Land Drainage Policy

Decision:

As Cabinet Member for Environment, I agree to adopt the Land Drainage Policy.

Reason(s) for decision:

Kent County Council as the Lead Local Flood Authority has powers as a Land Drainage Authority, under the Land Drainage Act 1991, to regulate ordinary watercourses in Kent. An ordinary watercourse is a watercourse that is not a main river; it may be a small river, stream, ditch or drain and does not always need to flow.

As a land drainage authority KCC has powers to provide consent for any works within an ordinary watercourse. In exercising this role, we must ensure that the works do not increase the risk of flooding. We are also obliged to ensure that there is no loss of habitat or pollution to the watercourse. At present there is no policy statement on how KCC exercises these powers, which would provide clarity on them.

Cabinet Committee recommendations and other consultation:

A public consultation on the revised Drainage and Planning Policy Statement started on 19th August and ran until 30th September 2019. All consultation documents were available online at www.kent.gov.uk/drainageandplanningpolicy and alternative formats including hard copies were available upon request.

The final draft policy will be considered by Members of Environment and Transport Cabinet Committee on 29 November.

Any alternatives considered:

If the policy were not developed, there would be no clear statement of how KCC will exercise its powers as a Land Drainage Authority to regulate ordinary water courses.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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Kent County Council

***DRAFT* Land Drainage Policy Statement**

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1 Introduction

Kent County Council as the Lead Local Flood Authority has powers as a Land Drainage Authority to regulate watercourses in Kent.

Watercourses fulfil many roles in today's environment. They are important features of the landscape, providing habitats for a wide variety of wildlife, drainage for developed and agricultural land, water resources and recreational value. It is therefore important that watercourses and associated habitat are protected and enhanced for the benefit of present and future generations.

Land Drainage regulations are generally concerned with the physical condition of watercourses, including whether they are blocked or how they are modified, including the introduction of new structures to them.

This policy sets out how Kent County Council exercises these land drainage functions.

Land Drainage regulations are not concerned with the changes to flows entering watercourses, either in terms of the quantity or quality of the water. These issues are overseen by different regulations. The impact of new development and the flows it may generate are dealt with in planning, KCC is a statutory consultee in planning for surface water management, how we undertake this role and what developers are expected to do to manage surface water on new developments is set out in our [Drainage and Planning Policy](#).

Water quality is regulated by the Environment Agency, who issues environmental permits for potentially polluting activities, where they are appropriate, and regulates these. Details of permitted activities and how to apply for an environmental permit can be found [here](#).

As a public body, KCC does have a duty to ensure that the activities it regulates are not damaging to the environment, therefore we do request details of the environmental consequences of the activities covered by this policy. If we identify an activity that should be regulated by another process we will inform the applicant.

2 Legislative context

The Flood and Water Management Act 2010 transferred existing powers in the Land Drainage Act 1991 to regulate the proper function of ordinary watercourses to KCC. These powers consist of two parts:

- Maintaining the free flow of land drainage, including the enforcement of riparian responsibility to maintain flow in an ordinary watercourse and to maintain structures in an ordinary watercourse; and
- The power to consent and enforce structures in ordinary watercourses and changes to the alignment of ordinary watercourses.

These are permissive powers, not duties, and KCC can choose to exercise them.

These functions only relate to ordinary watercourses that are outside of Internal Drainage Districts. Within Internal Drainage Districts, it is the responsibility of the Internal Drainage Board to exercise these powers. Similarly, the Environment Agency is responsible for exercising similar powers in relation to main rivers.

Additionally, KCC has a duty as a competent authority under the Conservation Habitats and Species Regulations 2017 to ensure that there is no detriment to habitats and protected species, through the destruction of habitat or vertebrates or from pollution of the watercourse. Similarly, KCC must also consider applying the Water Framework Directive, which aims to prevent further deterioration and to protect and enhance the status of aquatic ecosystems and associated wetlands. In order to fulfil these duties KCC this will require evidence, in the form of ecological assessments appropriate to the local habitats, to demonstrate that no ecological harm will result from the works.

3 Riparian rights

Land drainage and the maintenance of flow in ordinary watercourses is the duty of riparian owners. Riparian owners are the owners of the land that a watercourse flows through. If the land on each side of a watercourse is owned by different landowners, they are each riparian owners and are responsible for the watercourse from their side to the middle of the watercourse.

Much of KCC's land drainage role involves providing advice to land owners and neighbours about riparian rights and responsibilities, advising them of whether they need to undertake maintenance, what they need to do with any spoil from maintenance and contacting neighbours on their behalf if they need to undertake maintenance to inform them of their riparian responsibilities.

4 Maintaining flow

KCC has powers under sections 21 and 25 of the Land Drainage Act 1991 (as amended) to enforce riparian owners to maintain the proper flow of ordinary watercourses outside of Internal Drainage Districts.

In KCC's experience, the need to undertake formal enforcement of land drainage is rare. In most cases we are able to work with land owners to achieve the desired works.

Enforcement can only be undertaken where the riparian owner has not undertaken sufficient maintenance to maintain the watercourse in a condition that can freely pass ordinary flow or has placed an obstacle in the watercourse that has not been consented. Enforcement cannot be undertaken to improve the capacity of an ordinary watercourse beyond its ordinary capacity, even if it would reduce flooding.

KCC's powers for enforcement entitle it to undertake works that are believed to be necessary if the riparian owner does not undertake such works themselves within a reasonable time. KCC can recharge any reasonable costs incurred to do this. KCC does not have the power to require a riparian owner to undertake works.

Enforcement is a complex, lengthy process and is only entered into if all other options are exhausted. Prior to undertaking enforcement, KCC will advise the riparian owners of their riparian duties and recommend that they undertake the necessary work themselves. Enforcement will be undertaken in the following circumstances.

LD Policy 1: Maintaining flow of ordinary watercourses

KCC will undertake enforcement of the maintenance of watercourses only where there is an obvious need to prevent significant flooding from the ordinary flow in a watercourse and after the riparian owner has refused to undertake the necessary work themselves within a reasonable timeframe.

Significant flooding is flooding that is likely to cause internal flooding of properties or to disrupt infrastructure such that it cannot function properly.

In general, a reasonable timeframe is considered to be 28 days from the date of the notice being served.

5 Land drainage consent

5.1 Consenting works

KCC has powers under Section 23 of the Land Drainage Act 1991 to consent works in an ordinary watercourse and to enforce the removal of unconsented works.

Consent is required for any works within the channel of an ordinary watercourse. These works can be permanent features such as culverts and headwalls, and temporary works to block or divert a watercourse to facilitate other activities in the watercourse. If temporary works are required to install a permanent feature, two consents will be required (one for the temporary works and one for the features that will be installed). If there are a number of permanent features to be installed, a consent is required for each feature (they may or may not require separate temporary consents, depending on how the construction works are planned).

KCC will apply the following policy in determining whether to issue a consent for a structure in an ordinary watercourse:

LD Policy 2: Consenting of works in ordinary watercourses

KCC will consent works where all of the following conditions are met:

- A fully complete application is received with the appropriate fee;
- The proposed works are appropriate for the watercourse such that they do not increase the risk of flooding or damage habitats or vertebrates; and
- Appropriate pollution and erosion control measures will be employed

Design and environmental considerations for land drainage consents are provided in Appendix 1.

5.2 Culverts

A culvert is defined as ‘a covered channel or pipe which prevents the obstruction of a watercourse or drainage path by an artificial construction’ (Flood and Water Management Act 2010). Culverts may be used to convey a watercourse under a road and they have been used to cover significant lengths of watercourse to facilitate

urban development over them. It should be noted that a bridge, that is a clear span across a watercourse, is not considered a culvert.

Installing a culvert in an ordinary watercourse requires land drainage consent.

Kent County Council considers it beneficial for watercourses to remain open wherever possible for both flood defence and environmental purposes. This maintains a flood channel and retains a valuable environmental feature which can enhance the site and be easily maintained. Culverting can exacerbate the risk of flooding, increase maintenance requirements and create difficulty with pollution detection. It also destroys wildlife habitats, damages natural amenity and interrupts the continuity of a watercourse.

In considering any development proposals, our objective is to retain open watercourses with a corridor of open land on both sides. Nevertheless, we understand there may be cases where culverting is unavoidable, for example, short lengths for access purposes or where highways cross watercourses. Culverting will not be considered until other options have been thoroughly explored, for example:

- Clear open span bridges with existing banks and bed retained;
- Revision of site layout to incorporate an open watercourse;
- Diversion of the watercourse in an environmentally sympathetic channel and corridor.

Where culverts are unavoidable, KCC will expect them to be restricted to a minimum and to see evidence of the hydraulic and environmental impacts of the culvert on the watercourse, and appropriate mitigation for any negative impacts. Culverts must be designed so they do not cause a restriction to flow. They must not increase the risk of flooding or prevent maintenance of the adjacent open watercourse. Consideration must also be given to overland flow paths in the event of a culvert becoming obstructed. It should be ensured that flows will not affect property or cause unreasonable nuisance or harm.

5.3 Other permissions

The requirement for ordinary watercourse consent is independent of the need for planning permission and the granting of planning permission does not imply or guarantee that consent will be granted.

If planning permission is required it should be sought prior to land drainage consent, as the planning application may alter the site layout and consequently the nature of any ordinary watercourse works. Any consent is for the works specified in the application, including the location. If any of these details change a new consent will need to be sought, and the planning application reference provided.

Consent is also required for any works within 8 m of a Main River or within 15 m of a sea defence structure in accordance with the [Environment Agency Byelaws](#). If land drainage works are proposed within these boundaries, consent from the Environment Agency will need to be sought separately. The requirement for this can be confirmed here: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. This document explains about working alongside a main river: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits#check-if-your-activity-is-regulated>

Works either within or which would affect a designated site, for instance a Ramsar site, Special Protection Area etc, as a result of changes in flow regimes, or water levels also require the approval of Natural England.

6 Unconsented works

Section 24 of the Land Drainage Act 1991 (as amended) gives KCC the power to have unconsented works removed. If KCC considers unconsented works in an ordinary watercourse to be detrimental, it will commence enforcement proceedings.

LD Policy 3: Enforcement of unconsented of works in ordinary watercourses

KCC will commence enforcement of unconsented works where the works cause a significant risk of flooding or lead to the significant detriment of aquatic habitats.

There is no provision in the Land Drainage Act 1991 to issue a consent after a structure has been constructed. If the structure is otherwise acceptable and would have been issued a consent, KCC will not request that it is removed, however we cannot issue a consent for these works. Demonstrating that the structure is acceptable on flood risk and environmental grounds is the responsibility of the owner of the structure.

Details of how to apply for consent for works is published on the KCC website:

www.kent.gov.uk/land_drainage_consent

It is advised that anyone considering any works in or near a watercourse contact the relevant authority to discuss the need for consent. KCC also has powers to undertake enforcement of structures that are constructed in a watercourse but have not been given consent. KCC will consult with local risk management authorities about consent applications that we receive or enforcement action we will take for works that do not have consent.

Appendix 1

Design Guidance

Detailed design plans will need to be submitted with your consent application that consider the following:

- The application should demonstrate that the applicant has considered the environmental implications of all options, and preferably settle on the least environmentally damaging option.
- If no other alternative is feasible, any proposed culvert length should be as short as possible and the diameter as large as possible. Depending on local circumstances, Kent County Council expects culverts to have a minimum diameter of 600mm. We would recommend using the Ciria culvert design and operation guide (C689) as a reference.
- All culverts should be designed to safely convey the 1 in 100 year flood event, but with a 20% allowance for climate change, with an additional analysis undertaken to understand flooding implication for greater allowance of 40%
- Where possible designs should incorporate a specified amount of freeboard to allow for floating debris, minor blockage and variations on the 'design' water surface.
- The responsibility for future maintenance and clearance of a culvert must be agreed and details of those responsible submitted with any application for consent. The responsibility for the maintenance of a culvert lies with the landowner or the person who owns the culvert unless otherwise arranged.
- Appropriate inlet and outlet structures should be provided in order to ensure smooth hydraulic transition and avoid erosion. Headwall arrangements at the upstream and downstream ends of a culvert should be suitably keyed into the bed and banks of the watercourse and should be appropriate to the local environment.
- Suitable access arrangements for maintenance should be included in the design. Access chambers must be provided at each change of direction if the culverting is not straight. Other access/inspection chamber should be installed at suitable intervals to ensure suitable access for maintenance.
- Inlet and outlet screens should not be used unless absolutely necessary. An appropriate risk assessment must be submitted with an application to demonstrate when a trash screen is necessary, and a formal maintenance regime must be agreed prior to approval. The 'FRMRC: Culvert design & operation guide supplementary technical note on understanding blockages' can help determine where a screen will be appropriate with the Environment Agency's Security and Trash Screen Design Guide sets out the current best practice, operation and design.

- Multiple small culvert arrangements are prone to blockage by accumulation of waterborne debris at the inlet. Where multiple culverts are unavoidable, a minimum number of culverts should be used and cutwaters should be provided between pipes at the culvert inlet.

Environmental Considerations

Environmental mitigation measures may be appropriate if any open watercourse is being removed.

- In most situations it is appropriate for the inverts of culverts to be set below the existing bed level to provide a natural bed and passage for invertebrates, whilst allowing for future maintenance.
- The height of the invert should not pose an obstruction to fish movement.
- Environmental enhancements may be necessary to account for the loss of habitat caused by the culvert, for example opening up a length of previously culverted watercourse elsewhere on the site, enhancing other lengths of the watercourse etc.
- Where identified by the ecological surveys, mammal runs may be appropriate to facilitate the passage of mammals from one side of the culvert to the other.
- KCC will not consent concrete bag-work headwalls within a watercourse, as they are prone to leaking contamination to the watercourse and age poorly.

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Land Drainage Policy Statement consultation report

October 2019

Alternative formats: For any alternative formats of the consultation material, please email alternativeformats@kent.gov.uk or call 03000 421553 (text relay service number 18001 03000 421553). This number goes to an answering machine, which is monitored during office hours.

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7.	Appendix 1	Error! Bookmark not defined.

1. Introduction

As a land drainage authority under the Land Drainage Act 1991, Kent County Council (KCC) has a number of powers to regulate ordinary watercourses in the county, these are watercourses that are not main rivers. The Land Drainage Policy Statement sets out how KCC will undertake these powers.

2. Consultation process

The draft Land Drainage Policy Statement was presented to KCC's Flood Risk Management Committee on 22 July 2019 (the papers for the committee can be found here:

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=584&MId=8141&Ver=4>).

The committee includes representatives of the districts and boroughs of Kent as well as parish councils.

The public consultation on the Land Drainage Policy Statement started on 19th August and ran until 30th September 2019.

The Flood and Water Management (FWM) team consulted on three policies at the same time, this one, the Drainage and Planning Policy Statement and the Section 19 Flood Investigation Reporting Policy. The consultations on these policies were linked, so that they could all be accessed from each consultation page.

The FWM team works closely with community groups and parish councils. The consultation was sent to Kent Association of Local Councils (KALC) and directly to stakeholders such as communities and parishes, the districts and boroughs of Kent, statutory undertakers, the Environment Agency and the Internal Drainage Boards.

The consultation asked five questions about the Land Drainage Policy Statement, each with an option to provide more details about the response. There were also questions about whether the Equality Impact Assessment (EqIA) was appropriate, as well as 'about you' questions that gathered the respondent's equalities information.

All consultation documents were available online at www.kent.gov.uk/landdrainage and alternative formats including hard copies were available upon request.

The following table summarises the frequency that documents were downloaded from the consultation page.

Documents	Downloads
Land Drainage Policy Statement - PDF version	107 downloads
Land Drainage Policy Statement - Word version	31 downloads
Consultation Questionnaire - Word Version	32 downloads
Equalities Impact Assessment - PDF version	14 downloads
Equalities Impact Assessment - Word version	4 downloads

3. Respondents

We received 31 responses to the consultation questionnaire. Of these respondents, 17 were from individuals, five were on behalf of district, town or parish councils, one was from a housebuilder or developer, one was from a consultant in the development industry, and seven were from other areas, either organisations with an interest in the field or individuals with a local community interest.

A breakdown of the responders is shown in Figure 1.

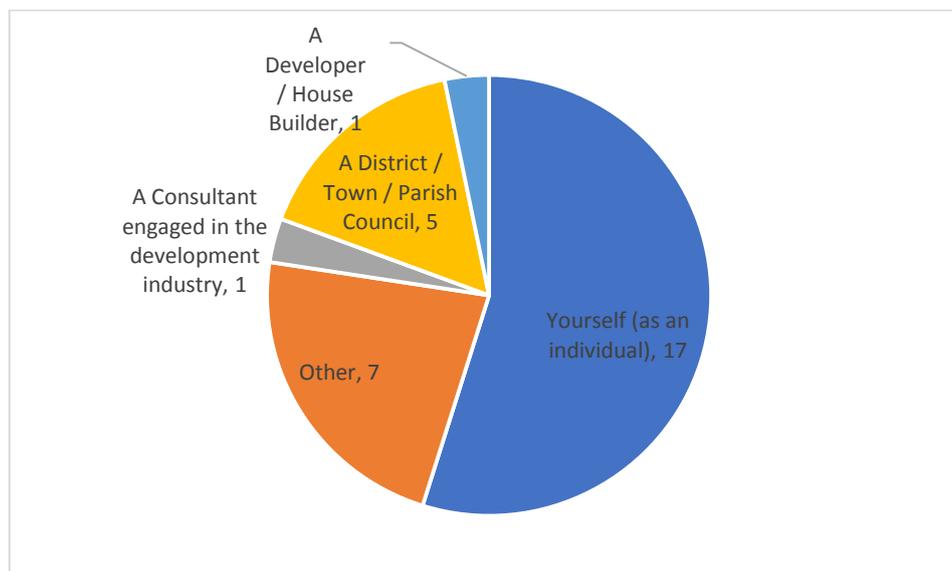


Figure 1 Breakdown of respondents

4. Consultation responses

This section is an analysis of the responses to questions on the Drainage and Planning Policy, including a summary of the free text responses we received.

Question 2. *Do you agree or disagree with the policies set out in this policy statement for KCC to exercise its powers under the Land Drainage Act 1991?*

A breakdown of responses is given in Figure 2.

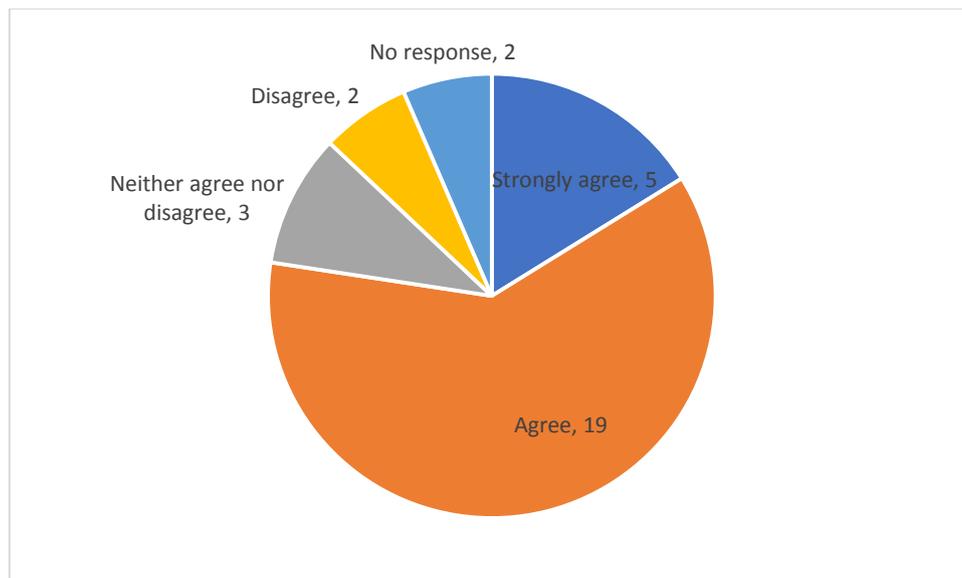


Figure 2 Breakdown of Question 2 responses

Respondents were generally supportive of the proposed Land Drainage Policy Statement. Of the 31 responses, 24 agreed or strongly agreed, two disagreed, no one strongly disagreed, three neither agreed nor disagreed and two gave no response.

Only four comments were left regarding this question, two were positive, supporting the policy, the others were not related to land drainage or this Land Drainage Policy Statement.

It is essential with the changes in climate that KCC has the powers to enforce drains and culverts to be kept clear to prevent or alleviate flooding

Question 3. *Do you agree or disagree with KCC's policy regarding culverting of watercourses?*

A breakdown of responses is given in Figure 3.

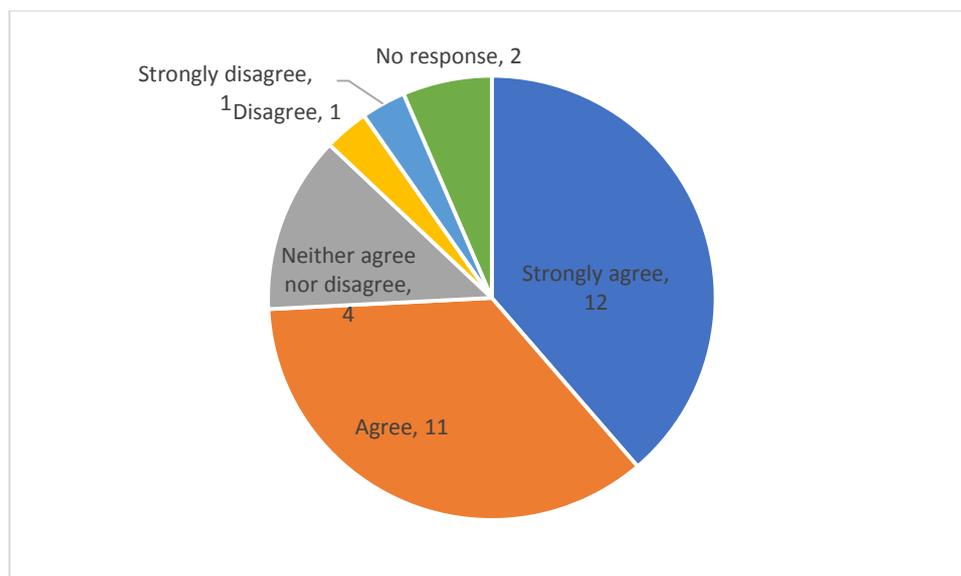


Figure 3 Breakdown of Question 3 responses

Respondents were generally supportive of the proposed policy towards culverting watercourses. Of the 31 responses 23 agreed or strongly agreed, two disagreed or strongly disagreed, four neither agreed nor disagreed and two gave no response.

Comments on this question were either supportive or relate to matters outside the scope of land drainage or this Land Drainage Policy Statement.

Question 4. *Are there any other policies that should be included to explain how KCC will exercise its powers under the Land Drainage Act 1991?*

Seven responses were received to this question. Three of these related to contamination of receiving watercourses, which is not regulated by Land Drainage, this is overseen by the Environment Agency. We have added text to the Land Drainage Policy to highlight this and provided a link to the Environment Agency's website where further details can be found.

One comment suggested that the policy should include verification of work that has been consented. KCC is supportive of a measure like this, however, this issue is addressed in planning by applying a condition that the applicant is obliged to satisfy, unfortunately there are no such powers in Land Drainage, therefore it is not possible to apply this as a policy.

Another respondent suggested that how this Policy Statement links with the Drainage and Planning Policy should be better explained. KCC agrees that these two policies are linked in many cases and that how they link should be clearer. There is an explanation of how the two policies are linked in each of them, but KCC will review this and further explain the links between the two.

Two comments proposed amendments or additions to the Policy Statement to clarify some aspects of it, KCC have accepted these. Details can be found in Appendix 1.

Question 5 *Do you have any other comments about KCC's Land Drainage Policy?*

This question received 13 responses. Many of the comments fall outside of the scope of land drainage or this Land Drainage Policy Statement, for instance regarding general flood risk management that falls under the responsibility of other agencies, maintenance of highway drainage and environmental policies.

Some comments suggested clarifications on the Policy, which KCC has provided in the revised draft. Please see Appendix 1 for details.

Other comments refer to design considerations and specific details for ordinary watercourse consenting. These comments require more detail than is appropriate for this Policy, however they are covered by the [Kent Design Guide Making It Happen](#) document, in Appendix C2: Drainage Systems. A link to this guide will be provided in the revised Policy.

5. Equality analysis

Respondents were given the opportunity to comment on the initial Equality Impact Assessment (EqIA).

There were ten responses to this question, which did not identify any issues with the EqIA.

We asked standard 'about you' questions and out of the 31 respondents, 15 were willing to answer these questions. The results have highlighted nothing new for our equality analysis.

6. Next steps

The revised Land Drainage Policy Statement, this consultation report and the EqIA will be presented to the Environment and Transportation Cabinet Committee on 29 November. Following this, the Policy Statement will be adopted by the Cabinet Member for Planning, Highways, Transport and Waste.

This consultation report will be made available on the consultation webpage and an email alert sent to those who registered with consultation.

Once the Land Drainage Policy Statement has been adopted the [KCC Flooding and Drainage webpages](#) will be updated to include the new policies.

Appendix 1

The table below sets out the detailed comments that we have received and how we have responded to these.

Comment received	Response
Under LD Policy 2: It is suggested that mammal runs are required to be routinely installed when installing new access culverts.	KCC has added to the environmental considerations in Appendix 1 of the Policy Statement that mammal runs should be considered if the ecological surveys recommend them.
Under LD Policy 3: It is suggested that initially the onus should be put on the landowner to clearly demonstrate that the unconsented works will not result in increased flood risk or environmental deterioration.	KCC has added to the Policy Statement that demonstrating that unconsented works are not detrimental on flood risk or environmental grounds is the liability of the structure owner.
Highlighted the last sentence of paragraph 3 in Section 4 as lacking clarity	KCC has clarified this sentence.
Section 5.3 Para 3 – correction - permission required for activity within 8m of the bank of a non-tidal main river, flood defence structure OR 16m of from bank of a tidal main river, or flood or sea defence structure	KCC has confirmed that the interpretation in the Policy is correct (the byelaws can be found here). KCC has added a link to these byelaws to the Policy Statement.
Suggest KCC define "reasonable time" as this can potentially be mis-interpreted, i.e. 6 months, 12 years, or prior to the next storm.	KCC has clarified what a reasonable timeframe is, in general 28 days.
[a respondent] welcomes clarification on when it is appropriate to take enforcement action	The Policy states that enforcement will be undertaken where there is a risk of significant flooding from ordinary flows in a watercourse. KCC has added some text to clarify what a significant flood is considered to be.

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Kent County Council Equality Analysis/ Impact Assessment (EqIA)

Directorate:

Growth, Environment and Transport

Name of decision, policy, procedure, project or service:

Land Drainage Policy Statement

Responsible Owner/ Senior Officer:

Max Tant, Flood and Water Manager

Context

As a Lead Local Flood Authority (LLFA), KCC has powers as a land drainage authority under the Land Drainage Act 1991 to regulate ordinary watercourses. This statement sets out how we will exercise these powers.

In particular, it sets out our policy towards culverting of watercourses, to which we are generally opposed, except in circumstances where it is necessary.

Aims and Objectives

The intention of the policy statement is to set out KCC's policy about how it will exercise its land drainage powers.

This is especially important with regards to providing land drainage consents for works in ordinary watercourses, in particular for culverts. KCC is generally opposed to culverting ordinary watercourses, except where they are necessary for access. This statement sets out our requirements for applicants obtaining land drainage consent and the criteria for culverts to be given consent.

Adverse Equality Impact Rating **Low** /

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning **Land Drainage Policy**. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: T. Marchant

Name: Tom Marchant

Job Title: Head of Strategic Planning & Policy

Date: 05/08/2019

DMT Member

Signed:

Name:

Job Title:

Date:

Updated 21/11/2019

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age	No	No	No	No
Disability	No	No	Yes - Documents will be made available in alternative formats on request. An alternative formats statement will be placed at the start of the tool so that people who need it are aware that they can make the request. All online documents will be tested to ensure accessibility with assistive software technologies as identified by the five Government Digital Service Standards.	
Gender	No	No	No	No
Gender identity/ Transgender	No	No	No	No
Race	No	No	Yes - Documents will be made available in alternative languages upon request. An alternative formats statement will be placed at the start of the tool so that people who need it are aware that they can make the request.	
Religion and Belief	No	No	No	No

Sexual Orientation	No	No	No	No
Pregnancy and Maternity	No	No	No	No
Marriage and Civil Partnerships	No	No	No	No
Carer's Responsibilities	No	No	No	No

Part 2

Equality Analysis /Impact Assessment

Adverse Impact:

People with poor eyesight or who cannot read English may not be able to read the policy statement and therefore may not understand how we apply policy or how it applies to them.

Positive Impact:

The preparation of a Policy Statement will ensure clarity and transparency in Kent County Council's land drainage role which promotes environmental objectives and helps to reduce flood risk.

Internal Action Required **~~YES/NO~~**

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Disability	Published material may not be readable by these groups	The Policy Statement will be made available in alternative formats (ie. Large text).	Alternative formats will mitigate difficulties with access and readability.	Max Tant	Monitor requests for alternative formats	
Race	Published material may not be readable by these groups	The Policy Statement will be made available in alternative languages on request	Alternative formats will mitigate difficulties with readability	Max Tant	Monitor requests for alternative formats	

Have the actions been included in your business/ service plan?

No – they will be actioned upon a request being received. The option to request an alternative format will be advertised by a statement at the start of the webpage they are published on.

The Policy Statement will be made available through Kent County Council's web pages. Requests for the document can be made either through the web page or by contacting the Flood team. Local district councils will be provided with contact details for the Flood team to direct any enquiries from the public.

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Susan Carey

Cabinet Member for Environment

DECISION NO:

19/00089

For publication

Key decision*

Yes – County Wide impact

Subject: S19 Flood Investigation Reporting Policy

Decision:

As Cabinet Member for Environment, I agree to adopt the Section 19 Reporting Policy.

Reason(s) for decision:

As Lead Local Flood Authority (LLFA) for Kent, KCC has a duty to publish reports of investigations into flood events in Kent under Section 19 of the Flood and Water Management Act 2010 and to publish a report of the investigation. LLFAs are given freedom to determine the criteria that triggers a report of an investigation to be published. A policy for reporting on flood investigations was set out in the first Kent Local Flood Risk Management Strategy that was adopted by the County Council in 2012. The Kent Local Flood Risk Management Strategy was refreshed in 2018. The new Strategy did not include policies regarding how KCC would exercise its duties as LLFA, as it focussed on the broad strategic issues of local flood risk management. The Section 19 policy needs revising.

Previously the policy proposed that KCC published a report of flooding once one property was flooded internally, it is proposed that this is raised to five properties flooded internally, along with significant disruption to infrastructure and any other incidents KCC considers merit a report.

Cabinet Committee recommendations and other consultation:

The consultation ran from 19th August until 30th September 2019. The consultation documents can be found at www.kent.gov.uk/section19floodinvestigation

The final draft policy will be discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 29 November

Any alternatives considered:

Not updating the policy sets a threshold for triggering an investigation for which KCC does not have the resources to deliver. To set it higher than the proposed level would potentially undermine our commitment to undertake this duty.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

Section 19 Flood Investigation Reporting Policy consultation report

October 2019

Alternative formats: For any alternative formats of the consultation material, please email alternativeformats@kent.gov.uk or call 03000 421553 (text relay service number 18001 03000 421553). This number goes to an answering machine, which is monitored during office hours.

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1. Introduction

The Section 19 Flood Investigation Reporting Policy sets out the criteria for Kent County Council (KCC) to prepare and publish a report of an investigation into flooding in the county, in accordance with our duty under the Flood and Water Management Act 2010.

KCC have prepared a revision of the policy based upon our experience of preparing reports of flood events since we became Lead Local Flood Authority in 2010.

2. Consultation process

The Section 19 Flood Investigation Reporting Policy was presented to KCC's Flood Risk Management Committee on 22 July 2019 (the papers for the committee can be found here:

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=584&MId=8141&Ver=4>).

The committee includes representatives of the districts and boroughs of Kent as well as parish councils.

Public consultation on the revised Policy started on 19 August and ran until 30 September 2019.

The Flood and Water Management (FWM) team consulted on three policies at the same time, this one, the Drainage and Planning Policy Statement and the Land Drainage Policy. The consultations on these policies were linked, so that they could all be accessed from each consultation page.

The FWM team works closely with community groups and parish councils. The consultation was sent to Kent Association of Local Councils (KALC) and directly to stakeholders such as communities and parishes, the districts and boroughs of Kent, statutory undertakers, the Environment Agency and the Internal Drainage Boards.

The consultation asked two questions about the revision of the Section 19 Flood Investigation Reporting Policy, each with an option to provide more details about the response. There were also questions about whether the Equality Impact Assessment (EqIA) was appropriate, as well as 'about you' questions that gathered the respondent's equalities information.

All consultation documents were available online at www.kent.gov.uk/section19floodinvestigation and alternative formats including hard copies were available upon request.

The following table summarises the frequency that documents were downloaded from the consultation page. Please note that as the Section 19 Reporting Policy is short it is stated on the consultation webpage, and was not available as a document to download.

Documents	Downloads
Consultation Questionnaire - Word Version	25 downloads
Equalities Impact Assessment - PDF version	8 downloads
Equalities Impact Assessment - Word version	5 downloads

3. Respondents

We received 25 responses to the consultation questionnaire. Of these respondents, 17 were from individuals, five were on behalf of district, town or parish councils, one was from a housebuilder or developer and two were from other organisations.

A breakdown of the responders is shown in Figure 1.

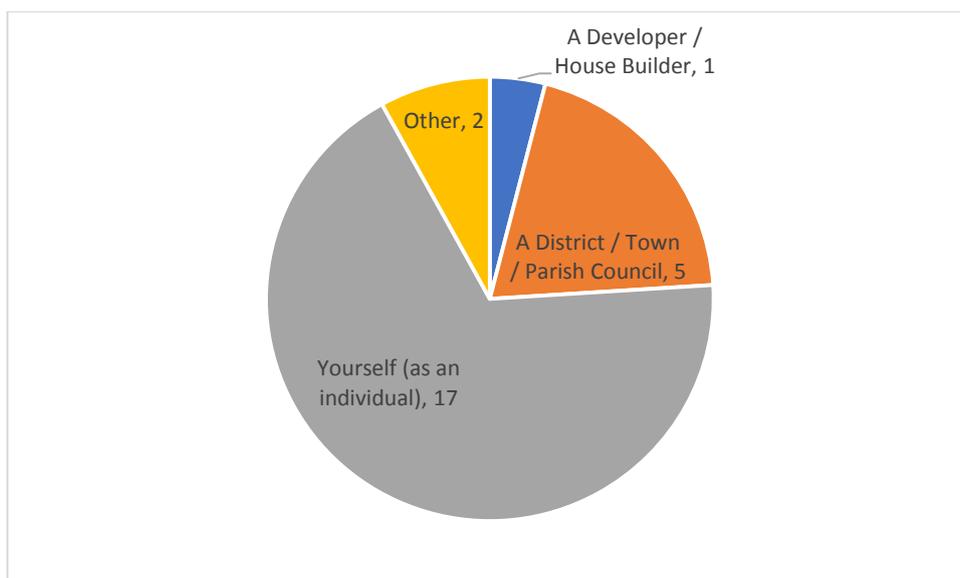


Figure 1 Breakdown of responders

4. Consultation responses

This section is an analysis of the responses to questions on the Section 19 Flood Investigation Policy, including a summary of the free text responses we received.

Question 2. *To what extent do you agree or disagree with KCC’s Section 19 flood investigation reporting policy?*

A breakdown of responses is given in Figure 2.

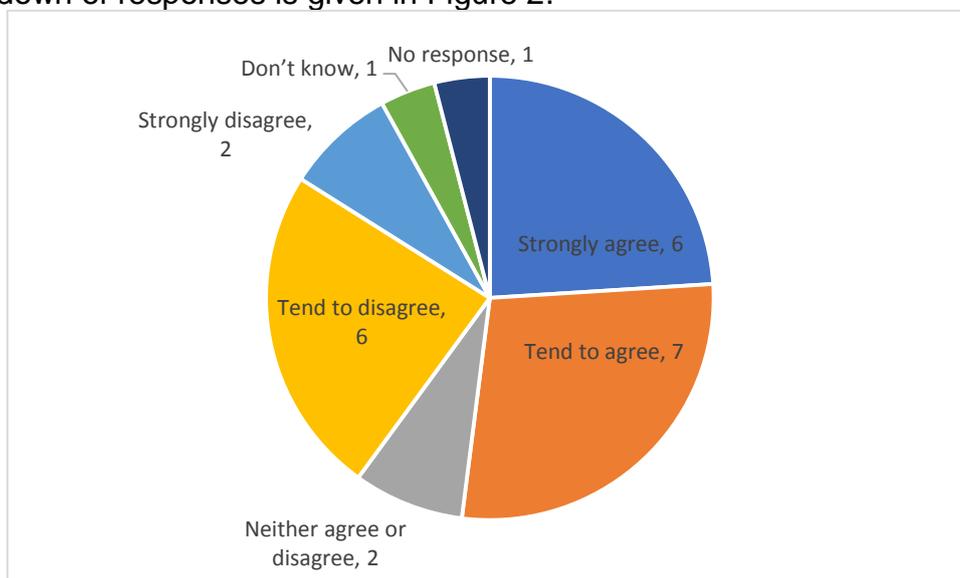


Figure 1 Breakdown of Question 2 responses

Respondents were broadly supportive of the proposed Policy. Of the 25 responses 13 agreed or strongly agreed, however eight disagreed or strongly disagreed, with six neither agreeing or disagreeing, not knowing or giving no response.

Whilst there is broad support for the policy, there is clearly a significant level of disagreement with it. All the respondents that disagreed or strongly disagreed left comments, either for this question or in general for question three. All of these comments related to the number of flooded residential properties that would trigger the policy. Most expressed the feeling that all flooding should be investigated and that a threshold of five properties was too high. Some felt that five properties was arbitrary and one response recommended a formula that accounted for the geographic location of the properties (though it didn't actually suggest a formula).

KCC agrees that all internal flooding should be investigated, however this policy regards the trigger for writing and publishing a report of an investigation. Clearly, there is a need to for KCC to clarify that this policy refers to the report of an investigation not an investigation itself.

KCC proposes to ensure that the [Section 19 report](#) page on the Kent website contains the Section 19 report policy and links to our report a flood page with a clear statement that all floods we are made aware of are recorded and that we will investigate internal flooding events.

Some comments also noted the difference between flooding in a rural setting and in an urban area and that a flood in a rural area might be quite large, but still not meet the properties flooded threshold for an investigation. KCC understands this concern, however there are other criteria that would trigger an investigation, including disruption to local infrastructure and the option to trigger an investigation if KCC considers it to be merited. KCC considers that a large flood in a rural area that did not flood five or more properties would be investigated and a report would be prepared under these criteria.

One comment noted that KCC should shorten the time to undertake the investigations to improve the delivery of this service. KCC has recognised this and we have already taken steps to reduce the time that we take to compile and publish the reports. However, there are factors that are out of our control, as we often rely on partners and data from surveys etc that we are not always in control of.

Additionally, the issue with the length of time a report takes to compile and publish is that it can delay providing a narrative about the flood to those affected by it. With many floods the delay this causes is unnecessary as the public report does not add value to the outcome of the flood event.

Question 3. *Do you have any other comments about the Policy Statement?*

Six responders gave a substantive response to this question. Many of these reflected the same issues raised in the response to Question 2.

One responder commented that a public authority should have powers to “demand explanations and, if necessary, action from private bodies”. Unfortunately, KCC is not in a position to choose to have such a power.

Another responder asked “How will KCC be informed of flooding events at domestic or business premises? Do landowners have to inform?” Which raises an important issue: KCC can only record and investigate flood events that it is made aware of.

KCC will publicise the reporting tool and encourage people who have experienced flooding to report it.

5. Equality analysis

Respondents were given the opportunity to comment on the initial Equality Impact Assessment (EqIA).

There were six responses to this question, which did not identify any issues with the EqIA.

We asked standard 'about you' questions and out of the 25 respondents, 16 were willing to answer these questions. The results have highlighted nothing new for our equality analysis.

6. Next steps

The revised Section 19 Flood Investigation Reporting Policy, this consultation report and the EqIA will be presented to the Environment and Transportation Cabinet Committee on 29 November. Following this, the Policy Statement will be adopted by the Cabinet Member for Planning, Highways, Transport and Waste.

This consultation report will be made available on the consultation webpage and an email alert sent to those who registered with the consultation.

Once the Section 19 Flood Investigation Reporting Policy has been adopted it will be included on the [Section 19 Report page](#) on the KCC website.

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Kent County Council Equality Analysis/ Impact Assessment (EqIA)

Directorate:

Growth, Environment and Transport

Name of decision, policy, procedure, project or service:

Section 19 Flood Investigation Policy Revision

Responsible Owner/ Senior Officer:

Max Tant, Flood and Water Manager

Context

As a Lead Local Flood Authority (LLFA), KCC has a duty to carry out investigations into flooding under the Flood and Water Management Act 2010. The act allows LLFAs to determine when to undertake investigations, this policy sets out KCC's criteria.

The policy will be published on kent.gov.uk

Aims and Objectives

This policy sets out when KCC will undertake an investigation into flooding under Section 19 of the Flood and Water Management Act 2010.

Adverse Equality Impact Rating **Low /**

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning **Section 19 Flood Investigation Policy**. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: T. Marchant

Name: Tom Marchant

Job Title: Head of Strategic Planning and Policy

Date: 05/08/2019

DMT Member

Signed:

Name:

Job Title:

Date:

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqlA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age	No	No	No	No
Disability	No	No	Yes – Reports of investigations that are undertaken will be made available in alternative formats on request. An alternative formats statement will be placed on the webpage that contains the reports. All online documents will be tested to ensure accessibility with assistive software technologies as identified by the five Government Digital Service Standards.	No
Gender	No	No	No	No
Gender identity/ Transgender	No	No	No	No
Race	No	No	Yes - Documents will be made available in alternative languages upon request. An alternative formats statement will be placed on the webpage that contains the reports so that people who need it are aware that they can make the request.	No
Religion and Belief	No	No	No	No

Sexual Orientation	No	No	No	No
Pregnancy and Maternity	No	No	No	No
Marriage and Civil Partnerships	No	No	No	No
Carer's Responsibilities	No	No	No	No

Part 2

Equality Analysis /Impact Assessment

Adverse Impact:

Members of the public may wish to read the reports of flood investigations that we publish to be informed about flood risk in their neighbourhood or somewhere they may be considering moving to.

The reports may not be readable by people with poor eyesight or who cannot read English.

Positive Impact:

The preparation of a flood report helps people to understand flood risk in a local area and provide contacts for further information about how it may be managed.

Internal Action Required

~~YES/NO~~

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Disability	Published material may not be readable by these groups	Flood investigation reports will be made available in alternative formats (ie. Large text).	Alternative formats will mitigate difficulties with access and readability.	Max Tant	Monitor requests for alternative formats	
Race	Published material may not be readable by these groups	Flood investigation reports will be made available in alternative languages on request	Alternative formats will mitigate difficulties with readability	Max Tant	Monitor requests for alternative formats	

Have the actions been included in your business/ service plan?

No – they will be actioned upon a request being received. The option to request an alternative format will be advertised by a statement at the start of the webpage they are published on.

Flood investigation reports will be made available through Kent County Council's web pages. Requests for the document can be made either through the web page or by contacting the Flood team. Local district councils will be provided with contact details for the Flood team to direct any enquiries from the public.

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From: Mike Hill, Cabinet Member for Community and Regulatory Services

Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: Kent County Council Flood Response Emergency Plan

Decision No: 19/00086

Classification: Unrestricted

Electoral Division: All

Summary:

Kent County Council Flood Response Emergency Plan sets out contingencies for response and recovery to flooding incidents and is routinely updated at two yearly intervals. This report outlines the scope and ambition of the latest updates and seeks input from Environment and Transport Cabinet Committee ahead of sign-off by the Cabinet Member for Community and Regulatory Services.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community and Regulatory Services on the scope and content of the updated KCC Flood Response Emergency Plan (as shown at Appendix A).

1. Introduction

1.1 KCC is a 'Category 1 Responder' within the provisions of the Civil Contingencies Act 2004 and is legally bound to ensure plans are in place to respond to threats to life, property and the environment. Coastal, fluvial and surface water flooding (including reservoir inundation) are all identified as significant risks within the Kent Resilience Forum Risk Register. Further, flood resilience generates high levels of interest and concern amongst many local communities and their representatives. Sign-off of this emergency plan is therefore considered to be a Key Decision for the County Council as it affects all Divisions and acts as overarching policy guidance for KCC flood response interventions which have historically resulted in a significant budget impact (e.g. flooding in 2013/14 totalled at least £3,624,595).

- 1.2 The Kent County Council Flood Response Plan was first issued in its current format in 2010 and outlines the principles governing KCC's planning for, response to, and recovery from flooding events. Notably, this plan provides local geographical data and analysis of flood risk in Kent. This 'local knowledge' component has been consistently highlighted as best practice by partners. The interrelationship with the Environment Agency and other partners with a key role in planning for and responding to a flooding event is also set out in this Emergency Plan. Latterly, increasing coverage of forecast climate change impacts and the County Council's recognition of the UK Climate Emergency in May of this year has further raised the profile of this key area of resilience planning and activity.
- 1.3 This report focuses upon the County Council's planning for flood response and recovery, rather than its Lead Local Flood Authority, Local Flood Risk Management Strategy and highways drainage roles.

2. Updates to Plan

- 2.1 Updates and revisions to the Kent County Council Flood Response Emergency Plan include:
- 2.1.1 Inclusion of a plan activation summary and flowchart. This innovation will enhance accessibility of the document and consequently the speed of mobilisation during an incident.
- 2.1.2 A new horizon scanning section which addresses both current and projected climate change impacts for Kent (see section 6.3). This new section expands upon risks identified in the UK Climate Change Risk Assessment 2017 and incorporates additional research from the Intergovernmental Panel on Climate Change (IPCC) and Committee on Climate Change (CCC), specifically focusing on the impacts to the South East.
- 2.1.3 A new section on people and communities who may be especially vulnerable to flooding impacts by virtue of age, infirmity, poor health and deprivation has also been added (see section 10.2). This provides an analysis of social vulnerability, i.e. political, social and economic factors which can constrain the ability of the population to respond to an event and their ability to adapt to flooding and any associated impacts on the health and social care sectors. Content is further informed by research from Climate Just 2019. This section also incorporates maps identifying communities exhibiting multiple levels of deprivation which are located within areas vulnerable to flooding (please see figures 10.3, 10.4 and 10.5).

- 2.1.4 A range of other smaller updates address organisational change, wastewater incidents, key contacts, alerting and activation as well as additional emphasis upon duty directors and tactical manager roles.

3. Financial Implications

- 3.1 All costs associated with drafting, upkeep and associated training and exercising for this plan are covered by the core Resilience and Emergency Planning Service budget. Indeed, through improving the effectiveness of planning, response and recovery (through enhanced evidential underpinning, such as greater demographic detail), the updated plan will enable more cost-effective use of staff, assets and other County Council resources.
- 3.2 Historically, flood response activity in Kent has resulted in significant expenditure by the County Council. For example, the cost of the KCC response to wide-area flooding in winter 2013/14 totalled at least £3,624,595, which included materials, staff and contractor costs (source: Severe Weather Impacts Monitoring System). A series of debrief events were undertaken in the aftermath of this event and have informed current planning and response.
- 3.3 KCC may be eligible to claim against the Bellwin Scheme of Emergency Financial Assistance to Local Authorities, which works to reimburse councils for costs incurred in responding to emergencies. Before being eligible for the grant, the local authority must submit an expression of interest within the prescribed timetable and have spent a 0.2% of its calculated annual budget on works reported to MHCLG as eligible for grant. For the current financial year, the Bellwin Scheme threshold for the County Council is a further £1,764,324. It is worthy of note that this figure acknowledges only those sums spent on response and recovery and not of the annual KCC spend on flood resilience and planning activities. Currently, there is no identified allowance in the annual budget for such a level of additional spend other than the Emergency Conditions Reserve, which is available to all KCC services.

4. Legal Requirements

- 4.1 The Civil Contingencies Act 2004 places a statutory duty on KCC to plan for and respond to major emergencies. The definition of an emergency at part 1 of the Act specifically references: 'An event or situation which threatens serious damage to human welfare and the environment of a place in the United Kingdom'.
- 4.2 A further provision of the Act is that Local Resilience Forums must maintain a Community Risk Register. The Kent Community Risk Register features 'fluvial or river flooding' as the highest risk to Kent, in terms of both impact and likelihood, with 'coastal tidal flooding' second highest. 'Surface water flooding',

'reservoir dam collapse' and 'localised extremely hazardous flash flooding' also feature within the register.

5. Conclusions

5.1 Coastal, fluvial and surface water flooding present a significant risk to Kent communities and County Council services are central to effective planning, response and recovery from such events. The updated Flood Response Emergency Plan, with its inclusion of the latest data on and mapping of vulnerable communities in flood risk areas, enhanced alerting and activation guidance and latest projections for climate change impacts in the South East, will enhance local preparedness by enabling more effective operational interventions and use of resources.

6. Equalities Impact

6.1 An Equalities Impact Assessment has been undertaken to address the implications of flooding events for vulnerable individuals and communities. Effective arrangements to support affected communities are delivered through the revised and updated Flood Response Emergency Plan and associated contingency planning. The County Council's Resilience and Emergency Planning Service and Social Care teams co-operate with the NHS, voluntary sector and other partners to enable dynamic identification of and support for individuals and communities potentially at risk in the event of flood emergencies.

7. GDPR Considerations

7.1 Emergency planning and response sometimes require the County Council to collect, use and be responsible for certain personal information to ensure an appropriate response can be delivered. The General Data Protection Regulation means that the County Council will be responsible as a 'controller' of that personal information.

8. Recommendation(s):

The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Community and Regulatory Services on the scope and content of the updated KCC Flood Response Emergency Plan (as shown at Appendix A).

9. Background Documents

Appendix A – Proposed Record of Decision

Appendix B - KCC Flood Response Emergency Plan EqIA

Appendix C – Kent County Council Flood Response Plan

10. Contact Details

Report Authors:

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Relevant Director:

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Environment and Transport, tel. 03000 418 827, email katie.stewart@kent.gov.uk

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

<p>DECISION TO BE TAKEN BY</p> <p>Mike Hill</p> <p>Cabinet Member for Community and Regulatory Services</p>	<p>DECISION NO:</p> <p>19/00086</p>
--	---

For publication

Key decision*

Yes – County Wide impact

Subject: Updates to KCC Flood Response Emergency Plan

Decision:

As Cabinet Member for Community and Regulatory Services, I agree to the scope and content of the updated KCC Flood Response Emergency Plan.

Reason(s) for decision:

KCC is legally required to have Emergency Plans in place to respond to identified threats under the Civil Contingencies Act 2004. The Kent Resilience Forum Risk Register identifies coastal, fluvial and surface water flooding as a key risk in the County, and it is for this reason that KCC is required to have an emergency plan in place to support the planning for and response to such incidents. The decision required is to approve the latest updates to KCC's Flood Response Emergency Plan. Once the Cabinet Member for Community and Regulatory Services has approved these updates, the Plan will be published to Kent.gov.uk, uploaded to Resilience Direct and shared with relevant KCC colleagues and resilience partners (including Districts and Parish Councils).

Cabinet Committee recommendations and other consultation:

The draft plan has been shared with partners both within KCC and beyond. It was tabled at the KRF Severe Weather Group on 4 July and the Cross-Directorate Resilience Forum and Kent Flood Risk Management Committee, on 22 July 2019. Consultation was undertaken across key resilience partners with significant contribution from Environment Agency, Kent Fire and Rescue Service and Kent Resilience Team.

The KCC Flood Response Emergency Plan will be presented to Environment and Transport Cabinet Committee on 29th November

Any alternatives considered:

The other option would be for KCC not to operate a corporate Flood Response Emergency Plan and instead to rely upon individual service Emergency Plans and the generic KCC Emergency Plan. However, the significance of the flood threat in Kent, special characteristics of flood response and the importance of joined-up working across the County Council's services means that this option is unlikely to provide effective preparedness, and therefore it is unlikely to achieve compliance with the Civil Contingencies Act 2004.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Growth, Environment & Transport

Name of decision, policy, procedure, project or service: Update of the KCC Flood Response Plan

Responsible Owner/ Senior Officer: Tony Harwood

Version: 1

Author: Louise Butfoy

Pathway of Equality Analysis: Environment and Transport Cabinet Committee

Summary and recommendations of equality analysis/impact assessment.

- **Context**
Within the KCC Flood Response Plan flood vulnerable communities have been identified and mapped in the newly incorporated Vulnerable People & Communities section which considers the various factors which constrain the ability of the population to respond and adapt to flooding.
- **Aims and Objectives**
Testing the impact of the updated KCC Flood Response Plan on vulnerable communities
- **Summary of equality impact**
High positive impact

Adverse Equality Impact Rating High Positive Impact

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning **KCC Flood Response Plan**. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed:



Name: Mike Overbeke

Job Title: Gp Hd Public Protection

Date: 23 Oct 19

DMT Member

Signed:

Name:

Job Title:

Date:

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent? No

Could this policy, procedure, project or service promote equal opportunities for this group?

The KCC Flood Response Plan contains a section on Vulnerable People & Communities, which covers not only the protected characteristics but also other vulnerabilities to flooding such as political, social and economic factors which could constrain the ability of the population to respond and their ability to adapt to a flooding event. The plan shows that some of the socially vulnerable communities are often located in or near areas of high flood risk.

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Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				20% of Kent residents are aged 65+ compared to 18.3% of UK residents. In the event of a flooding incident, KCC would utilise KCC systems from CYPE & ASCH to identify vulnerable service users and communities in the area. As part of the multi-

				<p>agency response NHS and voluntary agencies would also assist in identifying vulnerable service users.</p> <p>District Council's hold directories on the welfare centres in their district, if a welfare centre is required KCC will contact the Emergency Planning lead for the relevant district. All welfare Centres have completed their risk assessments and been approved.</p> <p>The Children's Act requires that carers (in the welfare centre) working with unaccompanied children under the age of 16 must have an up-to-date DBS check.</p> <p>The KCC Flood Response Plan will enhance planning and operational response and ensures</p>
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				appropriate emphasis on vulnerable groups such as children and young people. The impact of the plan is therefore wholly positive upon this protected group.
Disability				<p>17.6% of Kent residents are described as having their day-to-day activities limited due to disability, compared to 17.9% of England and Wales residents.</p> <p>In the event of a flooding incident KCC would utilise KCC systems from CYPE & ASCH to identify vulnerable service users and communities within the area.</p> <p>As part of the multi-agency response NHS and voluntary agencies would also assist in identifying vulnerable service users.</p> <p>There is of course a risk of some people with a</p>

				<p>disability not being known to the organisation, this will be further considered in the development of the Kent Resilience Forum Vulnerable People and Communities in Emergencies Plan that is currently being updated and will be released in March 2020. This will include protocol to ensure all protected groups are accurately considered and planned for in an emergency.</p> <p>Additionally, specific arrangements for communicating with vulnerable people and hard-to-reach groups can be found in the Identifying Vulnerable People in an Emergency Plan, on the KRF page of Resilience Direct.</p> <p>District Council's hold directories on the welfare</p>
--	--	--	--	--

				<p>centres in their district, if a welfare centre is required KCC will contact the Emergency Planning lead for the relevant district. All welfare centres have completed their risk assessments and been approved for being accessible for those with disabilities.</p> <p>The KRF Welfare Centre guidance states that KCC are part of a public partnership that has commissioned the Royal Association of Deaf people to provide interpreting services for deaf and deafblind people in Kent. An interpreter can be provided by contacting the KCC DEPO.</p> <p>The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on</p>
--	--	--	--	---

				<p>vulnerable groups such as people with a disability. The impact of the plan is therefore wholly positive upon this protected group.</p>
Sex				<p>If welfare centres are required, the centres have been pre identified, specific arrangements can be made if specific groups or individuals require bespoke care arrangements.</p> <p>The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on all vulnerable people regardless of gender. The impact of the plan is therefore wholly positive upon this protected group.</p>
Gender identity/ Transgender				<p>No specific impact on tis characteristic.</p> <p>The KCC Flood Response Plan will enhance</p>

				<p>planning and operational response and ensures appropriate emphasis on all vulnerable people regardless of gender. The impact of the plan is therefore wholly positive upon this protected group</p>
Race				<p>93.7% of Kent residents are white compared to 85.4% of England residents.</p> <p>3.3% of Kent residents are Asian compared to 7.8% of England residents.</p> <p>1.5% of Kent residents are mixed / multiple ethnic groups compared to 2.3% of England residents.</p> <p>1.1% of Kent residents are Black / African / Caribbean compared to 3.5% of England residents.</p> <p>0.5% of Kent residents are of another ethnic group</p>

				<p>compared to 1% of England residents.</p> <p>The KRF Welfare Guidance explains that Interpreting resources may be available from KCC or borough / district councils, and some welfare centre staff who are multi-lingual may also be able to assist. The guidance also states that registration documentation is provided in 12 languages.</p> <p>The KRF Welfare Centre guidance also confirms that all dietary requirements should be catered for.</p> <p>The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on all vulnerable people regardless of race. The</p>
--	--	--	--	--

				impact of the plan is therefore wholly positive upon this protected group
Religion and Belief				<p>62.5% of Kent residents are Christian compared to 59.4% of England residents.</p> <p>0.5% of Kent residents are Buddhist compared to 0.5% of England residents.</p> <p>0.7% of Kent residents are Hindu compared to 1.5% of England residents.</p> <p>0.1% of Kent residents are Jewish compared to 0.5% of England residents.</p> <p>1% of Kent residents are Muslim compared to 5% of England residents.</p> <p>0.7% of Kent residents are Sikh compared to 0.8% of England residents.</p>

				<p>0.4% of Kent residents have another religion or belief compared to 0.4% of England residents.</p> <p>26.8% of Kent have no religion compared to 24.7% of England residents.</p> <p>If a flooding incident occurs and welfare centres are required, the KRF Welfare Guidance explains that Interpreting resources may be available from KCC or borough / district councils, and some welfare centre staff who are multi-lingual may also be able to assist. The guidance also states that registration documentation is provided in 12 languages.</p> <p>The recognition of cultural and faith factors within the caring response to</p>
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			<p>incidents is important. The coordination of the pastoral, cultural and faith response is the responsibility of KCC, who will work with the 24-hour Critical Incident Chaplains service to fulfil this role. Further advice on a range of cultural issues can be accessed via KCC's ASCH & CYPE directorates. Specific advice and support in relation to Gypsy and Traveller and communities may be sought through the KCC Gypsy and Traveller Unit.</p> <p>The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on all vulnerable people regardless of religious beliefs. The impact of the plan is therefore wholly positive upon this</p>
--	--	--	---

				protected group.
Sexual Orientation				The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on all vulnerable people regardless of sexual orientation. The impact of the plan is therefore wholly positive upon this protected group
Pregnancy and Maternity				The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on all vulnerable people. The impact of the plan is therefore wholly positive upon this protected group
Marriage and Civil Partnerships				The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on all vulnerable people. The impact of the plan is therefore wholly positive

<p>Carer's Responsibilities</p>				<p>upon this protected group</p> <p>In the event of a flooding incident KCC would utilise KCC systems from CYPE & ASCH to identify vulnerable service users and communities within the area.</p> <p>As part of the multi-agency response NHS and voluntary agencies would also assist in identifying vulnerable service users.</p> <p>There is of course a risk of some people with a disability not being known to the organisation, this will be further considered in the development of the Kent Resilience Forum Vulnerable People and Communities in Emergencies Plan that is currently being updated and will be released in March 2020. This will include protocol to ensure all protected groups are accurately considered and</p>
--	--	--	--	---

				planned for in an emergency. The KCC Flood Response Plan will enhance planning and operational response and ensures appropriate emphasis on all vulnerable people. The impact of the plan is therefore wholly positive upon this protected group
--	--	--	--	---

Part 2

Equality Analysis /Impact Assessment

Protected groups

(Who will be directly or indirectly negatively affected by the changes?)

Information and Data used to carry out your assessment

(Please list your data source and if you have it provide a link to source. Please highlight any gaps)

Who have you involved consulted and engaged?

(Please list stakeholders)

Analysis

(What have you found out and what does it tell you about the impacted protected groups? What did you stakeholders, including protected groups tell you?)

Adverse Impact,

(What is the effect on the protected group? Please state mitigation in the action plan)

Positive Impact:

(Please highlight any positive impacts in relation to protected groups)

JUDGEMENT

Set out below the implications you have found from your assessment for the relevant protected group(s). If any negative impacts can be justified please clearly explain why. Identify the option to address the impact. There are four possible options:

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken
- **Adjust and continue** - adjust to remove barriers or better promote equality
- **Continue the policy** - despite potential for adverse impact or missed opportunity. Set out the justifications: there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements.
- **Stop and remove the policy** – policy shows actual or potential unlawful discrimination it must be stopped and removed or changed

Internal Action Required YES/NO

There is potential for adverse impact on particular groups and we have found scope to improve the proposal...

(Complete the Action Plan- please include dates for monitoring and review)

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
N/A	N/A	N/A	N/A	N/A	N/A	N/A

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Have the actions been included in your business/ service plan?

Yes/No

Appendix

Please include relevant data sets

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

If the activity will be subject to a Cabinet decision, the EqlA must be submitted to committee services along with the relevant Cabinet report. Your EqlA should also be published.

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

Kent County Council Flood Response Plan

Issue 7 November 2019

IN THE EVENT OF AN EMERGENCY PLEASE TURN TO PAGES 10 & 11

All enquiries or amendments relating to this document should be sent to:

KCC Resilience and Emergency Planning Service

Invicta House

County Hall

Maidstone

Kent ME14 1XX

Tel: 01622 675570

Email: resilience@kent.gov.uk

Next scheduled review: November 2021

Printed on recycled paper

*KCC Resilience and Emergency Planning Service
Is accredited under ISO14001 (environmental management)*



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Issue & Review Register

Summary of changes	Issue number & date	Approved by
New Issue	Issue 1 February 2010	David Cloake Head of Emergency Planning
Minor updates	Issue 1.1 February 2013	Steven Terry Emergency Planning Manager
Entire document updated, incorporating lessons from winter 2013/14 severe weather events, and subsequent debriefs	Issue 2 June 2014	Tony Harwood Senior Resilience Officer
Minor updates	Issue 3 December 2014	Tony Harwood Senior Resilience Officer
Minor updates	Issue 4 June 2015	Tony Harwood Resilience and Emergencies Manager
Plan format change and updates	Issue 5 June 2016	Tony Harwood Resilience and Emergencies Manager
Update and synchronisation with latest version Pan Kent Flood Plan	Issue 6 July 2017	Tony Harwood Principal Resilience Officer
Major updates	Issue 7 November 2019	Louise Butfoy Project Officer

NOTE: The latest version of this plan can always be found at on Resilience Direct and Kent.gov.

Next review scheduled: November 2021

Compiled by:

Name Louise Butfoy
Role Project Officer
Organisation Kent County Council

Date: November 2019

Approved by:

Name Tony Harwood
Role Resilience and Emergency Planning Manager
Organisation Kent County Council

Date: November 2019

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Distribution List (electronic):

Title	Role/Organisation
Duty Directors and Support	KCC
Environment Agency Incident Room (Kent Office)	EA
Flood Management Team	Environment Agency
KCC Cabinet Members	KCC
KCC Contact Point / Agilisys	KCC
KCC Cross Directorate Resilience Group	KCC
KCC Flood Risk Management Committee Members	KCC
KCC Flood Risk Manager	KCC
KCC Highway Management Unit	KCC
KCC Highways and Transportation Duty Officers	KCC
Kent Resilience Team	Multi-agency
Tactical Managers and Support	KCC

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1. Response Summary

1.1 Flood Alert Response

- Upon notification from Environment Agency, the Duty Emergency Planning Officer (DEPO) will consult with Environment Agency, Met Office and/or the KCC Highways, Transport and Waste Duty Manager on likely impacts and, in particular, the potential for the situation to escalate.
- A decision will be made as to whether a Severe Weather Advisory Group (SWAG) will be required.
- If no SWAG is required, a watching brief will be maintained and the KCC Highways, Transport and Waste Duty Manager will consider whether an Operational Impact Warning will be issued.
- If a SWAG is initiated, it will be chaired by the Environment Agency, and will utilise the standing agenda and circulation list available on Resilience Direct*. The situation will be monitored and further action by individual agencies may be initiated through the SWAG.

1.2 Flood Warning Response

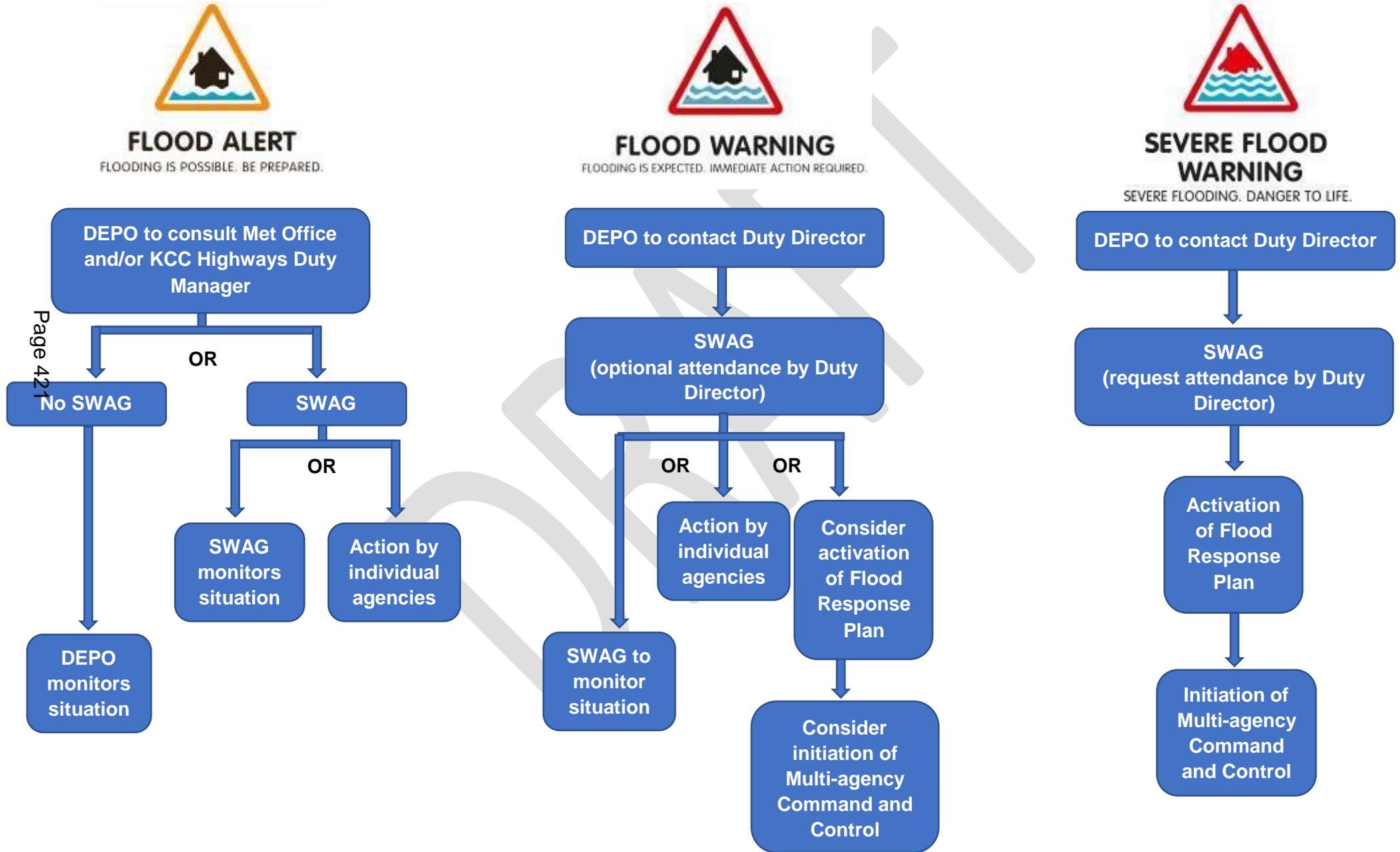
- Upon notification from Environment Agency who will initiate a SWAG, the DEPO will contact and brief the KCC On-call Duty Director.
- The SWAG will be chaired by the Environment Agency and will utilise the standing agenda and circulation list available on Resilience Direct*. The situation will be monitored and further action by individual agencies may be initiated through the SWAG.
- Alternatively, if it is required, the DEPO, in consultation with the KCC On-call Duty Director, will determine whether it is necessary to activate the KCC Flood Response Emergency Plan and further initiation of multi-agency Command and Control.
- The corporate KCC response, in the event of the activation of the KCC Flood Response Emergency Plan, will be co-ordinated through the DEPO and/or the County Emergency Centre (CEC), with specialist services mobilised as required.

1.3 Severe Flood Warning Response

- Upon notification from Environment Agency who will initiate a SWAG, the DEPO will contact the KCC On-call Duty Director, the KCC On-call Duty Director is required to attend.
- The SWAG will be chaired by the Environment Agency and will utilise the standing agenda and circulation list available on Resilience Direct*.
- The DEPO, in consultation with the KCC On-call Duty Director, will activate the KCC Flood Response Emergency Plan and further initiation of multi-agency Command and Control.
- The corporate KCC response, in the event of the activation of the KCC Flood Response Emergency Plan, will be co-ordinated through the DEPO and/or the County Emergency Centre (CEC), with specialist services mobilised as required.

*To access SWAG resources on Resilience Direct go to; Kent Resilience Forum, Kent Responses, Severe Weather Advisory Group Resources.

Figure 1.4 – Plan Activation Summary



2. Introduction

2.1 The purpose of this plan is to set out the principles that govern Kent County Council's response to a flooding event within their local authority administrative area.

2.2 This Plan is produced and maintained by Kent County Council Resilience and Emergency Planning Service to meet the requirements of the Civil Contingencies Act 2004.

3. Scope

3.1 The main objective of the Plan is to ensure an informed and co-ordinated response to a flood event, which will protect life and well-being; with the mitigation of property and environmental damage as a strong supporting objective.

3.2 The focus of this plan is primarily on coastal, fluvial (river), surface water and ground water flooding.

3.3 This plan incorporates guidance arising from the Pitt Review, acknowledging and recognising the impacts of climate change and other associated extreme climatic events, as identified in the UK Climate Change Risk Assessment 2017.

3.4 The Plan provides information on actions, roles and responsibilities in response to a flood in the Kent County Council administrative area. A range of Kent-wide plans/frameworks have been published by the Kent Resilience Forum which compliment this plan and may be found in electronic format on Resilience Direct. Specifically, these include the following:

- Pan Kent Strategic Emergency Framework;
- Pan Kent Multi-agency Flood Plan;
- Kent County Council Recovery Framework;
- Kent County Council Flood Response Plan;
- Local Multi-agency Flood Plans;
- Kent Resilience Forum Welfare Centre Guidelines;
- Kent Resilience Forum Psychological Care Guidelines;
- Kent Resilience Forum Resilient Communities Plan; and
- KRF Identifying Vulnerable People in an Emergency Plan.

3.5 The procedures in this response plan will be activated when any of the following criteria are met:

- Met Office Severe Weather Warning received for heavy rain or rapid snow melt;

- Flood Alert/Flood Warning /Severe Flood Warning issued;
- Intelligence received from KCC colleagues, partners or public indicating flooding may occur;
- Properties are threatened by flooding;
- Properties are affected by flooding; and
- Intelligence indicates that human or animal welfare is threatened by flooding or risk of flooding.

See section seven for more detail of the plan activation.

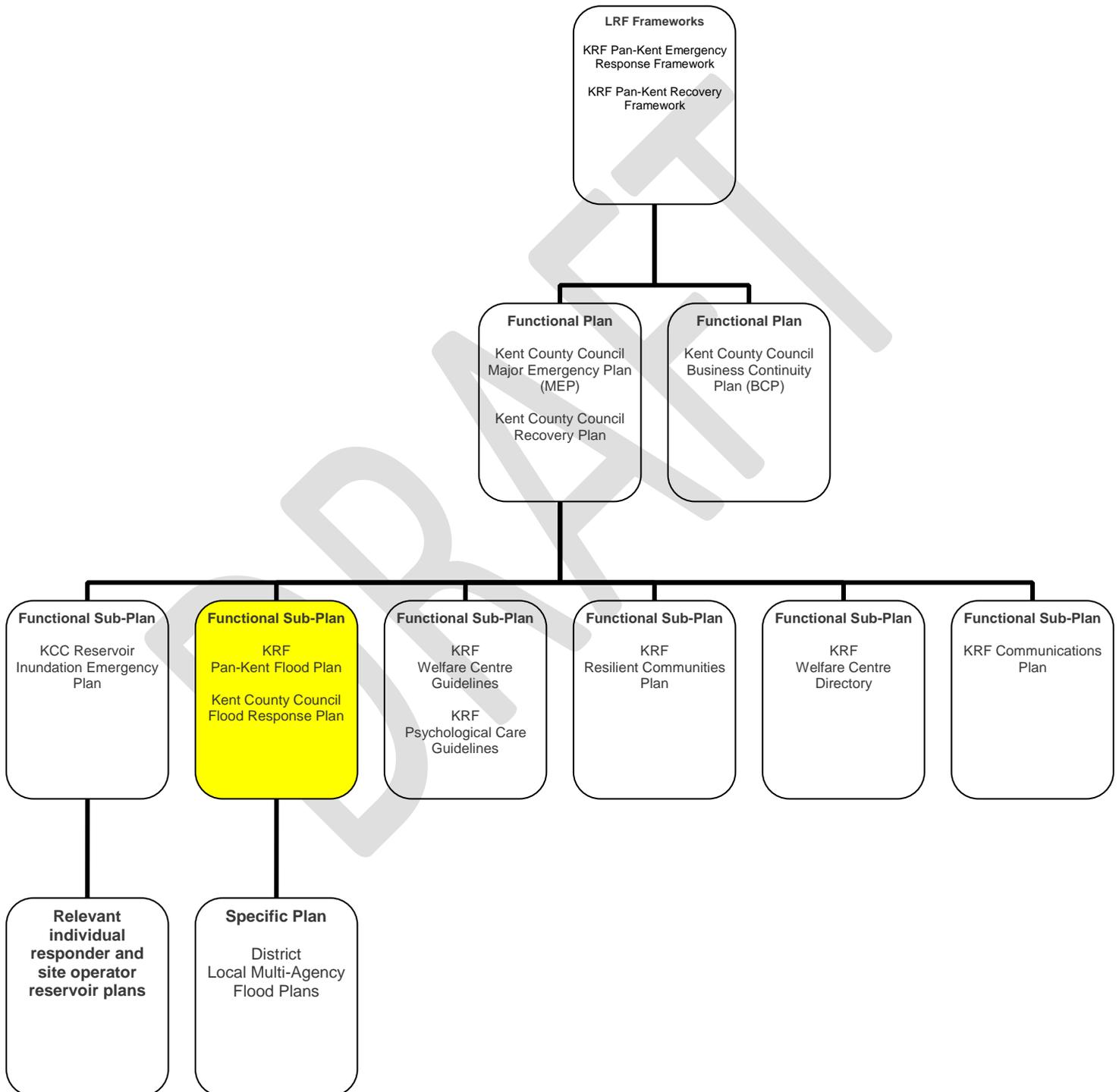
4. Audience

4.1 This document is intended for use by all Kent County Council Directorates, duty officers and command and control personnel to inform and support their planning for and response to major flooding events within the County.

5. Related and Interdependent Plans

The relationships between response plans are indicated in the diagram below.

Figure 5.1 - Related and Interdependent Plans



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6. The Risk of Flooding

6.1 Risk Assessment

Risk is a product of the likelihood and impact of a given hazard or threat. The impact will depend upon the exposure of people and property to the hazard and their respective vulnerability to harm. In Kent, the risks from flooding vary according to the source of the flooding and the characteristics of the people and property exposed to flooding.

Assessed risk details, including critical infrastructure, are contained in the National and Local Risk Registers at LRF (Local Resilience Forum) and at a local responder level.

Residual risk is that which remains after the mitigation measures (in this case tidal and fluvial defences) have been taken; recognising that flood risk cannot be eliminated entirely.

6.1.1 Community Risk Register

An assessment of the risk of flooding in Kent can be found in the Community Risk Register 2015 (at Local Resilience Forum level) which is accessible via Resilience Direct.

The risk of flooding in Kent is divided into 7 main categories under the Hazard Category of Severe Weather.

H19 - Flooding: Major coastal and tidal flooding affecting more than two UK regions
(This is the national picture to provide context for local risk assessment).

HL16 - Local coastal / tidal flooding (affecting more than one Region).

HL17 - Local coastal / tidal flooding (in one Region).

H21 - Flooding: Major fluvial flooding affecting parts of more than two UK regions. (This is the national picture to provide context for local risk assessment)

HL18 - Local / Urban flooding (fluvial or surface run-off).

HL19 - Local fluvial flooding.

HL20 - Localised, extremely hazardous flash flooding.

An overall Risk Rating is assessed based on the likelihood and impact. The risk assessment within the Community Risk Register gives a 'Very High' Risk Rating outcome for all the hazards mentioned above.

More locally, coastal flood risk is seen by the Kent Resilience Forum Risk Assessment Group and Severe Weather Group as the highest of risks due to the length of coastline in Kent, the nature of that coastline and

the size and demographic profile of the communities living in coastal areas, following the advice from the Environment Agency (see Appendix D).

6.2 Flood Risk

In total, around 88,000 properties in Kent are estimated to be at risk of flooding, and there is a significant development pressure across the County which will cause this figure to increase. In addition, many more people work in, visit or travel through potentially vulnerable areas and could be unaware of the risk.

As a result of man-made climate change, both the chance and consequence of flooding are increasing. According to the UK Climate Change Risk Assessment 2017, sea levels will rise, more frequent and higher storm surges, increased winter rainfall and more intense summer rainfalls are predicted to add to the existing risk. Given these changes, it may not be possible to improve fixed defences sufficiently to maintain or raise protection standards. As such, more work will be needed across the county to decrease the impact of flooding by building resilience in infrastructure, the environment, society and the local economy.

Floods are predominantly natural events that result from excessive rainfall which may exceed the capacity of drainage (natural or man-made), which can cause rivers to burst their banks. Tidal storm surges on the coast or in estuaries may cause the level of the sea to rise, all potentially resulting in death and damage.

Some areas are protected from flooding by flood defence measures, which may include flood storage reservoirs, flood walls and bypass channels. These do not eliminate the risk of flooding occurring, they only reduce it. They may though, lead to a false sense of security or complacency in those living or working in the defended areas, who would be unprepared for a flood should one occur. The consequences of flooding are best controlled by avoiding inappropriate development in flood risk areas.

This Plan is an element of the response to potential major and significant flooding in Kent.

In this document, reference to risk implies a function of both the chance or likelihood of a hazard becoming a reality and the consequences or impact of that occurrence. The consequence will depend upon the exposure of people and property to the hazard and their respective vulnerability to harm.

6.3 Climate Change Impacts & Uncertainty

Projected climate change impacts in the South East include, but are not limited to, shifts in seasonal and rainfall patterns; increases in the frequency and magnitude of extreme weather events such as an increasing frequency and intensity of rainfall and storm events, resulting in escalating coastal storm surges and an elevated risk of tidal/coastal flooding events; glacier and ice sheet melting; thawing of permafrost; sea-level rise (which, in relative terms, is predicted to be greater in the South East compared to in other parts of England); acidification of the oceans and average temperature increase, causing drier summers and more frequent drought conditions as well as wetter and milder winters.

However, the 'scale and magnitude of impact will depend on the pattern of future greenhouse gas emissions', and it must also be noted that the UK has always been subject to long-term weather variability,

which informs the Intergovernmental Panel on Climate Change (IPCC) potential future emission scenarios. (McCoy and Watts, 2014).

The consequences of the direct impacts of heat and extreme weather events may include: a deterioration of access to essentials such as clean water, nutritious food and shelter; forced migration, conflict and societal disruption; and loss of biodiversity' as well as, increasing physical and mental stress from flooding; cold and heat related mortality and the prevalence of vector-borne diseases, whilst also negatively impacting people with existing respiratory diseases (Haines, 1991; Frumkin et al, 2008; McCoy and Watts, 2014).

In Kent, there are currently approximately 64,000 properties at risk of coastal and fluvial flooding, and 24,000 at risk of flooding from surface water runoff (2019). As a result of climate change, the frequency, distribution and severity of flooding may change, and areas that have not been affected by flooding previously may be at risk from flooding in the future, for example, the risk of severe flooding of coastal areas is likely to increase as a result of rising sea levels and increased storm surges (CCC, 2016; Kent County Council, 2017).

6.4 Flooding Sources

Kent is potentially vulnerable from several flooding sources (as described below). These may occur separately or in combination.

6.4.1 Tidal Flood Risk

6.4.1.1 Tidal Flood Risk General Information

Tidal flooding occurs as a result of a severe storm surge, which raises the level of the sea and can inundate coastal areas directly or by overtopping the flood defences. Flood defences may also be breached during a storm surge, which can occur naturally, or as an accident, failure to close a gate or through a malicious act.

There are defended and undefended tidal floodplains on the Kent coastline. The tidal defences for the Kent coastline, where several of which are private, provide varied levels of protection against a storm surge. Furthermore, some areas do not benefit from any formal defences, and are therefore at risk of flooding from small storm surges, while other formal defences deliver protection of only 1 in 5 years. Parts of the Thames Estuary Barrier are designed to withstand a 1 in 1,000-year severe weather event.

The chance of tidal defences overtopping from a storm surge should be evident several hours beforehand. There is continuous monitoring of tide levels, and the Environment Agency aims to issue a warning at least 2 hours in advance. If tidal flood defences are overtopped, floodwater may be trapped behind the defences, even after the storm has passed. This can lead to flood waters several metres deep in places and, close to the site of overtopping, floodwater velocities could be enough to sweep people off their feet. Recovery may require pumping and the water could be present in an area for weeks. The water will be brackish as well as polluted which will cause additional damage.

By its nature, a breach in defences is unlikely to be predictable, although it is possible that signs of weakness may be evident prior to failure. No advance warning will be provided. The risk of a breach occurring would increase with the severity of a storm and responders should be alert to the possibility of a

breach when a flood warning or severe flood warning has been issued. A breach during a storm surge may result in a torrent of floodwater affecting an area behind the defence which will present a threat to life and possibly cause damage to buildings. An added hazard would result from large objects, such as cars, and other debris carried by the floodwater. Depending on the nature of a breach, some floodwater may drain away as the tide recedes, but it is likely that many areas will remain inundated.

[6.4.1.2 Tidal Flood Risk in Kent](#)

The Kent coastline is some 326 miles long (524.6 km) and poses a potential tidal flooding risk to 369 square miles of land (593.8 km²) within the county (excluding Medway's administrative area). A map showing areas within Kent potentially vulnerable to coastal (or tidal) flooding can be found at Figure 6.5. With a predicted cumulative sea level rise of 1.2m in the South East by 2115 (source: Environment Agency) and an increasing likelihood and severity of stormy conditions the threat from a North Sea storm surge is a key and growing risk to Kent.

6.4.2 Fluvial Flood Risk

[6.4.2.1 Fluvial Flood Risk General Information](#)

Fluvial flooding will occur when freshwater flows within a watercourse exceeding the capacity of the channel, or overtop flood defences, or escape through a breach in flood defences. High freshwater flows may result from intense or prolonged rainfall, snowmelt, reservoir dam failure or blockage of a channel.

Larger fluvial flooding events in Kent and Medway are most likely to occur from the autumn through to the spring and there will generally be a warning issued in advance by the Environment Agency when there is the likelihood of flooding.

The standard of the protection held by defences varies from river to river and, in many cases, along the watercourse itself. Fluvial flood defences take many different forms, in contrast to tidal defences. Many significant fluvial flood defences are provided by flood storage areas, which are designated as reservoirs. A breach of these defences is addressed by the KCC Reservoir Inundation Emergency Plan. Other fluvial flood defences may be breached, but due to the lower water levels there is a lower risk than with tidal flooding. As with a tidal breach, no advance warning of a breach in fluvial defences can be expected.

[6.4.2.2 Fluvial Flood Risk in Kent](#)

The landscape of Kent is defined by its river systems. The largest, the catchment of the **River Medway**, covers 930 square miles (2,409 km²) comprising some 25% of the area of the County. The River Medway flows for 70 miles (113 km) from just inside the West Sussex border to the point where it enters the Thames Estuary in north Kent. The River Medway is tidal downstream of Allington Lock, Maidstone.

Tributaries of the River Medway include:

- **The River Eden** - flows through the Weald of Kent from the border with Surrey, rising from the source in Surrey parish Titsey, and flowing eastward through the Wealden clay to join the River Medway near Penshurst.

- **The River Bourne** - begins its course west of Oldbury Hill on the Greensand Ridge in the parish of Ightham and enters the River Medway upstream of East Peckham.
- **The River Teise** - begins in Dunorlan Park in Tunbridge Wells and flows eastwards through Lamberhurst, passing Bayham Abbey. Here the small River Bewl, on which is the reservoir Bewl Water, joins the Teise. The Teise bifurcates 1.2 miles (2km) south west of Marden, the minor stream flows directly to Twyford Bridge in Yalding, while the major stream joins the River Beult at Hunton, 0.9 miles (1.5km) downstream from Yalding.
- **The River Beult** - has its several sources on the Weald west of Ashford, and then flows through Headcorn, where it is joined by the major stream of the Teise. The river enters the Medway at Yalding.
- **The Shaw and Loose Streams** - The Shaw Stream rises near Langley, south east of Maidstone, and runs towards Boughton Monchelsea where it goes underground and re-emerges at Loose as the Loose Stream before joining the River Medway at Tovil. The Shaw Stream is heavily modified, with a dam structure at Parkwood Farm (TQ 78205 51438) as well as numerous culverts at points where it flows under the local road network. Loose Stream is now a largely urban watercourse with significant modification along most of its length.
- **The River Sherway** - flows from Egerton to the River Beult at Headcorn.
- **The River Len** - has its source at a small watershed south of Lenham. This heavily modified small river flows in a westerly direction and joins the Medway at the Archbishop's Palace Gardens in Maidstone town centre. The Len has been dammed at various points along its course, including Chegworth Mill, Leeds Castle, Mote Park, Turkey Mill and Palace Avenue Mill Pond. Several tributaries of the River Len rise at the springlines at the foot of the Kent Downs AONB to the north and Greensand Ridge to the south. Some of these tributaries, such as the Lilk Stream at Bearsted and Fair Bourne at Fairbourne Heath, are seasonally swollen by increased surface and groundwater flows.

The second largest catchment in Kent is that of the **River Stour**. The River Stour is the generic name for a group of rivers. The major towns at Ashford and Canterbury have grown up on the banks of the River Stour. The river is tidal downstream of Fordwich.

Its catchment area covers the eastern part of Kent and tributaries include:

- **River Upper Great Stour** - flowing from near Lenham to Ashford.
- **River East Stour** - rising near Hythe to Ashford.
- **River Great Stour** – flowing from Ashford to east of Canterbury.
- **River Little Stour** – from Postling to join the Great Stour at Plucks Gutter, north west of Canterbury.
- **River Wantsum** - part of the old Wantsum Channel separating the Isle of Thanet from mainland Kent.

- **Whitewater Dyke** - running from Shadoxhurst to Ashford
- **Ruckinge Dyke** - from north of Hamstreet to Ashford
- **Aylesford Stream** - its source is north of Sevington to Willesborough

Other Kent rivers include the **River Darent** which rises at Westerham and Limpsfield Chart and joins the **River Cray** at Dartford Marshes before flowing into the tidal Thames at **Dartford Creek**, the **River Fleet** which rises at Springhead Nursery and joins the River Thames at Northfleet, the **River Dour** which flows from Temple Ewell to the sea at Dover and the **River Rother** which forms part of the geographical boundary between the administrative counties of Kent and East Sussex.

In addition, many smaller watercourses continue within the county which can contribute to localised flooding. Significantly, these include the **Brockhill, Mill Lease, Saltwood and Seabrook Streams** all rising at the foot of the scarp of the Kent Downs and flowing into the **Royal Military Canal**. The **Enbrook Stream** and (now heavily modified) **Pent Stream A, B, C and D** have the same origin but flow into the English Channel and Folkestone Harbour respectively. The heavily modified courses of the **Gorrell Stream** at Whitstable, **The Brook** and **Swalecliffe Brook** at Swalecliffe, **West Brook** at Hampton and **Plenty Brook** at Herne Bay have all contributed to historic flooding events as they flow (or are pumped) to the sea. A map showing areas within Kent vulnerable to fluvial flooding can be found at figure 6.5 at the end of Section 6.

6.4.3 Surface Water/Overland Flow and Sewer Flood Risk

Surface water flooding results from rainfall that exceeds the capacity of the land or drainage infrastructure to receive it.

Sewer flooding occurs when drains and sewers are overwhelmed by rainfall and discharge away from where the rainwater entered them. Where the sewers are combined (that is they convey foul and surface water), contaminated water may be released.

Surface water and sewer flooding generally occur as a result of intense rainfall which is relatively unpredictable and so may result in flooding without any prior warning. Flooding may also result from high river and tide levels preventing the discharge of sewers and drains.

Water depths from surface water and sewer flooding are rarely vast, other than in local depressions or unless associated with river or tidal flooding. Local circumstances may give rise to significant water velocities. Surface water flooding, when unaccompanied by fluvial or tidal flooding, is likely to trigger a major incident only when widespread occurrence causes significant traffic disruption or strains the response capability. An Environment Agency map showing areas within Kent vulnerable to surface-water flooding can be found at figure 6.6 at the end of Section 6.

6.4.4 Groundwater Flood Risk

Groundwater flooding occurs when the water table exceeds the level of the ground and groundwater emerges. Due to the nature of groundwater, flooding may overflow large areas and cause a prolonged flood event; leaving areas waterlogged and/or flooded for up to months at a time. In these areas the groundwater

levels are monitored by Environment Agency boreholes, and due to the slow onset of groundwater flooding it can be prepared for, but not stopped.

Groundwater in Kent is most notably in the chalk catchments in the east of the county (**Little Stour, Nailbourne and Petham Bourne**) and west of the county (**Darent catchment. Including former chalk quarries in northwest Kent**). Historic records of groundwater flooding also exist for the greensand catchments within the County. An Environment Agency groundwater emergence map can be found at figure 6.7 at the end of Section 6 and a Kent and Medway Surface Water Flood Disadvantage Map at Figure 9.4.

The following are not covered by this plan:

- Foul Sewage - the impact is likely to be local: resulting from blockage or surcharging of the sewerage network leading to overflow through manholes etc., responsibility for response lies with the relevant utility company. However, flood water contaminated by foul water sewage may require additional actions by responders. This type of flooding often occurs in conjunction with, or as a result of, other forms of flooding and the source may be difficult to determine. This means that it is dealt with as part of the response to other forms of flooding listed above.
- Water Main Burst - the impact is likely to be local; responsibility lies with the relevant utility company.
- Contained Water - this includes statutory and other reservoirs, private lakes and canals. In respect of reservoirs covered by The Reservoirs Act 1975, this planning is addressed through the KCC Reservoir Inundation Emergency Plan.

The Environment Agency will co-ordinate with the affected water utility in the event of a wastewater or sewage pollution incidents affecting the aquatic or marine environment.

In the circumstances of mechanical or electrical failures at wastewater pumping stations (WwPSs) and/or wastewater treatment works (WwTWs), where discharges of sewage may not be screened and will not have the benefit of storm rainfall to dilute flows. The water company, the Environment Agency and the Local Authorities must then co-ordinate and communicate to ensure the correct public information is made available in a timely fashion and is maintained through the duration of the incident.

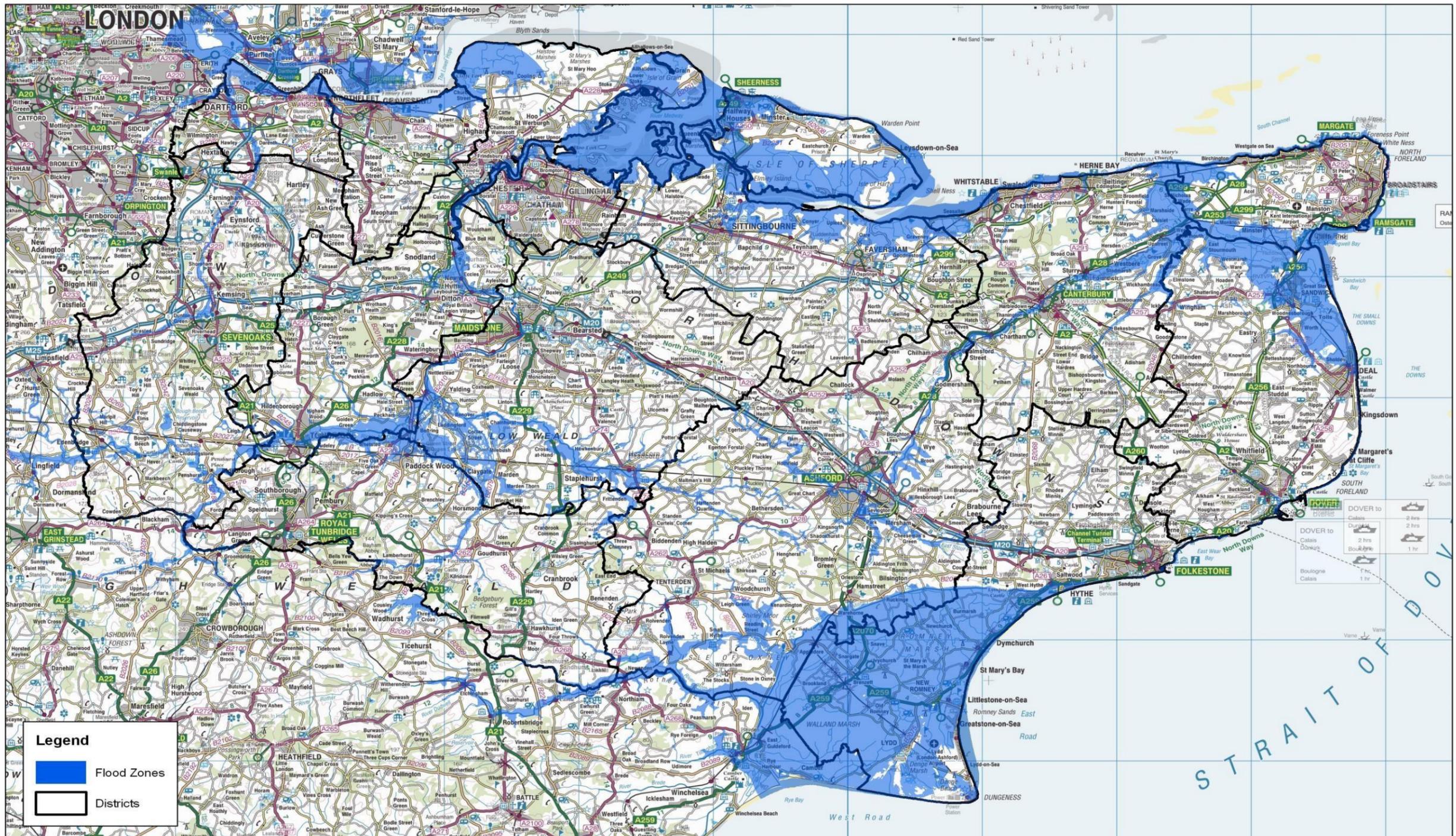
Early notification from the Water Company is key. The Environment Agency have a 24/7 Hotline for the reporting of incident (**tel. 0800 80 70 60**). These calls will be referred to the Environment Management Duty Officer for assessment. The local authorities, who will be alerted by the Environment Agency and/or relevant water utility, are encouraged to log and maintain their own notification procedures and these should be shared with the water company and the Environment Agency so that they and the Environment Agency are informed simultaneously.

The water company will have the responsibility to maintain technical and asset condition information to partners, how this information will be shared with partners will need to be established early in the event. In the event of more significant incidents, it is recommended that a multi-agency Tactical Co-ordination Centre is established. The Environment Agency will provide water quality information to partners as part of the incident response process. The Local Authorities will use the information from the water company and the Environment Agency to produce suitable public information displays for beaches and bathing waters. In the

event of large or prolonged spills, or those that could impact upon a protected site or shellfish beds the information should also be shared with other key partners such as Natural England, Cefas, IFCAs, etc.

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Figure 6.5 - Map of Kent showing coastal and fluvial (river) flood zones 2 and 3 (source: Environment Agency)



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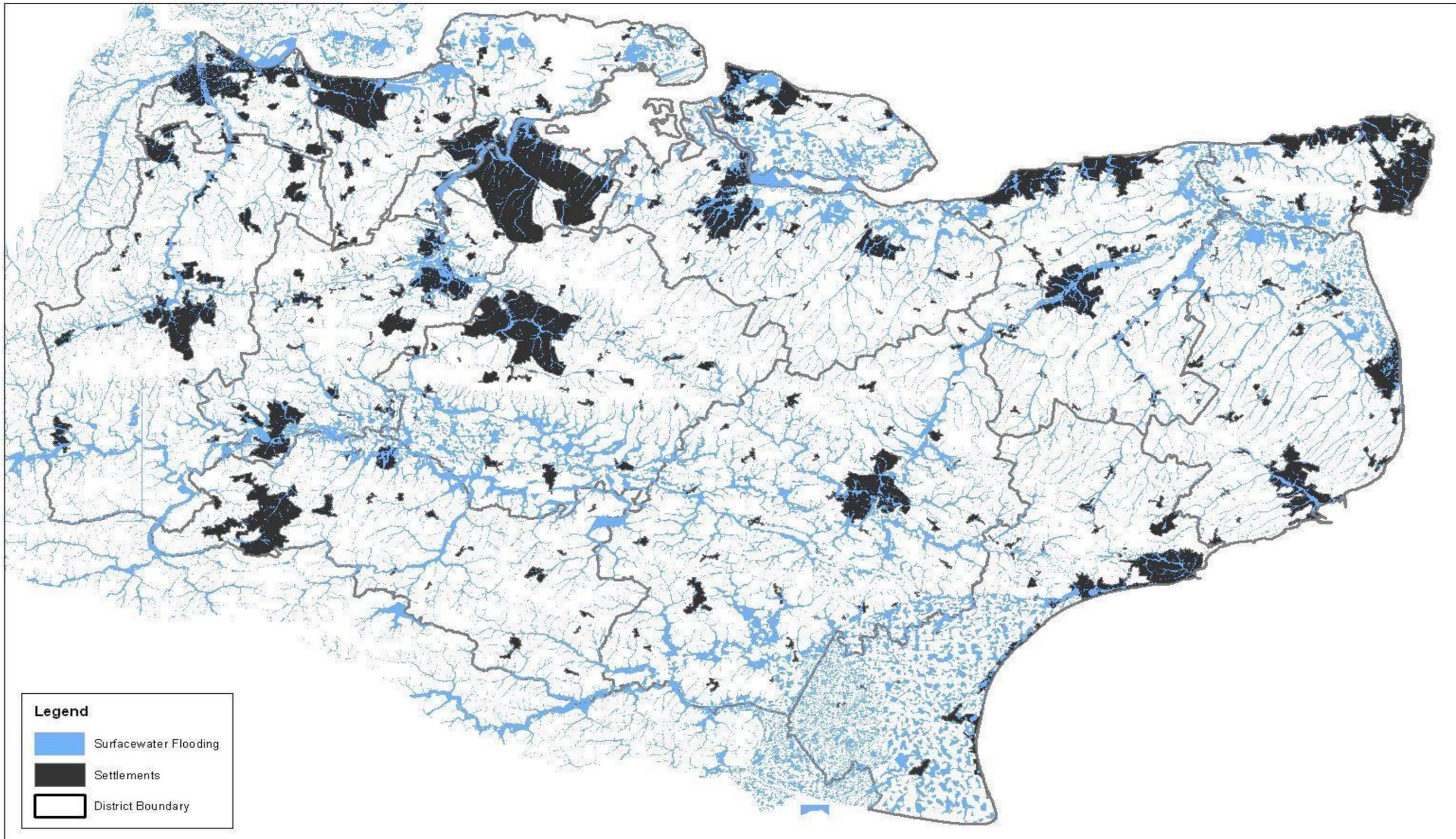
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Figure 6.6 - Map of Kent showing surface water flood risk (source: Environment Agency)



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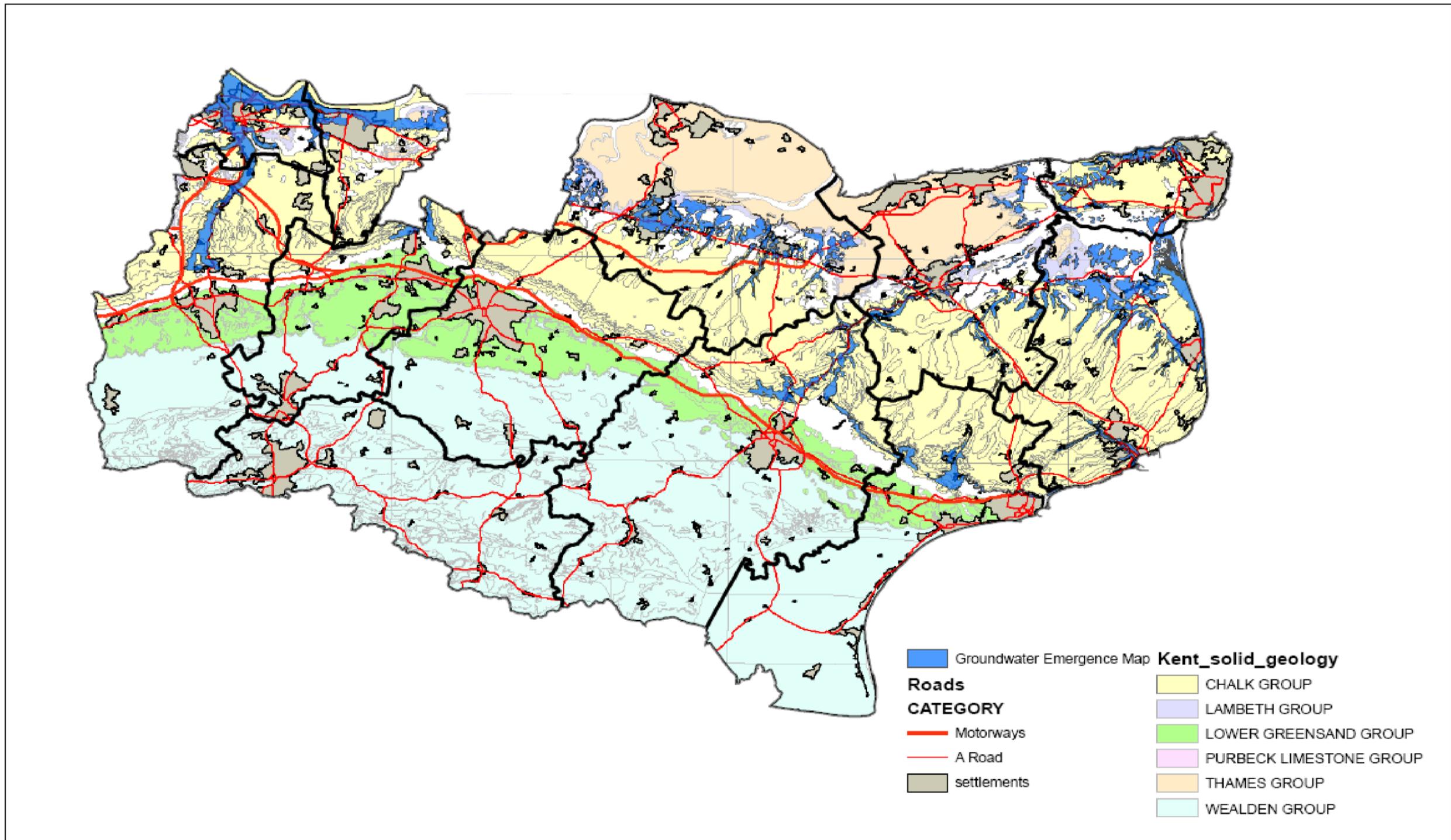
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Figure 6.7 - Map of Kent showing groundwater flood risk (source: Environment Agency)

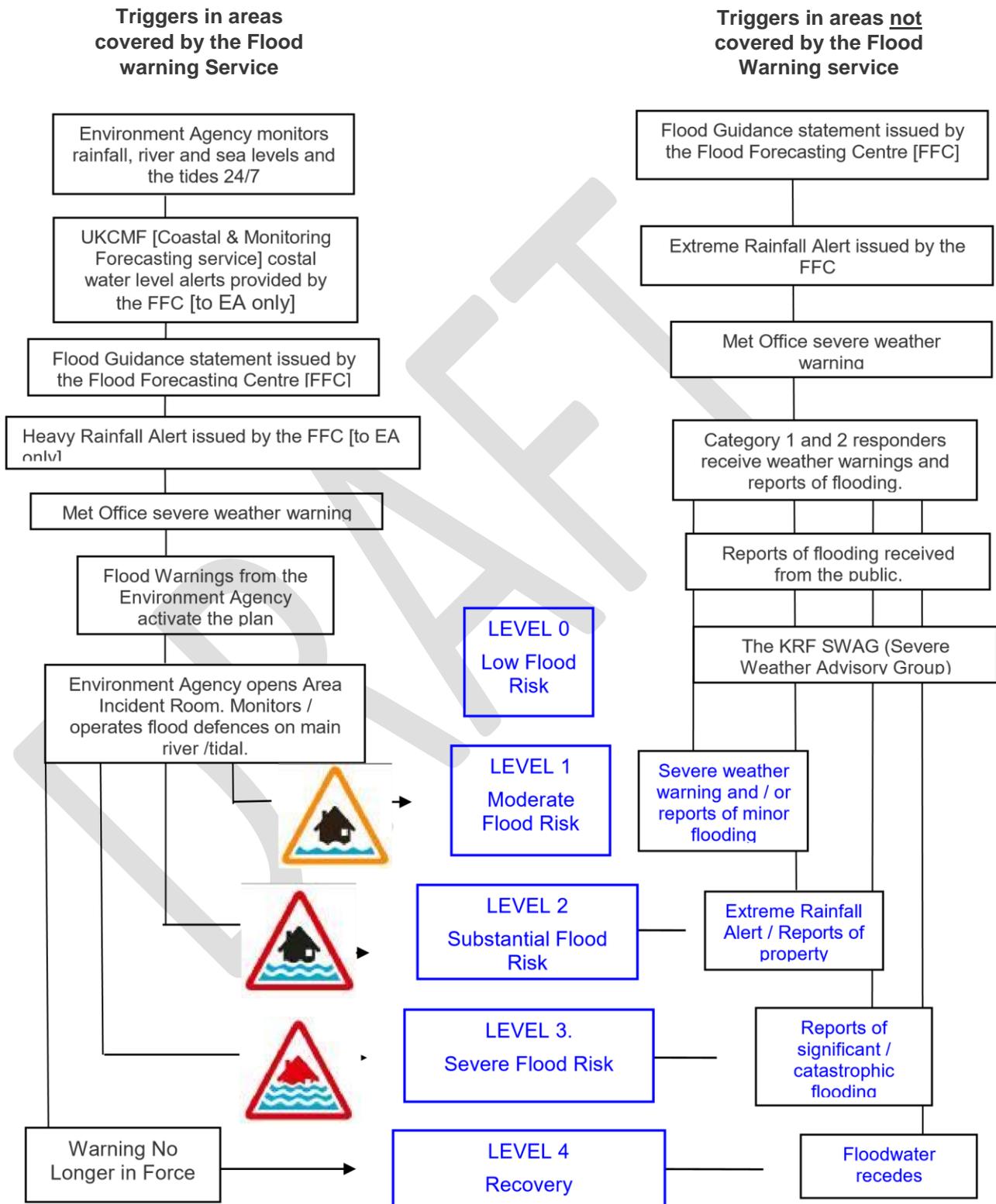


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 Ref: H/Flood Map/Groundwater Emergency Map 3



7. Plan Activation

Figure 7.1 - Plan Activation Flow Diagram



* please refer to Figure 6.2 on next page "Common Triggers and Thresholds" and to the specific actions contained in Part 2 of this plan.

Figure 7.2 - Common Triggers and Thresholds

Warning Level	Action
<p>SWAG called</p>	<p>EA will lead Severe Weather Advisory Group (SWAG) for flood events and consider opening their area incident room and monitor the situation closely. EA teams will be clearing grills and monitoring or operating their defence assets as necessary.</p>
<div style="text-align: center;">  </div> <p>Flood Alert</p> <p>Severe weather warning and / or reports of minor flooding</p>	<p style="background-color: #cccccc;">Emergency response unlikely</p> <p>EA will keep partners informed either via SWAG, Strategic or Tactical command, and provide info where requested. EA will lead Severe Weather Advisory Group (SWAG) if it is still required and consider opening their area incident room. EA teams will be clearing grills and monitoring or operating their defence assets as necessary. EA will possibly be issuing alerts and monitoring the situation closely.</p>
<div style="text-align: center;">  </div> <p>Flood Warning</p> <p>Extreme Rainfall</p>	<p style="background-color: #cccccc;">Emergency response likely but limited</p> <p>EA will keep partners informed either via SWAG, Strategic or Tactical command, and provide info where requested. EA will lead Severe Weather Advisory Group (SWAG) if it is still required. Incident Room is likely to be operational. EA teams will be clearing grills and monitoring or operating their defence assets as necessary. EA will possibly be issuing alerts or warnings dependant on the situation and monitoring the situation closely. Open sandbag stores in Paddock Wood, Five Oak Green and Lamberhurst. Assess when monthly maintenance of culverts was last</p>

<p>Alert / Reports of property flooding</p>	<p>carried out and possibly carry out additional work.</p>
<p>Severe Flood Warning</p>	<p style="background-color: #cccccc;"> </p>
<p>  Reports of significant / catastrophic flooding </p>	<p style="background-color: #cccccc;">Emergency response probable</p> <p> EA will keep partners informed either via Strategic or Tactical command and provide info where requested. EA will lead Severe Weather Advisory Group (SWAG) if it is still required. Incident Room is likely to be operational. EA teams will be clearing grills and monitoring or operating their defence assets as necessary. EA will possibly be issuing severe flood warnings and monitoring the situation closely. Contractor on standby for possible assistance with delivering sandbags to householders. </p>
<p>Warning No Longer in Force</p> <p>Floodwater recedes</p>	<p style="background-color: #cccccc;">Consider recovery</p> <p> EA will keep partners informed either via Strategic or Tactical command and provide info where requested. EA Incident Room is likely to be stood down. EA teams will be clearing grills and monitoring or operating their defence assets as necessary and begin necessary repair works. EA will continue to monitor the situation closely. </p>

NOTE

See also 'Area Specific Thresholds and Triggers' for each area in Part 2.

7.3 Flood Warnings

7.3.1 Environment Agency Flood Warnings



1. Flood Alert

Flood Alerts are issued earlier than a Flood Warning, to give customers advance notice of the possibility of flooding.

Rivers will be running bank full and further rainfall is expected. Flooding of property is possible, particularly in low lying and riverside areas. There may be minor flooding of low-lying land, roads and gardens. The alert is issued in order that the public at risk, the emergency services, local authorities and other bodies are aware of increasing chance of flooding and take appropriate preparatory action.

People should: **STAY ALERT, STAY VIGILANT, MAKE EARLY LOW-LEVEL PREPARATIONS FOR FLOODING.**



2. Flood Warning

Flood Warnings are used to warn customers that flooding of property is expected, and they should take immediate action to protect themselves and/or their property.

When flooding of homes and businesses is expected, those issued will be property owners, the public at risk, the emergency services, local authorities and other bodies who should act to protect life and property.

People should: TAKE ACTION TO PROTECT THEMSELVES AND THEIR PROPERTY



SEVERE FLOOD WARNING

SEVERE FLOODING. DANGER TO LIFE.

3. Severe Flood Warning

Severe Flood Warnings are used to warn customers of significant risk to life or significant disruption to the community caused by widespread or prolonged flooding. Customers may have already received a Flood Warning, or they may receive a Severe Flood Warning as their first warning of expected flooding depending on the situation.

Significant risk to life may be caused by:

- deep and fast flowing water (e.g. caused by significant overtopping of defences or sudden onset flooding from dam/defence failure);
- rapid onset of flooding;
- presence of debris in the water that could cause death or injury;
- potential/observed collapse of buildings/structures; and
- the vulnerability of the population or their surroundings (e.g. deep/fast flowing water through a caravan park).

Significant disruption to communities may mean:

- it is likely to affect whole community;
- community isolated by floodwaters with no obvious means of escape;
- critical resources/infrastructure for communities disabled (e.g. no access to food, water, electricity);
- emergency services and authorities unable to cope with large volumes of evacuees and rest centres at full capacity; and
- mutual aid/military support necessary or called upon.

Property owners, the public at risk, the emergency services and the civil authority should act to protect life and property. This is likely to involve an enhanced response and the commitment of significant resource.

People should: TAKE ACTION TO PROTECT THEMSELVES AND FOLLOW THE ADVICE OF THE EMERGENCY SERVICES.

4. No Longer in Force

To signal stand down and to close communications with people.

5. Extended Floodline Service (EFS)

The aim of EFS is to improve the experience for callers whose query is outside Floodline's usual remit, and who would otherwise have to be redirect - specifically callers who EA may advise to contact their Local Authority (see Appendix F). The EFS is able to provide the answers to common and frequently asked questions regarding those things that may fall under the Local Authority remit while educating callers in who to contact in the future, such as on:

- Sandbags or property level protection;
- Drains, culverts, sewers or water mains**;
- Surface water flooding, flooded properties or flooded roads;
- Evacuation, rest centres, helping vulnerable people or longer-term assistance;
- Recovery following flooding; and
- Contacting the LA or community assistance.

**Signposting to third party organisations can be added to EFS, where it is locally specific, and provides only publicly available details – e.g. the name and number of the local water company.

7.3.2 Flood Warnings Received by Kent County Council

KCC Resilience and Emergencies Unit, KCC Adult Social Care and Health (via their emergency planning lead) and Kent Highways, Transportation and Waste are registered to receive these warnings:

7.3.3 Flood Warning Lead Time

Expected flood warning lead in times:

Fluvial	2 hours where possible, but for many areas there may be little or no warning.
Surface water flooding	No warning likely

Tidal	<p>9 hours approximate warning of flooding (this does not consider breaches in existing defences where there is likely to be no warning at all). Note that on the North Kent coast normal flood defence closures of the Thames Barrier are accompanied by Flood Alerts issued to riparian authorities downstream of the Barrier at Woolwich.</p>
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The Environment Agency will endeavour to provide the respective lead times above, but this is not always possible, and this fact should not be relied upon.

7.3.4 Flood Warning Dissemination Methods

- Flood Warning Service, by registering to this free service, Flood Warnings can be received directly by either phone, text or email.
- Floodline - 0345 988 1188 (24 hours).
- Flood Warning service website - <https://flood-warning-information.service.gov.uk/warnings>
- Floodline Warnings Direct - can be signed up for and automatically sends advance warning of area specific flooding by telephone, mobile, fax, pager, SMS text message or email. The system was designed to replace the Automated Voice Messaging System (AVMS) and gives information on the type of warning, the location, the situation and advice.
- The Environment Agency website – www.environment-agency.gov.uk/flood
- The Media - broadcasting on radio stations across Kent and national and local television news stations.
- Social media.
- Loudhailer - Kent Police/Environment Agency messages.

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8. Communication

8.1 Kent County Council Alerting Responsibilities

The Pan Kent Strategic Emergency Framework document setting out the agreed major incident alerting principles operated within Kent are set out at figure 8.5.

Kent County Council operate a 24 hour, 7 days a week Duty Emergency Planning Officer (DEPO) system and, on receiving intelligence of actual or imminent flooding, will cascade alerting calls to relevant KCC personnel (potentially including the On Call Duty Director, Tactical Manager and Emergency Response Team) as well as external partner agencies (including District Councils and the military). Dependent upon the level of threat or scale of flooding the KCC County Emergency Centre may be mobilised to facilitate effective alerting, communication and command and control over operational response.

8.2 Kent County Council Elected Member Alerting and Engagement

Floods can be high profile and generate significant public concern and interest. Community leadership by the Leader, Cabinet and wider Elected Membership can therefore be particularly important during the response and recovery phases of flooding events.

It is a role of the On-call Duty Director to alert and brief Leader and Cabinet and the wider Elected Membership in the event of a major incident such as significant flooding.

The following narrative sets out County Councillor roles and is based upon guidance contained within the County Council's [Resilience Guidance for Elected Members](#).

8.2.1 Executive Members

The [Leader of the Council](#) carries a political responsibility for emergencies affecting the County, and as such, will be the principal political spokesperson for the County Council in the event of a major flood.

The [Cabinet Member for Community and Regulatory Services](#) has a particular understanding and knowledge of the resilience agenda and is responsible for ensuring that suitable emergency and business continuity plans and arrangements are in place for the Local Authority – both before, during and after flooding incidents.

8.2.2 All Elected Members

All Elected Members have a role in preparing for and responding to a major flooding incident, given their role in representing local communities. Both prior to and in response and recovery to an incident, the role

of a local County Councillor will be vital in championing resilience and supporting the local community and KCC officers in preparation and response to a flood event. Where an individual Division is affected, this community leadership role may be amplified for the local Elected Member.

8.3 Door Knocking High Risk Properties

Within the Pitt Review of the 2007 floods, he recommended the enhancement of Flood Warnings being issued with door knocking in the areas likely to be affected. Kent County Council and the NHS will identify vulnerable people and inform the Police.

As part of this work, Kent Police have a procedure for door knocking which can be used in any emergency situation. They have agreed that this could be enacted, making use of their workforce within a flood situation in conjunction with appropriate KCC and affected district council personnel.

During this interim period, those areas possibly requiring door knocking arrangements can be identified on an informed basis by KCC, affected District Council(s), Environment Agency and/or Police. With the data generated via GIS and RD Mapping assisting in this process.

KCC Community Wardens can contribute with the door knocking of high-risk properties both physically and by assisting in the identification of vulnerable members of the community and by the use of the Community Warden Support Team to reach outlying areas.

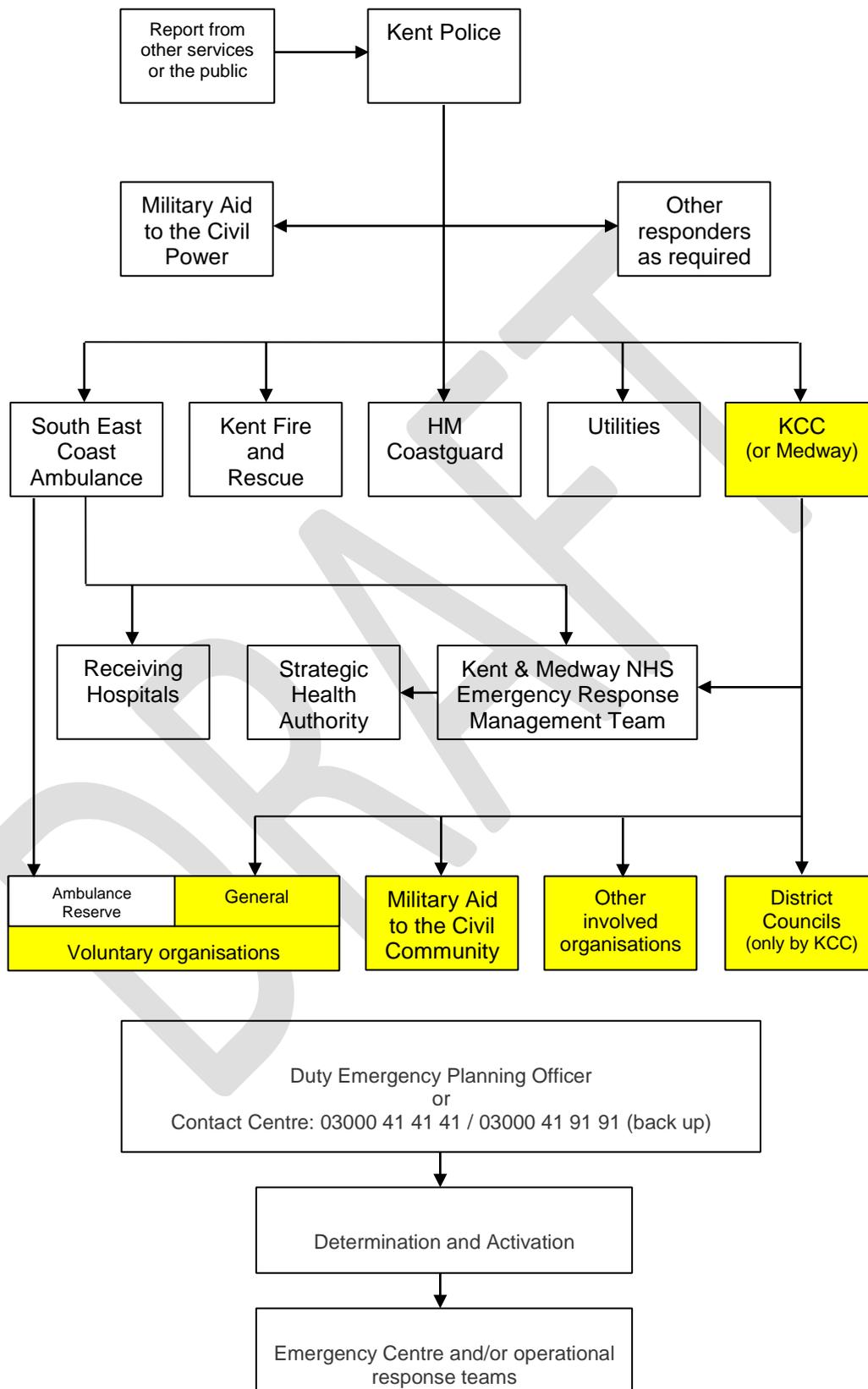
In addition, KCC Community Wardens can assist in the distribution of Severe Weather Warnings to all areas of their communities and by the identification of community leaders within local communities who have access to possible evacuation centres or have skills or equipment which may be of use during the emergency.

The KCC Community Warden Service can be activated through the KCC Duty Emergency Planning Officer.

8.4 Communicating with the Public

The Kent Resilience Forum has a communications strategy document titled; **Kent Resilience Forum Media & Communications Plan**. Within this document there are appendices relating to the specific information and advice regarding the process of communications in a flood incident and the way in which this information will be shared between partners. In **Section 7.3.4** of this document is an internet link to the Environment Agency website providing messages and advice that should be used during a flood incident. These should be used by all organisations as an agreed set of advice and guidance.

Figure 8.5 - The Pan Kent Strategic Emergency Framework Document: Major Incident Alerting Principles:



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9. Actions, Roles and Responsibilities

Figure 9.1 - Flood Specific Roles and Responsibilities

KCC Directorate	Pre-planning Roles and Responsibilities	Emergency Roles and Responsibilities	Recovery Roles and Responsibilities
<p>Growth Environment and Transportation</p> <p>Page 450</p>	<p>Ensure that all personnel are trained in and aware of emergency planning roles and responsibilities (all Heads of Service)</p> <p>Ensure that spatial plans, strategies, guidance and day-to-day working practices incorporate a philosophy of “making space for water” and acknowledge and address surface water, ground water, fluvial and coastal flood risk (all Heads of Service)</p> <p>Ensure that Business Continuity Management principles are embedded within Directorate planning and training programmes (all Heads of Service)</p>	<p>Receive Environment Agency Flood Warning alert and cascade alert to internal and external partners (Resilience and Emergency Planning Service)</p> <p>Receive flooding alert from any other source and cascade alert to internal and external partners (Resilience and Emergency Planning Service)</p> <p>Provide co-ordination, co-operation, advice and liaison role for duration of incident (Emergency Planning Group)</p> <p>Maintain emergency log for duration of incident (Resilience and Emergency Planning Service)</p> <p>(If required) Mobilise County Emergency Centre (Resilience and Emergency Planning Service)</p>	<p>Provide support and advice in framing the recovery strategy (Emergency Planning Group)</p> <p>Mobilise appropriate staff representation to County Emergency Centre recovery group to support the Recovery Director and liaison personnel to partner recovery groups as required (all Heads of Service)</p> <p>Ensure that key data is maintained, and relevant data is entered into SWIMS to assist debrief, recovery and any subsequent inquiry (all Heads of Service)</p>

<p>Growth Environment and Transportation</p>	<p>Ensure emergency communication and alerting strategy is in place for internal and external service provision (all Heads of Service)</p> <p>Ensure that KCC Environment, Highways, Transportation and Waste Major Emergency Plan is maintained (All Heads of Service)</p> <p>Identify vulnerability of critical transport infrastructure (Highways, Transportation & Waste Division)</p> <p>Maintain registration with Environment Agency Flood Warning alert system (Highways, Transportation & Waste Division)</p> <p>Provide expert analysis role, particularly in identifying flood disadvantage areas and horizon-scanning of emerging risks and patterns (Sustainable business & Communities)</p>	<p>Attend and/or facilitate relevant KCC officer attendance of Severe Weather Advisory Group (Resilience and Emergency Planning Service)</p> <p>Ensure that critical infrastructure is maintained during flooding incidents (Highways, Transportation & Waste Division)</p> <p>Deploy personnel and internal and external contractor resources and assets to assist the practical emergency response to flooding (Highways, Transportation & Waste Division)</p> <p>Provide intelligence on condition and viability of transport infrastructure, including GIS and Flood Depth Indication System data (Highways, Transportation & Waste Division)</p> <p>Seek to protect highways infrastructure from flooding, using sandbags and other physical barriers (Highways, Transportation & Waste Division)</p>	<p>Accommodate and manage increased demand for services following flooding event (all Heads of Service)</p> <p>Provide expert analysis role, particularly in identifying flood disadvantage areas and horizon-scanning of emerging risks and patterns (Sustainable business & Communities)</p> <p>Deploy personnel and internal and external contractor resources and assets to assist the recovery (Highway, Transportation & Waste Division)</p> <p>It should be noted that removal and disposal of sandbags is the responsibility of the agency which deploys them.</p>
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KCC Directorate	Pre-planning Roles and Responsibilities	Emergency Roles and Responsibilities	Recovery Roles and Responsibilities
<p>Growth Environment and Transportation</p>		<p>Provide intelligence on condition and viability of waste disposal infrastructure during flood event (Kent Highways, Transportation and Waste)</p> <p>Provide intelligence on impacts upon the built and natural environment during flood event (all relevant teams)</p> <p>Mobilise personnel for operational response including specialist teams (all Heads of Service)</p> <p>Ensure that critical services are maintained in compliance with business continuity plans (all Heads of Service)</p> <p>Mobilise senior management representation to County Emergency Centre and liaison personnel to Severe Weather Advisory Groups and partner agency emergency centres as required (all Heads of Service)</p>	<p>Provide publicity regarding doorstep and other rogue traders, including promotion of KCC Approved Trader Scheme (Trading Standards and Public Protection intelligence Team)</p> <p>Send Trading Standards Alert messages as appropriate on doorstep and rogue traders (Trading Standards, Public Protection Intelligence Team and Public Protection Customer Information Team)</p> <p>Enhance intelligence focus and collection appropriate on doorstep and rogue traders (Public Protection Intelligence Team)</p> <p>Prepare FAQs and briefings for CC/CDSE (Trading Standards)</p>

KCC Directorate	Pre-planning Roles and Responsibilities	Emergency Roles and Responsibilities	Recovery Roles and Responsibilities
<p>Growth Environment and Transportation</p>		<p>Community Wardens can deliver: a uniformed presence at scene, assistance to police with cordon control, assist the police with evacuation, provide local knowledge, supply public information to communities, provide on-the-ground intelligence and aid in operation and security of rest centres</p> <p>Communicate with partner agencies to ensure that care is provided to vulnerable individuals and communities affected by flooding (Community Wardens)</p> <p>Communicate with Defra, RSPCA and District Councils on welfare of livestock, domestic, exotic and wild animals threatened or affected by flooding (Trading Standards and Resilience and Emergency Planning Service)</p> <p>Communicate with partner agencies to ensure protection and amelioration of adverse impacts upon critical infrastructure and the wider environment during flooding (all relevant teams)</p> <p>Provide information and support within welfare centres (Libraries, Registration and Archives)</p>	<p>Libraries and other cultural outlets to host publicity events and display material to assist community recovery from flood event (Libraries, Registration and Archives)</p>

<p>Adult Social Care and Health</p>	<p>Maintain plans for the purpose of ensuring that if an emergency occurs or is likely to occur the Directorate can perform its functions so far as necessary or desirable for the purpose of;</p> <ul style="list-style-type: none"> a) preventing the emergency, b) reducing, controlling or mitigating its effects, or c) taking other action in connection with it <p>Plans must have particular regard to ‘the vulnerable’ ‘who are less able to help themselves in the circumstances of an emergency’</p> <p>Ensure sufficient number of staff are trained to support a multiagency response including supervising the care of individuals at a Rest Centre, Survivor Reception Centre or Humanitarian Assistance Centre</p>	<p>Statutory and non-statutory (voluntary) response activities:</p> <ul style="list-style-type: none"> • Maintain business continuity of Health and Social Care services across the whole system economy (jointly with Health and providers) • Command, Control and Co-ordination of Health and Social Care Organisations County-wide at a strategic level (Joint Health and Social Care Accountable Officers) • Discharge the Humanitarian Assistance Lead Officer responsibilities • Plan a social care response – early assessment of emerging needs • Set the standards of care to be provided as part of a statutory and voluntary response • Identify vulnerable groups and people • Identify critical Health and Social Care infrastructure at risk 	<p>Managing Recovery – impact assessment, risk assessment and promoting critical and strategic thinking around recovery provision. Directing activity and resources through Task and Finish Groups</p> <p>Work closely with health professionals and Police Family Liaison Officers where appropriate to ensure the needs of families and the community are properly met</p> <p>Manage “hand over” cases from any centralised provision (especially Humanitarian Assistance Centres) to the Local Authority and local health partners</p> <p>Undertake internal debrief of staff involved in the response phase to then inform a multiagency debrief</p> <p>Identification of lessons arising from the way the incident was handled, develop and implement action plans as appropriate</p> <p>Ensure that key data is maintained, and relevant data entered into SWIMS to assist debrief, recovery and any subsequent inquiry (all Heads of Service)</p>
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KCC Directorate	Pre-planning Roles and Responsibilities	Emergency Roles and Responsibilities	Recovery Roles and Responsibilities
<p>Adult Social Care and Health</p>	<p>Through established contract performance monitoring mechanisms, ensure that providers' Business Continuity arrangements are suitable, sufficient and align with the Authority's requirements</p> <p>Work with strategic partners to ensure flood risk is appropriately reflected in commissioning decisions, including the location of critical health and social care infrastructure</p>	<ul style="list-style-type: none"> • Manage a social care response – against identified needs in crisis, in care, emergencies in Health, and safeguarding, community response including providing psychosocial support jointly with health partners • Provision of information, advice and guidance • Assessment, referral and signposting 	

KCC Directorate	Pre-planning Roles and Responsibilities	Emergency Roles and Responsibilities	Recovery Roles and Responsibilities
<p>Children, Young People and Education</p>	<p>Ensure that all personnel are trained in and aware of emergency planning roles, including Children's Social Care and the provision and support to welfare centres (all Heads of Service)</p> <p>Ensure that school meals contracts incorporate the emergency feeding clause</p> <p>Ensure that schools maintain up-to-date emergency and business continuity plans to address flooding</p> <p>To ensure that robust plans are in place to support individuals and schools affected by flooding (Educational Psychology Service)</p> <p>Ensure Business Continuity Management principles embedded within Directorate planning and training programmes</p>	<p>Provide: premises, feeding, specialist teams and logistical support for the welfare centre response to flood and other incidents (all relevant teams)</p> <p>Provide senior manager representation within County Emergency Centre, liaison personnel to Severe Weather Advisory Groups and partner agency emergency centres as required (all Heads of Service)</p>	<p>Ensure cleaning and repair of education premises affected by flooding or used as emergency rest centres</p> <p>Provide support to schools and pupils who are emotionally affected by flood events (Educational Psychology Service)</p> <p>Accommodate and manage increased demand for services following flooding event (all Heads of Service)</p> <p>Mobilise appropriate staff representation to County Emergency Centre recovery group to support the Recovery Director and liaison personnel to partner recovery groups as required (all Heads of Service)</p> <p>Ensure that key data is maintained, and relevant data is entered into SWIMS to assist debrief, recovery and any subsequent inquiry (all Heads of Service)</p>

<p>Strategic and Corporate Services</p>	<p>Ensure that all personnel are trained in and aware of emergency planning roles and responsibilities (all Heads of Service)</p> <p>The Directorate must plan for emergencies involving a risk to public health</p> <p>Ensure that plans, strategies, guidance and day-to-day working practices incorporate a philosophy of “making space for water” and acknowledge and address surface water, ground water, fluvial and coastal flood risk (all Heads of Service)</p> <p>Ensure that Business Continuity Management principles are embedded within Directorate planning and training programmes (all Heads of Service)</p> <p>Ensure emergency communication and alerting strategy is in place for internal and external service provision (all Heads of Service)</p> <p>Ensure Strategy, Economic</p>	<p>Ensure that critical information communication technology infrastructure is maintained during flooding incidents (ICT)</p> <p>Ensure plans are in place to protect the health of the population</p> <p>Provide intelligence on condition and viability of ICT infrastructure during a flood event (ICT)</p> <p>Ensure that Geographical Information Systems (GIS) are corporately available providing mapping and address details to facilitate response (ICT)</p> <p>Mobilise personnel for operational responses including specialist teams (all Heads of Service)</p> <p>Ensure that critical services are maintained in compliance with business continuity plans (all Heads of Service)</p> <p>Mobilise senior management representation to County Emergency Centre, liaison personnel to Severe Weather Advisory Groups and partner agency emergency centres as required (all Heads of Service)</p>	<p>Mobilise appropriate staff representation to County Emergency Centre recovery group to support the Recovery Director and liaison personnel to partner recovery groups as required (all Heads of Service)</p> <p>Ensure that key data is maintained to assist debrief, recovery and any subsequent inquiry (ISG and all Heads of Service)</p> <p>To bear the cost of recovery for all but the most exceptional flooding events using General Funds (Finance)</p> <p>Ensure that key data is maintained, and relevant data is entered into SWIMS to assist debrief, recovery and any subsequent inquiry (all Heads of Service)</p>
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	<p>Development and ICT Major Emergency Plan is maintained (All Heads of Service)</p> <p>Ensure sufficient staff are trained and support is available to establish a Scientific and Technical Advice Cell.</p> <p>Ensure that corporate ICT systems include capacity to label and record emergency response data, including communications and resources mobilised (ISG)</p> <p>Ensure that Geographical Information Systems (GIS) are corporately available providing mapping and address details (ISG)</p> <p>Ensure Strategic and Corporate Services Emergency Plan is maintained (All Heads of Service)</p> <p>Ensure that systems are in place to facilitate and record financial support of emergency response</p>	<p>Provide Geographical Information Systems support to corporate response to flooding (ISG)</p> <p>Manage a Public Health response to public health incidents and emergencies, including providing scientific and technical advice and intelligence during emergencies</p> <p>Ensure that critical KCC premises are maintained during flooding incidents (Property)</p> <p>Deploy personnel, internal and external contractor resources and assets to assist the emergency response to flooding (all Heads of Service)</p> <p>Ensure that financial resources are available, and spending is logged during emergency response (Finance)</p> <p>Work with Leader and Cabinet Members to ensure that they are briefed and supported within their community leadership and advocacy roles (Strategic and Corporate Services)</p> <p>Provide intelligence on staff</p>	
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	<p>(Finance)</p> <p>To maintain General Funds for use in the event of serious flooding or other unforeseen eventualities (Finance)</p> <p>Ensure resilience of KCC property portfolio against flood risk (Property and Infrastructure)</p> <p>Ensure access to assets and materials for emergencies</p> <p>Ensure Contact Point personnel are aware of alerting protocols in the event of a flooding incident (Contact Point / Agilysis)</p> <p>To make sure that the public are warned and informed through the media, KCC website and other means of communications of the incident. Liaise with partner agencies to agree messages and broadcast of relevant public information (Press Office)</p>	<p>deployment and work base selection using Kent View software (HR)</p> <p>Contact Point personnel relay key flood related information from public and partner agencies to relevant teams and individuals (Contact Point)</p>	
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Figure 9.2 - Partner Agencies: Flood Specific Roles and Responsibilities

Organisation	Risk	Preplanning	Emergency response			Recovery
			Minor flood (Medium consequence)	Major flood (High consequence)	Notes	
District & Borough Council Page 460	Tidal, Fluvial, and Surface Water flooding	<p>Up to date vulnerable persons and sites shared database arrangements</p> <p>Pre-determined rest, reception and media centres</p> <p>Multi-agency preplanning re RVPs, transport routes etc</p> <p>Riparian/Coastal Districts to issue directions to and maintain contact details of flood gate owners/land occupiers (Section 30 County of Kent Act 1981)</p>	<p>Activation of Emergency Centre and Strategic Group</p> <p>Advise leader and ward members. Liaison with Parish Councils</p> <p>Representation at Silver Control(s) and Strategic Coordinating Group as necessary</p> <p>Co-operation with emergency services and EA to coordinate the response</p> <p>Flood warning and gate closure</p>	<p>Activation of Emergency Centre and Strategic Group</p> <p>Advise leader and ward members. Liaison with Parish Councils</p> <p>Establish various LA forward controls as necessary</p> <p>Representation at Silver Control(s) and Strategic Coordinating Group as necessary</p> <p>Co-operation with emergency services</p>	<p>Early consideration will need to be given to the following:</p> <ul style="list-style-type: none"> Provision of temporary sanitary facilities Provision of catering. Co-ordination of voluntary organisations Provide emergency clothing and welfare items 	<p>Provision of temporary or longer-term accommodation or rehousing for residents made homeless by the flooding</p> <p>Structural and condition surveying of council properties damaged by the flooding; remedial action to repair such properties</p>

			notification dissemination in conjunction with EA	and EA to co-ordinate the response	<ul style="list-style-type: none"> • Liaise with Central and Regional Govt 	
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Organisation	Risk	Preplanning	Emergency response			Recovery
			Minor flood (Medium consequence)	Major flood (High consequence)	Notes	
District & Borough Council		<p>EA, riparian district councils and flood gate owners to ensure closure mechanisms function properly</p> <p>National Flood Defences Database (NFCDD) is maintained by EA</p> <p>Pre-arranged communication strategy – what should members of the public do/where should they go?</p> <p>Updated information on Council website</p> <p>Pre-arranged</p>	<p>Where appropriate Riparian/Coastal Districts to ensure Tidal flood gates and sluices are closed in accordance with closure notifications (Section 30 County of Kent Act 1981)</p> <p>Liaison with utility and transport companies especially water company to ensure provision of clean drinking water to residents</p> <p>Provision and staffing of rest/reception centres and</p>	<p>Flood warning and gate closure notification dissemination, warning and informing the public in conjunction with EA</p> <p>Riparian/Coastal Districts to ensure Thames Tidal flood gates are closed in accordance with closure notifications (Section 30 County of Kent Act 1981)</p> <p>Activation of information helpline for public</p>	<ul style="list-style-type: none"> • Arrange for Military Aid <p><i>Local authority would be able to seek mutual aid from other local authorities to help fulfil these functions.</i></p> <p>Directorate Business Continuity Management plans may require invocation as many staff will have been diverted to other</p>	<p>Invoking council's business recovery plan if council premises are affected</p> <p>Consultation with health authorities on hygiene and environmental health issues in affected areas</p> <p>Assisting residents in removal of damaged furniture and household goods</p> <p>Removal of</p>

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		information help line and trained staff	associated services	In conjunction with other responders provide information to the public	duties to respond to the incident	mud/debris from council owned land
District & Borough Councils/ Page 462		<p>Pre-arranged help line for staff – (should they come in to work or not – is it safe?)</p> <p>Review of council properties at risk</p> <p>Incorporate this risk into the Business Continuity planning process</p> <p>Advise on development proposals, flood risk assessments and maintain flood management structures</p>	<p>Flood mitigation measures (e.g. sandbags, where appropriate). It should be noted that removal and disposal of sandbags is the responsibility of the agency which deploys them.</p> <p>Advice on clearance of blocked water courses and mitigation measures</p>	<p>Activation of business continuity plans as appropriate</p> <p>Liaison with utility and transport companies, ensure provision of clean drinking water to residents</p> <p>In conjunction with Police, provision of information Centre and media centre</p> <p>Co-ordinate response from faith and voluntary groups</p> <p>Provision and staffing off rest/reception centres and associated services</p>		<p>Ensure that key data is maintained, and relevant data is entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>

Organisation	Risk	Preplanning	Emergency response			Recovery
			Minor flood (Medium consequence)	Major flood (High consequence)	Notes	
Page 463				<p>Flood mitigation measures (e.g. sandbags), advice on clearance of blocked watercourses and mitigating measures.</p> <p><i>It should be noted that not all local authorities provide sandbags, (each council should be contact for further information).</i></p> <p>Where resources allow assisting EA in repairing river and coastal defences (between high tides) Provision of emergency lighting/generators</p>	It should be noted that removal and disposal of sandbags is the responsibility of the agency which deploys them.	

Organisation	Risk	Preplanning	Emergency response			Recovery
			Minor flood (Medium consequence)	Major flood (High consequence)	Notes	
Environment Agency	Tidal, Fluvial and Surface Water flooding Published in the local risk assessment guidance	<p>Prepare and maintain Kent Local Flood Warning Plan</p> <p>Advise on development proposals</p> <p>Update flood risk maps</p> <p>Support Kent Resilience Forum (KRF)</p> <p>Flood risk assessments; Maintain watercourse capacity</p> <p>Maintain flood management structures</p>	<p>Issue warnings</p> <p>Monitor catchment</p> <p>Operate defences</p> <p>Support LAs and emergency services</p>	[as for minor flood]		<p>Support LAs and community as resources allow</p> <p>Repair any damaged defences</p> <p>Ensure that key data is kept, and relevant data is entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>

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<p>Kent Police</p>	<p>Tidal, Fluvial and Surface Water flooding</p> <p>Published in the local risk assessment guidance</p>	<p>Statutory responsibility under the Civil Contingencies Act 2004 to:</p> <ul style="list-style-type: none"> • Prepare and maintain emergency plans • maintain business continuity plans • engage with KRF Severe Weather Group Partners particularly around risk assessment, planning and public warning and informing • training and awareness • the testing and exercising of emergency plans 	<p>Save and prevent loss, or further loss, of life in conjunction with the other emergency services and any other relevant organisation</p> <p>Consideration of health and safety and ensure the safety of personnel deployed at the incident</p> <p>Co-ordinate the overall response</p> <p>In so far as saving of life permits, secure, preserve and protect the scene</p>	<p>As for minor flood (scale-able response)</p>	<p>The establishment of the Strategic Co-ordination Group and function for providing command and control through levels of Gold, Silver and Bronze.</p>	<p>Recovery is inbuilt to the response phase of the incident as part of the Strategic Co-ordination Group. The appropriate 'handover' to the responsible LA will be supported as appropriate</p> <p>Ensure that key data is maintained, and relevant data entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>
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Organisation	Risk	Preplanning	Emergency response			Recovery
			Minor flood (Medium consequence)	Major flood (High consequence)	Notes	
Kent Police		<p>Identifying, with Cat 1 and 2 partners, areas of critical infrastructure at risk</p> <p>Mobilisation planning within the Police National Mobilisation Plan (internal and external resources)</p> <p>Engagement with Kent Resilience Forum (KRF) Communications Group on the forming of communication strategy to warn and inform the public</p>	<p>Investigate the incident, obtaining and securing all available evidence in conjunction with other investigative bodies where applicable</p> <p>Recover the deceased in a dignified manner, which ensures the integrity of their identification</p> <p>Without undue delay, assist the Coroner to identify victims and inform the next of kin as soon as possible</p>			

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<p>Kent Police</p>			<p>Reassure survivors and their families and assist in establishing appropriate support systems</p> <p>Establish an effective and appropriate family liaison strategy</p> <p>Ensure an appropriate response to the media, which is open, factual, accurate and seeks to reassure those directly involved and the public in general</p> <p>Provision of warnings, advice and information to the public</p>			
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Organisation	Risk	Preplanning	Emergency response			Recovery
			Minor flood (Medium consequence)	Major flood (High consequence)	Notes	
Kent Police			Strive to minimise the impact on the whole community, working with all relevant agencies to return to normality as soon as possible.			
Kent Fire & Rescue Service 01468 468	Tidal, Fluvial and Surface Water flooding	<p>Standard operational response to a special service</p> <p>Maintain business continuity plans</p> <p>KFRS Premises at risk to flooding identified</p>	<p>Liaise with other agencies and prioritise response and resources</p> <p>Provide assistance with pumping water</p>	<p>Follow major incident response procedures</p> <p>Assisting with evacuation in the event of wide-scale flooding</p>		Assist with other agencies to minimise impact on community

<p>Kent Fire & Rescue Service</p> <p>Page 469</p>		<p>Mutual aid agreements between bordering F&RS in place</p> <p>National Mutual Aid Protocol in place</p> <p>KFRS holds copies of EA Flood Maps</p> <p>Participation in flood exercises with other agencies</p> <p>Arrangements for pre-mobilising resources in place</p> <p>Recall to duty for officers in place</p>		<p>Attend SCG and provide liaison officers to other Control rooms as appropriate i.e. Environment Agency</p> <p>Activate National Mutual Aid Agreement for additional resources</p> <p>Activate Station BC Plans where KFRS premises are at risk to flooding</p>		
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<p>South East Coast Ambulance Service (SECamb)</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 470</p>	<p>Tidal, Fluvial and Surface Water flooding</p> <p>Published in the local risk assessment guidance</p>	<p>Met. Office Weather Warning system in place</p> <p>Major Incident Plan</p> <p>Contingency Plan for Extreme Weather</p> <p>Business Continuity Plans</p> <p>Emergency Preparedness Status Board (includes flooding) in place across SECamb.</p> <p>SECamb premises at risk of flooding identified</p> <p>Health on Call system in place</p>	<p>Attendance as required upon assessment</p>	<p>Attendance as required upon assessment</p>		<p>Ensure that key data is maintained, and relevant data entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>
<p>Strategic Highways Contractors</p>	<p>Low</p>	<p>Reviewing procedures with Highways England.</p>	<p>Activate Contingency Plan</p>	<p>Activate Contingency Plan</p>		

<p>NHS</p>		<p>Ensure staff training is carried out</p> <p>Ensure Emergency Plans are up to date, and exercise tested</p> <p>Distribute flood warnings</p>	<p>Provide support for vulnerable people who are known to the NHS</p> <p>Business Continuity of NHS services</p> <p>Provide support to Rest Centres</p>	<p>Provide support for vulnerable people known to the NHS in their own homes</p> <p>Business Continuity of the NHS</p> <p>Provide Support to Rest Centres and Evacuation Points</p> <p>Provide Support in the event of evacuation of vulnerable persons</p> <p>Ensure representation at Multi Agency Command & Control</p> <p>Public Health Advice in conjunction with the Health Protection Agency.</p>		<p>Ensure that key data is maintained, and relevant data entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>
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<p>Port of London Authority</p>		<p>Sharing of Flood Response Plans</p> <p>Internal briefings & awareness for possible resource provision</p>	<p>None</p>	<p>Issue appropriate warnings to river users</p> <p>Deploy afloat resources and other assets as appropriate</p> <p>Impose exclusion zones or river closures where necessary</p> <p>Supply detailed local tidal & hydrographic information on request</p>	<p>Navigation Authority for tidal Thames</p>	<p>Promote restoration of navigation and shipping activity</p>
<p>National Grid Gas and electricity distribution/transmission</p>	<p>Low pressure gas distribution network</p> <p>Electrical transmission systems.</p>	<p>Identify plant and assets in predicted flood zone e.g. substations, cable tunnels, joint bays, regulators – medium to low pressure</p> <p>High pressure gas installations COMAH sites – storage</p> <p>Vulnerable Persons Database – use system to pull off all addresses in a predicted area by post code</p>	<p>Set up Bronze Command at site. Work with blue lights to isolate supplies and make safe</p> <p>Wait for water to recede</p> <p>Re-establish supplies</p>	<p>As previous with additional Silver and Gold level</p> <p>Command within company</p> <p>Reconfiguration of supplies where possible</p> <p>Possible lock-out of regulators to maintain pressures in gas mains.</p> <p>Invoke mutual aid and</p>		<p>Ensure that key data is maintained, and relevant data entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>

<p>National Grid. Gas and electricity distribution/ transmission.</p>		<p>Contact local authorities use agreements for mutual aid.</p>		<p>resource plans Prepare for recovery</p>		
<p>Southern Gas Networks</p> <p>Page 473</p>	<p>Gas distribution systems operating at high, intermediate, medium and low pressure</p>	<p>Receive detailed flood assessment information for all at-risk MAJOR sites (supplying >50,000 consumers) from EA / SEPA. Review annually</p> <p>Receive 48 hours warning from EA / SEPA for MAJOR sites</p>	<p>Instigate E/3 procedures for incident response</p> <p>Set up Bronze Command / Site Main Controller at site.</p> <p>Work with Category 1 Responders to isolate supplies if required.</p> <p>Make safe</p>	<p>As previous with additional Silver and Gold level Command within company</p> <p>Possible reconfiguration of supplies where possible</p>		<p>Ensure that key data is maintained, and relevant data entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>

<p>Southern Gas Networks</p>		<p>Identify other plant and assets in predicted flood zone using EA flood data and Flood Outlook Statements</p> <p>Consider all offtakes from the national transmission system (including odorization and gas quality equipment), pressure reduction stations, other gas governing equipment, high- and low-pressure storage installations (including top and lower tier COMAH sites)</p> <p>Review sectorisation plans for isolation of specific areas.</p> <p>Locate sectorisation valves and confirm operation</p>	<p>Identify location of siphon tankers, water pumps and other equipment. Prepare resource plans and mobilise as necessary</p> <p>Extract and copy asset records and plans for on-site use identifying siphons, low points etc.</p> <p>Wait for water to recede</p> <p>Re-establish supplies</p>	<p>Possible lock-out of regulators to maintain pressures in gas mains</p> <p>Invoke mutual aid and resource plans</p> <p>Prepare for recovery</p>		
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<p>Southern Gas Networks</p>		<p>Identify consumers at risk from 'Vulnerable Persons Database' – extract all relevant addresses in the predicted flood risk area</p> <p>Contact local authorities, use agreements for mutual aid</p>				
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<p>EDF Energy Networks</p>	<p>Tidal, Fluvial and Surface Water flooding</p> <p>Published in the local risk assessment guidance</p>	<p>EDF Energy Networks Flood Plan</p> <p>Environment Agency indicative flood plains mapped into Company GIS system</p>	<p>Monitor EDF Energy Networks substations, plant and equipment</p> <p>Protect substations by temporary works if practical</p> <p>Disconnect electricity supplies if the public are at risk or if substations or plant and equipment cannot be protected from inundation</p>	<p>Monitor EDF Energy Networks substations and plant and equipment</p> <p>Protect substations by temporary works if practical</p> <p>Disconnect electricity supplies if the public are at risk or if substations or plant and equipment cannot be protected from inundation</p>		<p>Restore electricity supplies</p> <p>Ensure that key data is maintained, and relevant data entered into SWIMS to assist debrief, recovery and any subsequent inquiry</p>
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9.3 Operational Response Activities

9.3.1 Response – Supplementary Information

9.3.1.1 Voluntary Sector

Emergency Preparedness, the Civil Contingencies Act Guidance, refers to the generic support that the Voluntary Sector can provide. The nature, range and scale of services offered by the Voluntary Sector may alter depending upon the context of the emergency situation but would be provided in both emergency response and recovery related activities. They will be activated under normal existing activation protocols within Kent County Council Emergency Planning Group and will be directed by the relevant activating organisation but work to their own organisational structure. Organisations have access to mutual aid on a cross-border basis. In a flooding incident the Voluntary Sector can provide support to both responders and those affected by the incident.

9.3.1.2 Mutual Aid

KCC have a Mutual Aid arrangement with all local authorities in Kent and Essex. Mutual Aid may be mobilised through Kent County Council.

9.3.1.3 Military Aid

Military Aid may be mobilised through Kent County Council Emergency Planning Group.

9.3.1.4 Public Health

Floodwater Public Health Risks

The following section deals with the subsequent public health risks arising from floodwater inundation:

- Chemical Contamination
- Sewage/ Wastewater Contamination
- Electrical/ Fire Hazards

Chemical Contamination

Flooding can lead to disruption of water purification and sewage disposal systems, inundation of waste disposal sites, and contamination from chemicals stored in commercial, industrial, agricultural and domestic settings. This can be hazardous to human health and the wider environment. Contact with flood water should therefore be avoided, and where unavoidable; protective clothing should be worn. While different chemicals cause different health effects, the signs and symptoms most frequently associated with chemical poisoning are headaches, skin rashes, dizziness, nausea, excitability, weakness, and fatigue.

Sewage/ Wastewater Contamination

Flooding can cause the disruption of water purification and sewage and other wastewater disposal systems. A key risk arising from contamination of floodwater with sewage is risk to human and animal health from harmful microbes. Water-borne infections associated with flood events include Gastroenteritis, Escherichia Coli (E. Coli), Botulism, Salmonella, Cryptosporidiosis, Hepatitis and Tetanus.

It may be assumed that any floodwater affecting property and land could contain sewage. Contact with flood water should therefore be avoided and where unavoidable protective clothing should be worn.

Contamination of the aquatic environment with sewage and other organic pollutants, including milk and other foodstuffs, may lead to de-oxygenation through microbial blooms and requisite adverse impacts upon aquatic wildlife.

Electrical / Fire Hazards

Areas affected by floodwater inundation may contain electrical or fire hazards connected with power lines, sub-stations and other electrical infra-structure. The following precautions should be taken where electricity infra-structure is affected by floodwater:

- Never enter flooded areas containing electrical equipment unless you are certain that the power supply is off.
- If water has been present anywhere near electrical circuits and electrical equipment, turn off the power at the mains.
- Don't assume that any part of a flooded electrical installation or appliance is safe, do not turn on their power supply.

More guidance can be found in the KRF Media & Communications Plan Document and from the following Environment Agency link:

www.environment-agency.gov.uk/homeandleisure/floods

9.3.1.5 Kent Fire and Rescue Services Water Safety Aid Memoir

Hazards	Risks	Control Measures
Water		<p>Pre-planning! Equipment, training, procedures, command arrangements and site familiarisation</p>
<p>Current, flow, under-tow, whirlpools, eddies-hydraulic features + force of water</p>	<p>Entrapment, drowning</p>	<p>KEEP OUT! Correct PPE= Lifejackets/PFDs, defensive swimming, early rescue-downstream throw lines, never work alone, never put feet down in flowing water if swept away.</p>
<p>Depth of water/ mud</p>	<p>Entrapment, drowning</p>	<p>KEEP OUT! Probe ground, correct PPE=Lifejackets</p>
<p>Water temperature</p>	<p>Cold water shock causing drowning, hypothermia</p>	<p>KEEP OUT! Early rescue, never work alone, PPE=Life-jackets/boots/waders/dry suit + thermal suit etc</p>
<p>Water clarity</p>	<p>Entrapment, drowning</p>	<p>KEEP OUT! Probe ground ahead</p>
<p>Pollution</p>	<p>Infection/health</p>	<p>KEEP OUT! PPE=boots/waders/dry suit (barrier protection), hand and face washing, discipline (no smoking, eating, drinking in risk area)</p>

Debris	Impact injuries	KEEP OUT! Upstream spotters, agreed warning signals- whistles
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Hazards	Risks	Control Measures
Weather/ Environment / Specialised Operations		Pre-planning! Equipment, training, procedures, command arrangements and site familiarisation
Weather	Fatigue/ hypothermia or hyperthermia	Relief crews, welfare, rest & recuperation (R&R) arrangements
Riverside/ shoreline conditions- cluttered/ slippery/ silt traps, onlookers	Slipping, tripping and falling, silt traps and additional casualties	Enforced 3 metre risk zone, lighting, safety brief, minimum level of PPE (Lifejackets, boots, gloves etc.), never work alone, site familiarisation
Inadequate lighting	Disorientation, getting lost	Personal torches, scene lighting, personal issue light sticks, tight command & control over personnel
Background noise	Warnings not heard, failure of communication	Whistles and hand signals.
Overhead power lines	Electrocution	Risk assess, safety brief
Specialised operations	Fatigue of specialised personnel/unsafe personnel in risk area	Relief crews, adequate resources, R&R, 3 metre risk zone
Work equipment Falling into water	Cessation of work/delays/impact injuries	Adequate resources, safety observers, safety brief

Surface vessel movements	Impact/unguarded props	Safety brief, command and control, safety observers (upstream and downstream spotters-throw line operators)
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9.3.1.6 Welfare of Livestock and Other Animals

Kent Fire and Rescue Service have a dedicated animal rescue unit based at Faversham Fire Station. The unit has specially trained personnel and dedicated equipment such as a crane and cradle with lifting capacity to move trapped livestock.

The KCC Duty Emergency Planning Officer will liaise with the RSPCA and DEFRA on the welfare of livestock and other animals that may require rescue or feeding on site.

The Kent Resilience Forum has published an Animal Evacuation and Shelter Plan which can be found from the following link:

https://www.kent.gov.uk/_data/assets/pdf_file/0003/47919/Kent-Resilience-Forum-KRF-Kent-andMedway-animal-evacuation-and-shelter-plan.pdf

<https://collaborate.resilience.gov.uk/RDService/documents/PR-16%20Kent%20and%20Medway%20Animal%20Evacuation%20and%20Shelter%20Plan%20V0.7.pdf?id=7a720edf-e6a3-4e75-a3df-5631c67188fb>

The RSPCA also offer advice on preparedness and looking after pets in an emergency; this can be found from the following RSPCA link:

<http://www.rspca.org.uk/in-action/issuesindepth/floods>

9.3.1.7 Water Rescue

In addition to its wider statutory duties, Kent Fire and Rescue Services provides strategic leadership for water rescue and pumping operations and acts as specialist operations adviser during the flood response stage.

Kent Fire and Rescue Services use High Volume Pumps (HVPs), which are 150mm in diameter and can pump water up to 3km in distance, assuming there is a suitable discharge point.

9.3.1.8 Guidance for Working Near to Flood Water

The following is offered as a supplement to normal practice, it is not necessarily exhaustive, and individuals must make their own risk assessments on the situation facing them.

Dangers:

- Shallow ponded water can cover ditches, manholes, access to hatches to basements etc. Covers to manholes and access hatches are frequently lifted off by the power of the water, leaving a deep hole into which the unsuspecting can fall or drive into;
- Flowing water can exert strong, lateral forces and will typically build up on the upper stream side to a height half as high again as the flowing depth;
- Flood water may be contaminated. There may be overflows from Sewage Treatment Plants, or the water may have been contaminated with chemicals from industrial or agricultural premises; and

- Water will conduct electricity. If the power has not been turned off there is a possibility of electric shock. One indication of the presence of live electricity flood water is the sense of vibration. If you experience this, you should withdraw.

Considerations:

- Pre-existing organisations rules and qualifications needed;
- Having the necessary equipment to enter water;
- Other alternatives to entering water and what purpose would be served;
- Whether the visit could wait till the flood water recedes;
- Depth of the water, whether the tide is rising, speed of flow and pull of the water;
- Whether you should inform someone of your actions or be accompanied;
- Proceeding with caution, to avoid ditches, manholes and access hatches as well as electricity; and
- Avoiding driving into flood water without a suitable vehicle (and proceed with caution, ensuring the vehicle is not submerged and minimise bow waves flooding properties or submerging other vehicles).

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10. Vulnerable People & Communities

10.1. Identification

Identifying, planning for and providing for the needs of vulnerable groups involves a large number of partners and compiling a large amount of changing information. For this reason, it is unrealistic to expect a central list of potentially vulnerable individuals to be maintained. Rather the approach is to maintain a list of partners and contact telephone numbers that can be used to gather relevant information in the event of an emergency.

Records of vulnerable people are held and kept up to date by KCC Social Care, Health & Wellbeing, Education & Young People's Services, NHS and some other utilities companies and organisations, each organisation will hold records of its own clients. During a flood incident this information will be supplied to the SCG (Strategic Coordinating Group) and other partner organisations as required.

We are currently awaiting further guidance from the Humanitarian Welfare Group of the Local Resilience Forum regarding the classification of group of vulnerable people types.

Due to the nature of the changing situation during a flooding event the status of any persons' vulnerability can change at any time, this is a fact to be aware of in all situations.

Those who may be considered potentially vulnerable include: -

- Children
- Older People
- Mobility Impaired
- Mental/cognitive impaired
- Sensory Impaired
- Individuals supported by Health or local authorities
- Temporarily or permanently ill
- Individuals cared for by relatives
- Homeless
- Pregnant women
- Minority language speakers
- Tourists
- Travelling community
- Static and holiday caravan parks

Please see Kent Resilience Forum Identifying Vulnerable People in an Emergency Plan: <https://collaborate.resilience.gov.uk/RDSservice/documents/PR-19%20KRF%20Identifying%20Vulnerable%20People%20in%20an%20Emergency%20Plan.pdf?id=6b5a532c-dbb9-4e7c-9564-cb1293bf1349>

10.2. Background, Analysis and Horizon Scanning

The County Council's recent recognition of the UK Environment and Climate Emergency has helped highlight the increasing risk and severity of flooding resulting from global heating. It poses a significant health risk to the population in flood prone areas and may lead to increased deaths, injuries and mental health issues, as well as exacerbating rural isolation issues producing direct and indirect implications for the health and social care sectors. (Climate South East, 2012; HPA, 2012; CCC, 2017).

Vulnerability to flooding includes more than just the physical risk; political, social and economic factors constrain the ability of the population to respond and their ability to adapt. These factors can have implications on people's health and wellbeing, and therefore extends to the wider health and social care sectors (England & Knox, 2016).

Within Kent, such socially vulnerable communities are often located in or near areas of high flood risk, including low-lying coastal areas. Kent & Medway are some of the most at-risk local authorities in the UK in respect of surface water flooding, as are many low-lying coastal areas, which are at risk of fluvial & coastal flooding. Nationally, two of Kent's districts (Swale and Folkestone & Hythe) are in the top 10 most flood vulnerable districts in the UK, this issue is compounded in areas where the population is generally older and have lower incomes as well as in flood-risk areas with many social care facilities such as care homes and GP surgeries, which may negatively impact social care provision during the response and recovery phases of a flood event, see figures 9.3, 9.4 and 9.5 (Climate Just, 2019).

Severe inland flooding threatens several urban settlements across Kent, such as in West Kingsdown, Wrotham, Maidstone, Ashford and Canterbury, along with some more isolated rural hamlets near Maidstone, Tonbridge and Tunbridge Wells. This is because many settlements were historically built alongside rivers and other watercourses, these places now have significant amounts of impermeable hard surfaces which inhibit natural infiltration of water.

Analysis has indicated that flood disadvantage is greater from surface water flooding than from fluvial & coastal flooding in most areas, and that the areas of highest social & flood vulnerability are concentrated around Kent's coast. Data analysis also suggests that climate change will not increase the geographic area of Kent that is disadvantaged from flooding but will increase the severity where it is already present, particularly in areas such as Romney Marsh and the Isle of Sheppey.

Social vulnerability to the impacts of flooding involves a combination of factors including:

- **Susceptibility to flooding** – how likely someone is to experience a loss of wellbeing due to a flood;
- **Ability to prepare** – personal actions someone can take to reduce the harm suffered if a flood occurs;
- **Ability to respond** – why some people may act more effectively during a flood event;
- **Ability to recover** – how much someone can aid their own recovery from a flood; and
- **Community support** – the availability and quality of emergency and healthcare systems (Sayers *et al*, 2017).

For example, anecdotal evidence from past flood events has highlighted that; 'some sections of the older population [...] were reportedly bewildered and frightened by people banging on their front doors to alert them to imminent flooding'; families with young children were more vulnerable, as children became distressed, or because of 'adults being unable to take necessary action with youngsters in tow'; and

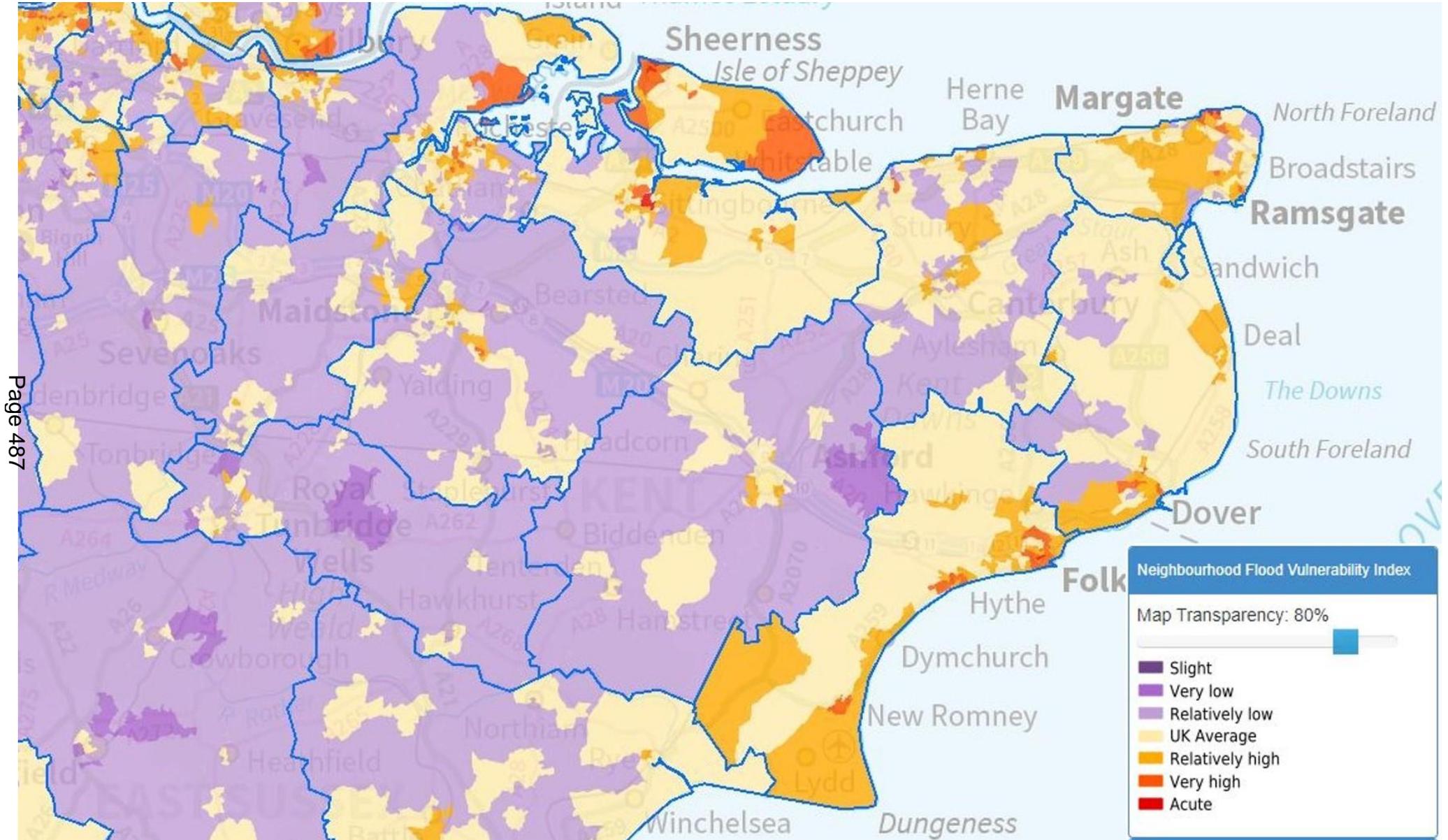
disabilities were also 'said to impede effective response, deaf people were [at] risk of not receiving telephone warnings'. Those with greater wealth are able to protect themselves, which has important implications when discussing the impacts of flooding on communities and for identifying vulnerable geographic hotspots (Defra/Environment Agency, 2005).

Other factors such as social isolation, language barriers and cultural background may also make people more vulnerable and less able to cope in an emergency (England & Knox, 2016; Defra, 2014). Those who are less able to adapt are more likely to rely on services provided by local authorities, the health and social care sector, and health services, especially in the case of an illnesses exacerbated by the incident.

Gypsy, Traveller and itinerant agricultural worker communities on the Weald and in other low-lying areas are geographically disproportionately vulnerable to flooding. Caravans and amenity blocks are often uninsured and flooding frequently results in irreparable damages, making the caravan a 'total loss'. Such problems can be exacerbated because such communities are often on the margins of society, separated from mainstream communities and subsequent relief services. In some areas of Kent, there are other communities which may be more affected by flooding due to language barriers or as they are new to the area or to the country. These residents may not have any experience of flooding and therefore not know how to prepare or respond appropriately.

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Figure 10.3 - Kent and Medway Flood Vulnerability Map



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Figure 10.4 - Kent and Medway Surface Water Flood Disadvantage Map

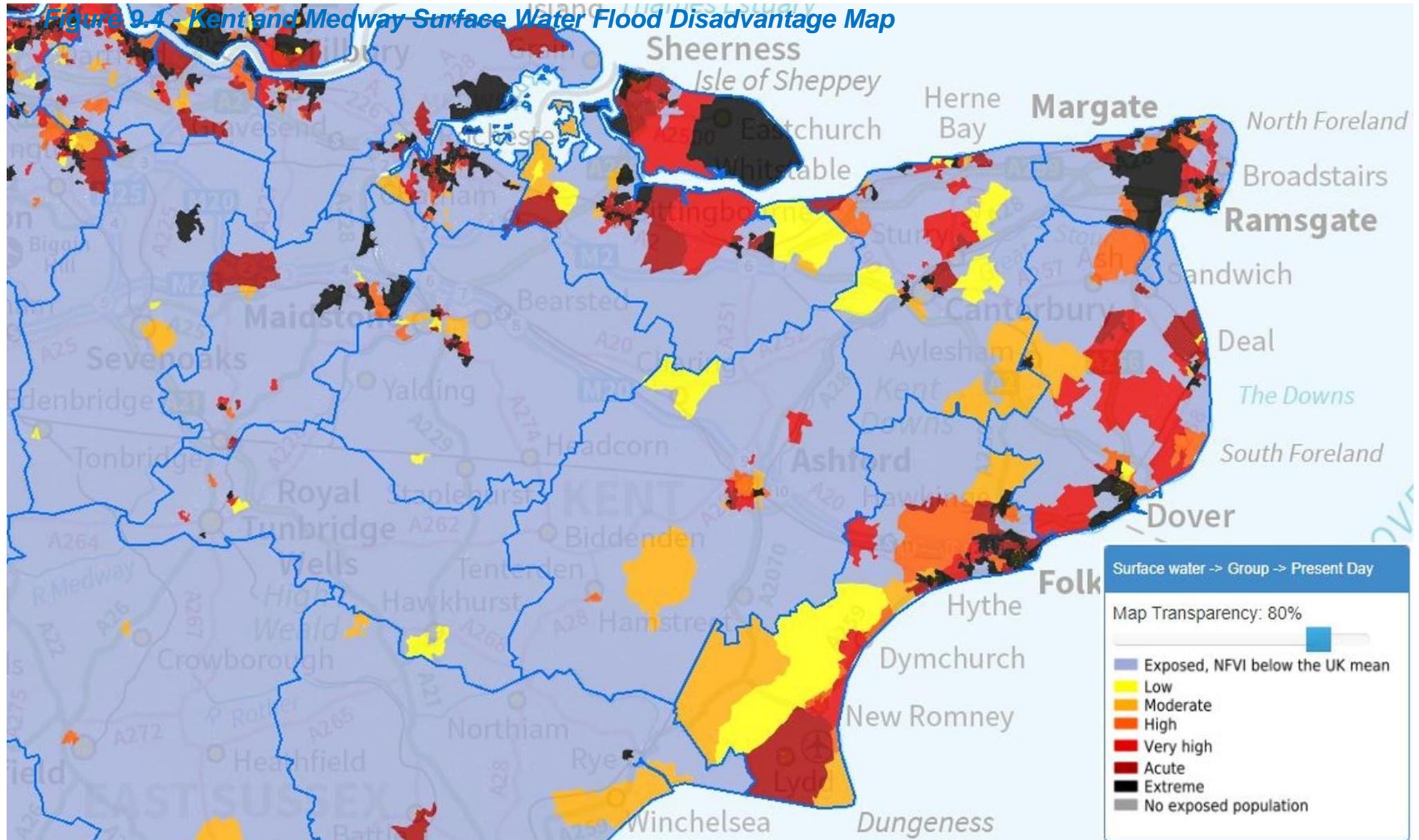
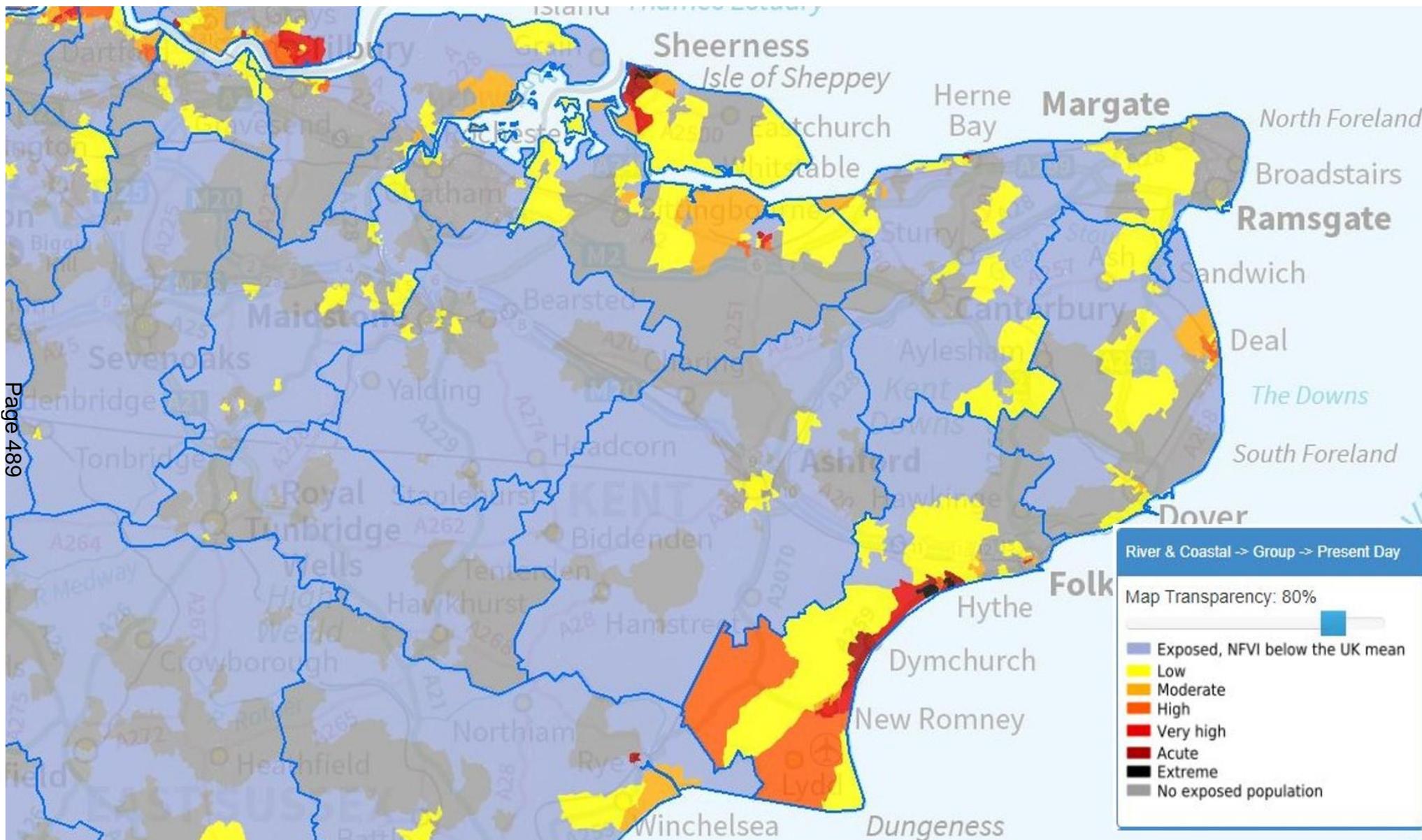


Figure 10.5 - Kent and Medway Fluvial and Coastal Flood Disadvantage Map



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11. Key Infrastructure

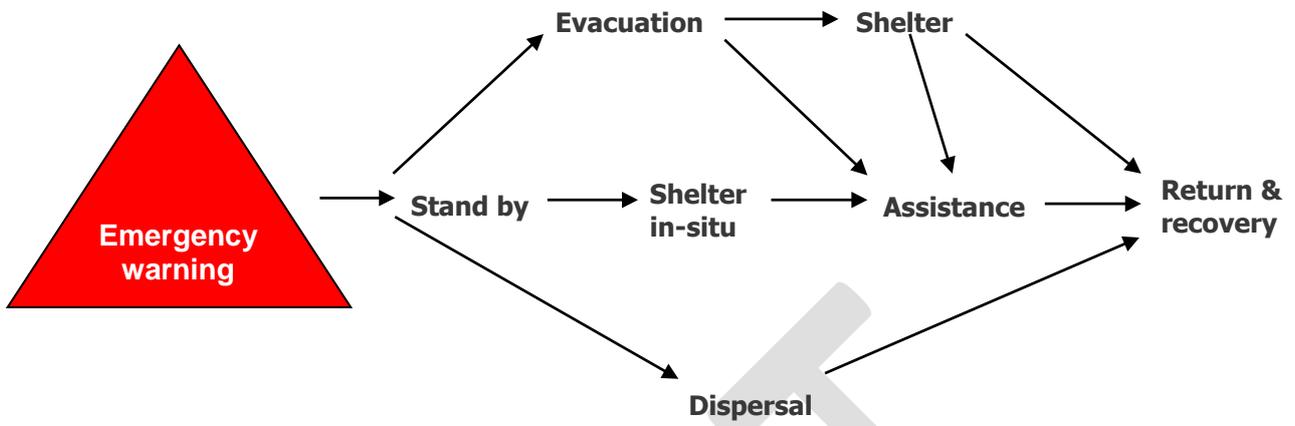
Information regarding key infrastructure can sometimes be sensitive information, this information can be obtained from the utility provider or the Police for use by the multi-agency SCG (Strategic Coordinating Group) – which will set overall policy for the response to a major flooding event.

Locations for key infrastructure within flood vulnerable areas are listed within District Local Multi-Agency Flood Plans, Pan Kent and Medway Flood Plan and identified on the GIS system.

12. Evacuation and Shelter

- Statutory legislation informs roles and responsibilities in relation to evacuation, shelter and homelessness. The National Assistance Act 1948 places duties upon county councils to provide services for vulnerable individuals, including children under 16, people with a disability, frail elderly and refugees. In addition, Chapter 52, paragraph 189, Part VII of the Housing Act 1996 imposes a statutory duty upon district and unitary councils to give a priority need for accommodation to “a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster”. Significantly, the Children Act 2004 informs all caring services for children under 16. It must further be remembered that legislation and regulation covering day-to-day operation of residential and public premises also applies to survivor reception and rest centres - including health and safety, food hygiene and licensing.
- Non statutory Evacuation and Shelter Guidance has also been produced by the Civil Contingencies Secretariat of the Cabinet Office. This guidance states at paragraph 1.5. "The Purpose of Evacuation and Shelter" that: "The purpose of evacuation is to move people, and where appropriate other living creatures, away from an actual or potential danger to a safer place. For this to happen safely there need to be plans not just for alerting people and moving them, but also plans to shelter and support them through to their eventual return and recovery. "The need to provide humanitarian and other assistance, particularly to those with special requirements, requires careful consideration and planning. The diagram below shows the stages of evacuation and includes "dispersal - a form of evacuation in which people are simply directed to move away from a particular location without the need for temporary accommodation. The activity of warning and informing the public should also run throughout the process."

Figure 12.1 - Evacuation and Shelter Methodology



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13. Rescue

- Nobody currently has a statutory duty for rescue during a flood emergency.
- Information regarding the equipment available within Kent County Council administrative area is detailed in **Appendix B**.
- Information regarding equipment available within Kent can be found in Appendix B of the Pan Kent Flood Plan.

14. Recovery

- Kent County Council is likely to lead the Recovery phase of a major flooding event affecting the administrative county of Kent and maintains a detailed [KCC Recovery Plan](#) (a public version of this plan can be found on the Emergency Planning page of Kent.gov and the full plan can be found on the KCC page of Resilience Direct). Further, the Kent Resilience Team maintains the Pan Kent Emergency Recovery Framework, on behalf of the Kent Resilience Forum, which will inform recovery and clean-up interventions by relevant agencies following a major flooding event.
- Recommendation 83 of the Pitt Review states that "Local authorities should continue to make arrangements to bear the cost of recovery for all but the most exceptional emergencies". KCC maintains General Funds for such unforeseeable eventualities. It is vital that excellent records are maintained for response and associated expenditure. Please see [The Bellwin Scheme of Emergency Financial Assistance to Local Authorities](#) guidance notes on Gov.uk
- In line with the KRF Severe Weather Framework, if there are significant impacts from flooding, the Kent Resilience Team, on behalf of the Kent Resilience Forum, will log an event of the Severe Weather Impacts Monitoring System (SWIMS). The SWIMS system should be used by all members of the KRF (including specific services within KRF member organisations) to record how they are affected by severe weather events. This will help to inform future resilience planning and form part of the evidence for risk analysis undertaken by the Risk Assessment Group (RAG). More information on SWIMS can be found www.kent.gov.uk/SWIMS
- A model recovery agenda for a flooding event can be found at **Appendix E** of this plan.

15. Training and Exercising

- The Civil Contingencies Act 2004 Regulations require Kent County Council as a "Category 1 Responder" to include provision for training and exercises in their emergency plans.
- The corporate nature of the council's emergency response requires that all personnel should have an understanding of emergency planning and business continuity principles. Regular training and

exercise events will raise staff awareness of potential risks and provide an understanding and confidence in the council and their partners' emergency response procedures.

15.1 Training

Emergency planning and business continuity training events are invaluable tools to raise awareness, pass on best practice and instil confidence in emergency response plans and procedures. Major emergency response can be very different from day-to-day activity in terms of management principles, pressures upon the organisation (and individual members of staff) and levels of public and media interest. It is therefore vital that all staff with a potential role in the emergency response have an understanding of emergency planning and business continuity principles. A rolling training program will be needed to account for staff turn-over, and also to ensure all staff are regularly refreshed and practiced in emergency response.

15.2 Exercising

Exercises perform a distinct training role and enhance emergency preparedness. Exercises have three main purposes: to validate plans; to develop staff competencies and provide practice in carrying out roles in emergency plans. It is important that personnel taking part in exercises should be trained beforehand. Participants should have an awareness of the council's emergency response and that of their key partners their own role within it, before they are subject to the stresses of an exercise.

There are three main exercise types comprising: seminar, table-top and live exercises.

Figure 15.3 - Training and Exercising Programme

Organiser	Title of training / exercise	Type	Date
Ashford Borough Council	Exercise Nutmeg – Local Multi-agency Flood Plan validation	Table-top	3 rd February 2010
Kent Resilience Forum	Exercise Decem flooding exercise	Table-top	25 th March 2010
KCC Emergency Planning / Tunbridge Wells Borough Council	Exercise Frey - Local Multi-agency Flood Plan validation	Live / Table-top	26 th March 2010
KCC Emergency Planning / Shepway District Council	Exercise Wade – Local Multi-agency Flood Plan validation	Live / Table-top	15 th June 2010
KCC Emergency Planning / Dartford and Gravesham Borough Council	Exercise Welund	Live / Table-top	7 th October 2010
KCC Emergency Planning / Dover District Council	Exercise Eastre	Live / Table-top	14 th February 2011
KCC Emergency Planning / KF&RS / Sevenoaks DC	Exercise Baldr	Live / Table-top	16 th February 2011

KCC Emergency Planning / Swale Borough Council	Exercise Loki	Live / Table-top	18 th February 2011
Defra / EA / Kent Resilience Forum	Exercise Watermark	Live	10 th March 2011
KCC Emergency Planning / EA / Shepway District Council	Shepway District LMAFP validation exercise	Table-top	28 th March 2011
KCC Emergency Planning / EA / Tonbridge and Malling Borough Council	Exercise Sigrun	Training exercise	30 th January 2012
KCC Emergency Planning / EA / Maidstone Borough Council	Exercise Skuld	Training exercise	14 th March 2012
KCC Emergency Planning / EA / Shepway District Council	Exercise Valkyrie	Training exercise	4 th April 2012
KCC Emergency Planning / EA / Shepway District Council	Exercise Friia	Training exercise	26 th April 2012
KCC Emergency Planning / EA / Canterbury City Council	Exercise Idun	Training exercise	9 th May 2012
KCC Emergency Planning / EA / Ashford Borough Council	Exercise Ran	Training exercise	17 th May 2012
KCC Emergency Planning / EA / Dartford Borough Council / Gravesham Borough Council	Exercise Sunna	Training exercise	22 nd May 2012
KCC Emergency Planning / EA / Swale Borough Council	Exercise Skadi	Training exercise	23 rd May 2012
KCC Emergency Planning / EA / Thanet District Council	Exercise Kara	Training exercise	30 th May 2012
KCC EP / EA / Sevenoaks District Council	Exercise Atla	Training exercise	6 th June 2012
KCC Emergency Planning / EA / Swale Borough Council	Exercise Sol	Training exercise	8 th June 2012
KCC / EA	Kent Flood Summit	Conference	26 th June 2012
KCC Emergency Planning / EA / Defra	East Coast Flooding Exercise	Table-top exercise	April 2013

KCC Resilience and Emergencies Unit	KCC Flood Response Plan Validation Training Exercise	County Emergency Centre	October 2014
Defra / EA / Kent Resilience Forum	East Coast flooding exercise	Multi-agency exercise	February 2015
Kent Resilience Forum	Exercise Ragnarok (Coastal flooding)	Multi-agency exercise	March 2015
KCC	Exercise Thor (Surface Water Flooding)	County Emergency Centre	X3 December 2015
KCC	Exercise Eastre (Surface Water Flooding)	Training exercise	(x12) April 2016 – March 2017
Kent Resilience Forum	Exercise Surge (Coastal Flooding)	Multi- agency Exercise	September 2016
Kent Resilience Forum	Exercise Surge Recovery Exercise	Multi- agency Exercise	November 2017
KCC	Exercise Tethys (Reservoir Inundation)	Table-top	November 2017
KCC / Kent Resilience Forum	Met Office Emergency Responders	Training	28th September 2018
KCC	Exercise Persephone (Flood Plan Validation)	Table-top	13th September 2019

Appendix A - Resources [Assets]

Resource	Who / Where	Contact Number
Sandbags	<p>KCC Approx. 10k filled bags at Highways Depots in Kent.</p> <p><i>Some District and Borough Councils may hold stocks of sandbags, contact the council concerned for more information. It should be noted that removal and disposal of sandbags is the responsibility of the agency which deploys them.</i></p>	
Boats	<p>Boats – Non tidal</p> <ul style="list-style-type: none"> • 2 x 4 metre rigid inflatable craft (powered), capable of carrying a crew of 3, and rescuing up to 5 people. These boats are based at Larkfield and Whitstable Fire Stations (1 at each). • 2 x 3.8 metre fully inflatable craft, (non-powered) capable of carrying a crew of three and rescuing up to 5 people. These boats are based at Strood and Sheppey Fire Stations (1 at each). <p>Boats – Tidal</p> <ul style="list-style-type: none"> • 1 x 8.5 metre (tidal) rigid inflatable craft (powered), capable of carrying a crew of 2, and rescuing up to 16 people. This boat is based at Sheppey Fire Station. • Kent Police: 2 inflatable crafts and an aluminium flood boat on wheels; 2 crew all trained to advanced power boat/rescue boat • Environment Agency: 2 aquapeche (1 large 1 small), 2 Dory's, 2 Avon inflatable. All these craft are powered and although the EA have no trained personnel at present these resources could be made available for use by trained personnel from other organisations. • Port of London Police: 1 x 6.5 metre delta rigid inflatable boat, with road going trailer, fitted with 150bhp outboard engine. (10 crew trained to RYA power boat level 2) 10 Crew all trained to RYA level 2. 	

<p>Pumps</p>	<ul style="list-style-type: none"> • KFRS: 86 front line appliances capable of pumping in flooding situations. • KFRS: 1 High Volume Pump (HVP) capable of pumping between 7-8000 litres per minute. This is located at Whitstable Fire Station. National assets may also be available. • KFRS: 2 water management units which have 1.8km of hose each, for pumping water. These can be used alone and/or in conjunction with the HVP. These units are based at Tonbridge and Faversham Fire Stations. 	
<p>Transport</p>	<p>Kent County Council / Kent Resilience Team can procure coaches and other transport. Assets.</p> <p><i>Some District and Borough Councils may have access to transport, contact the council concerned for more information.</i></p>	
<p>Plant and Vehicles</p>	<p>Kent Highways and Transportation can procure a range of plant and other assets.</p> <p><i>Some District and Borough Councils may have access to plant and vehicles, contact the council concerned for more information.</i></p>	
<p>Temporary Defences</p>	<p>Some temporary defence is held by the Environment Agency in Kent. Additional national assets may also be available.</p>	
<p>Catering</p>	<p>KCC School Meals Contractors / Social Care catering contractors School Kitchens.</p>	
<p>Waste</p>	<p>Districts / KCC Waste Management (and their contractors) will lead on collection and disposal of waste</p>	
<p>Specialist Advice on Structures</p>	<p>KCC Kent Highways and Transportation District / Borough Council Building Control</p>	
<p>Civil Air support</p>	<p>Via Kent Resilience Team</p>	
<p>Voluntary Sector Involvement</p>	<p>Various Organisations County wide – mobilised through KCC Resilience and Emergencies and/or Kent Resilience Team</p>	

Military Support	Assets and personnel: Military Aid to the Civil Community mobilised via KCC Resilience and Emergencies and/or Kent Resilience Team	
Personal Protective Equipment (PPE), Bedding and Other Resources	<p>KFRS: 45 life jackets, 45 pairs of waders and other ancillary PPE as a non-mobile special. These are based at Maidstone, Canterbury and Medway Fire Stations</p> <p>KFRS: 10 x 5 metre air track paths capable of being towed by a rescue boat, these have a capacity of rescuing 10 members of the public, these are based at Strood, Sheppey, Whitstable and Larkfield Fire Stations</p> <p>Some councils hold supplies of bedding and other supplies on behalf of KCC Emergency Planning Group</p>	
Rescue and Feeding of Livestock and other Animals	KFRS: Animal Rescue Unit based at Faversham Fire Station. RSPCA and DEFRA resources.	
KCC Emergency Contact Directory	Refer to this	

DRAFT

Appendix B - Business Continuity Management

Under the Civil Contingencies Act 2004, Kent County Council, as a Category 1 Responder, have a duty to put in place Business Continuity Management arrangements.

Business Continuity Management (BCM) provides a framework for building in resilience to an organisation and delivering a capability for an effective response to events that might threaten its business operations.

Kent County Council Directorate Business Continuity Plans include the following documents (an overview of Business Continuity Management in Kent can be found at Section 9 of the KCC Major Emergency Plan):

- Business Continuity Management Policy;
- Business Continuity Programme Management;
- Business Impact Analysis (BIA);
- Plan Scope;
- Activation Plan;
- Response Plan or Action Plan;
- Alternative Response Strategies; and
- Recovery Requirements for critical services.

DRAFT

Appendix C - Health and Safety

It is crucial that managers and staff prioritise health and safety when mobilised as part of an emergency response and do not place themselves or colleagues in potentially dangerous situations. Indeed, the Health and Safety at Work Act 1974 applies to all elements of the local authority response to a major incident and covers:

- safety of staff and contractors;
- safe systems of work;
- safe equipment;
- manual handling; and
- electricity at work.

Managers should ensure that a risk assessment, in compliance with current Health and Safety Executive guidance (Five Steps to Risk Assessment), is undertaken for the various elements of the Council's emergency response and that findings and actions are recorded and acted upon. Expert advice from the Council's Professional Health and Safety Officer should be sought as a matter of urgency. Health and Safety Executive Risk Assessment Guidance is held by all KCC Health and Safety Officers.

At an Operational level responding personnel should consider risks and undertake dynamic risk assessments. Potential hazards arising from major incidents could include:

- slips, trips, falls;
- debris on roads and footways and severe weather implications on all travel modes;
- extremes of temperature arising from weather emergencies;
- floodwaters and concealed risks;
- risk from fumes and noxious substances;
- explosion risk and / or unstable structures;
- acts of violence, working or travelling alone; and
- injury from traffic.

Access to safety equipment

A range of professional officers routinely carry generic protective equipment on day-to-day business including hard hats, steel toe cap boots, high visibility clothing, throw-lines, rigid and self-inflating lifejackets.

Stocks of water safety equipment, comprising throwlines, rigid and self-inflating life-jackets, are held at District Council offices for issue to personnel working on or close to water or mud. Lone working is discouraged when working close to water and mud and all personnel likely to be involved in the operational response to flooding or aquatic pollution incidents should have attended Kent County Council / Kent Fire and Rescue water safety awareness training session.

Appendix D - Risk Assessments

Kent Resilience Forum – Individual Risk Assessment (IRA)

Hazard / Threat Category	Kent Risk Ref	LRMG Risk Number(s)
SEVERE WEATHER Local fluvial flooding	17	HL19 3.10
Date of Revision	Next review date	
2015		
Overview of hazard or threat:		
<p>'The flooding event would have a sub-regional impact and is a real threat to lives. Localised economic damage and need between 6- and 18-months recovery before business as usual conditions are restored.</p> <p>The depth and velocity of water flows will vary.</p> <p>Significant mutual aid would be deployed from neighbouring counties, but the response effort could be contained within a region.</p> <p>Assumes: See H21 - Many of the assumptions are the same for a significant local fluvial flood as they would be for a major regional flood. However, the impact may be specific to one area rather than several sites. Consequence management will be achievable within a regional level response capability.'</p>		
Key historical evidence (last 5 years or of particular note):		

- October - November 2000 - Many communities throughout Kent affected by the severe rainfall which fell on areas of Kent during the winter and spring of 2000/2001
- December 2002 / January 2003 - Over 100mm of rain fell over Southern Region resulting in flooding to around 126 properties in the Kent area.
- Summer 2007 - Exceptionally heavy rain in June and July 2007 resulted in fluvial and surface water flooding. The worst affected areas were Thames Valley, Gloucestershire, Humberside and South Yorkshire.
- Winter 2013-14 Between 17 December 2013 and 17 January 2014 more than 320mm of rain fell across the upper reaches of the Medway. The ground was saturated, and rivers were high when a further 65 - 70 mm of rain fell during the severe weather on 23 and 24 December, leading to flooding in many areas. The flows in the Upper Medway were the highest ever recorded resulting in more than 700 flooded homes and businesses being flooded throughout the River Medway catchment. The worst affected locations included Tonbridge, Hildenborough and Yalding in the River Medway catchment.

Likelihood

Hazard	Likelihood
SEVERE WEATHER - Local fluvial flooding	Medium High (4)

Impact:

Summary:

Hazard	Impact
SEVERE WEATHER - Local fluvial flooding	Moderate (3)

Details:

Impact associated with risk

Primary:

- Drowning of people, pets and livestock
- Major damage to property and surrounding land
- Closure, or washing away, of roads, bridges, railway lines
- Loss of (and possible damage to) telephone, electricity, gas and water supplies
- Pollution/health risks from sewerage systems, chemical stores, fuel storage tank
- Evacuation and temporary/long-term accommodation needs

Secondary

- Need for recovery strategy in aftermath of major flood
- Disruption of economic life and major costs of rebuilding infrastructure
- Public need for information, advice, benefits/emergency payments
- Insurance implications, including help for the uninsured
- Safety assessments/possible demolition of damaged buildings and structures
- Shortage/overstretch of key resources (equipment and personnel) and agencies
- Overstretch of normal communication links, including mobile phones.

Overall assessment:

Category:

SEVERE WEATHER

Likelihood	Impact		Risk Rating
Medium High (4)	Overall	3	High
	Fatalities	1	
	Casualties	1	
	Economic	3	
	Social Disruption	3	
	Psychological	3	

Controls in place

Kent Resilience Forum – Individual Risk Assessment (IRA)

Hazard / Threat Category	Kent Risk Ref	LRMG Risk Number(s)
SEVERE WEATHER Local / urban flooding (fluvial or surface run-off)	18	HL18 3.9
Date of Revision	Next review date	
2015		
Overview of hazard or threat:		
<p><i>'The flooding event would have a regional impact, possibly translating into loss of lives, localised economic damage and need between 6- and 18-months recovery before business as usual conditions are restored.</i></p> <p><i>The depth and velocity of water flows will vary.</i></p> <p><i>Significant mutual aid would be deployed from neighbouring regions, although other regions are also likely to be at risk or impacted at the same time.</i></p> <p><i>Assumes: See H21 (Many of the assumptions are the same for a major regional fluvial flood as they would be for a major national incident.</i></p> <p><i>Consequence management will not be achievable with in a regional response capability.'</i></p>		
Key historical evidence (last 5 years or of particular note):		

- October - November 2000 - Many communities throughout Kent affected by the severe rainfall which fell on areas of Kent during the winter and spring of 2000/2001
- December 2002 / January 2003 – Over 100mm of rain fell over Southern Region resulting in flooding to around 126 properties in the Kent area.
- Summer 2007 – Exceptionally heavy rain in June and July 2007 resulted in fluvial and surface water flooding. The worst affected areas were Thames Valley, Gloucestershire, Humberside and South Yorkshire.
- Winter 2013-14 - Between 17 December 2013 and 17 January 2014 more than 320mm of rain fell across the upper reaches of the Medway catchment, the ground was saturated and rivers were high when a further 65 - 70 mm of rain fell during the severe weather on 23 and 24 December, leading to flooding in many areas.
- With these amounts of rainfall, flooding from all sources, surface water, groundwater, drainage systems and river systems is inevitable.

Likelihood	
Hazard	Likelihood
SEVERE WEATHER - Local / urban flooding (fluvial or surface run-off)	Medium (3)
Impact:	
Summary:	
Hazard	Impact
SEVERE WEATHER - Local / urban flooding (fluvial or surface run-off)	Moderate (3)
Details:	
Impact associated with risk	
Primary:	

- Drowning of people, pets and livestock
- Major damage to property and surrounding land
- Closure, or washing away, of roads, bridges, railway lines
- Loss of (and possible damage to) telephone, electricity, gas and water supplies
- Pollution/health risks from sewerage systems, chemical stores, fuel storage tanks
- Evacuation and temporary/long-term accommodation needs
- Rescue of people
- Loss of key services due to key office in flood zone • Rescue using boats

Secondary

- Need for recovery strategy in aftermath of major flood
- Disruption of economic life and major costs of rebuilding infrastructure
- Public need for information, advice, benefits/emergency payments
- Insurance implications, including help for the uninsured
- Safety assessments/possible demolition of damaged buildings and structures
- Shortage/overstretch of key resources (equipment and personnel) and agencies
- Overstretch of normal communication links, including mobile phones.

Overall assessment:

Category:

SEVERE WEATHER

Likelihood	Impact		Risk Rating
Medium (3)	Overall	3	High
	Fatalities	1	
	Casualties	2	
	Economic	3	
	Social Disruption	4	
	Psychological	4	

Controls in place

Kent Resilience Forum – Individual Risk Assessment (IRA)

Hazard / Threat Category	Kent Risk Ref	LRMG Risk Number(s)
<p>SEVERE WEATHER Flooding: Major coastal and tidal flooding affecting more than two UK regions (This is the national picture to provide context for local risk assessment)</p>	<h1>24</h1>	<p>H16 3.5</p>
Date of Revision	Next review date	
2015		
Overview of hazard or threat:		
<p>Assumes:</p> <ul style="list-style-type: none"> • Up to 4 days of advanced severe weather alerts from the Met Office • Severe Flood Warnings issued up to 24 hours in advance by the Environment Agency • Storm tide forecasting service shows risk of over-topping (up to 8hrs lead time). • Rescue can only be by boat, helicopter or high-clearance vehicles. • Emergency services affected if located in the flood zone. • Evacuation warnings given to emergency services (as little as 1 hour) • Multiple failure (breaches) of flood defence systems and significant overtopping. • Damage or failure at: several sites of telecommunications, electrical sub-stations, water and sewage treatment works, road bridges and rail embankments, rendering these essential services inoperable for up to 14 days. • Closure of key and essential transport routes for up to 5 days leading to national disruption to commuters and supplies of goods and services. • There are hospitals, schools, shops and industrial/ commercial premises in the flooded area (& possibly rest centres). • 'Properties' includes occupied mobile homes and caravans' sites in low-lying coastal zones (summer tourists). 		
Key historical evidence (last 5 years or of particular note):		
<ul style="list-style-type: none"> • January 1953 - Severe flooding caused by a massive surge tide devastated North and North East coastal areas of Kent, having taken the lives of 300 people in East Anglia and then continued onto Holland and took a further 1,800 lives. • December 2013 - The storm that hit the UK, on Thursday 5th and Friday 6th December 2013 resulted in the most serious tidal surge in over 60 years. • Record sea levels were recorded in a number of locations. In some place's levels were higher than the destructive floods of 1953. 58 properties (42 residential, 16 commercial) were flooded during the tidal surge in the Kent and South London Area. • At Dover the tide was the highest seen since 1905 and flooding was experienced in Strood, Conyer, Faversham and Sandwich. • 		
Likelihood		

Hazard		Likelihood	
SEVERE WEATHER Flooding: Major coastal and tidal flooding affecting more than two UK regions		Medium (3)	
Impact:			
Summary:			
Hazard		Impact	
SEVERE WEATHER Flooding: Major coastal and tidal flooding affecting more than two UK regions		Moderate (3)	
Details:			
Impact associated with risk			
Primary:			
<ul style="list-style-type: none"> • Drowning of people, pets and livestock • Major damage to property and surrounding land • Closure, or washing away, of roads, bridges, railway lines • Loss of (and possible damage to) telephone, electricity, gas and water supplies 			
Secondary			
<ul style="list-style-type: none"> • Pollution/health risks from sewerage systems, chemical stores, fuel storage tanks • Evacuation and temporary / long-term accommodation needs • Disruption of economic life and major costs of rebuilding infrastructure 			
Overall assessment:			
Category:			
SEVERE WEATHER			
Likelihood	Impact		Risk Rating
	Overall	3	High
	Fatalities	2	
	Casualties	3	
	Economic	3	
	Social Disruption	3	
	Psychological	4	
Controls in place			

Appendix E - Kent County Council Flooding Event Model Debrief Agenda

Incident:

Date of Debrief:

Chair:

Secretary:

Present:

1. Introductions and apologies (Chair / All)
2. Background (Chair)
3. Effectiveness of alerting and mobilisation (by Team)
4. Command and control
 - what went well (by Team)
 - what went badly (by Team)
5. Recovery
 - what went well (by Team)
 - what went badly (by Team)
6. Recovery
 - what went well (by Team)
 - what went badly (by Team)
7. Did any best practice emerge during response and/or recovery (Chair / All)?
8. Are changes required to KCC Flood Response Emergency Plan (Chair / All)
9. Implications for future training and exercising (Chair / All)
10. Run through and refinement of recommendations arising from Debrief (Chair/All)
11. Outline next steps and close meeting (Chair)

Appendix F - Extended Floodline Service



Extended Floodline Service: Background

July 2018

What is Floodline?

Floodline is a 24/7 telephone service providing up to date flood warning information and answering general flood related enquiries on behalf of the Environment Agency (EA), Natural Resources Wales (NRW) and the Scottish Environment Protection Agency (SEPA).

When calling Floodline, customers are given six options. From here, the majority of callers tend to use two main routes:

- Option 1 - to listen to recorded information on the current flood warnings and alerts in force
- Options 3 and 4 - to the call centre, to set up or amend a flood warning registration, find out about their long term flood risk or to get general flood related advice and information (e.g. how to prepare for flooding).

Floodline
0345 988 1188

Options 2 and 6 give pre-recorded advice on what to do before, during and after a flood, as well where to go to find road and travel information. Option 5 provides access to the Welsh language service.

The majority of calls are handled by a dedicated team of agents who only deal with Floodline calls. They are supported by a wider pool of agents who are fully trained in taking Floodline calls and also flood event trained agents, who are trained to answer the most common flood event enquiries such as how to prepare for flooding, how to find out the latest situation and directing reports of flooding.

The Floodline call centre experiences varying call volumes handling between 10,000 - 80,000 calls per year (plus an additional 4 times this number accessing the recording situation information), and a peak recorded number of 9,000 calls in one day.

Customer satisfaction scores are consistently extremely high and it is this dedication to continued excellent customer service which makes EFS important to us.

"I just wanted to say the adviser was brilliant - knowledgeable, patient, listened to me and explained things to me. Wonderful, wonderful, wonderful" (June 2017).

"It is very reassuring to have somebody personal at the end of the line, extremely important when people are stressed and in quite a lot of worry about flooding and I feel much more secure that I've got that back up. Thank you" (Oct 2017)



customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

www.gov.uk/environment-agency

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What can the Floodline call agents do for callers?

The call agents can provide the following information to callers:

- Confirm and explain the long term flood risk at the location of the caller's property or a property/location they are interested in
- Confirm which flood warnings and alerts are currently in force which may affect the caller, and provide the latest available information on the situation
- Provide advice on where the caller can obtain further information online about flood warnings in force
- Register a caller to receive flood warnings (by telephone, text and email) or make amendments to existing customer's accounts.
- Provide advice on how callers should prepare for flooding and what actions they should take during and after a flood
- Provide general advice on surface water flooding (e.g. who is responsible and how the surface water maps are produced), and other sources of flooding
- Pass reports of flooding from rivers or the sea to our Incident Hotline so that these can be logged and passed to the relevant local Area team if further action is required
- Pass reports of blockages in rivers which may result in or exacerbate flooding to our Incident Hotline so that action can be taken (where possible)
- Arrange for further information to be provided to the caller by the relevant Area office (e.g. to obtain a report for home insurance or regarding a planning application)
- Provide advice on who the caller needs to speak to if they are unsure of the responsibilities of responding organisations

Callers should not be advised to call Floodline simply if your organisation is unable to help them any further. They should only be told to call Floodline if they require any of the information listed above that falls under the EA/NRW's remit.

Why do we need EFS?

Feedback from previous flood events tells us that many people are passed from one organisation to the other when they are trying to obtain information. The public often do not know the different responsibilities of organisations who respond to flooding, and as Floodline is often the most visible number, they are asked a lot of questions for which they do not have the answers.

What the Floodline call agents cannot do for callers

Members of the public should not be advised to contact Floodline for the following:

- To arrange for water to be pumped out of flooded homes and businesses
- To report flooding when the source is known to be from surface water, the sewer system, a burst water main or any other source except rivers or the sea
- To arrange for blockages in drains, non-main rivers and other structures not maintained by the EA/NRW to be cleared
- To arrange for assistance with evacuations to rest centres

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

www.gov.uk/environment-agency

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What we would like the call agents to be able to do for callers through EFS

The aim of EFS is to improve the experience for callers whose query is outside Floodline's remit, and who we would otherwise have to redirect - specifically those who we may advise to contact their Local Council. Through EFS, we would like to be able to provide the answers to common and frequently asked questions regarding those things that may fall under the Local Council remit while educating them in who to contact in the future, such as:

- Sandbags or property level protection
- Drains, culverts, sewers or water mains**
- Surface water flooding, flooded properties or flooded roads
- Evacuation, rest centres, helping vulnerable people or longer term assistance
- Recovery following flooding
- Contacting the council or community assistance

These are the questions most frequently asked where we have to ask the caller to contact their council or other third party. **Signposting to third party organisations can be added to EFS, where it is locally specific, and provides only publically available details - for example the name and number of the local water company.

How does the service work?

The Floodline agents have an existing knowledgebase of frequently asked questions provided by the EA, NRW and SEPA.

EFS uses a series of topics for Local Councils to add local information to supplement the general information already available to the Floodline agents. This is then added into the knowledge base of information used by the agents to handle calls.

When a customer calls the Floodline call centre, they are asked to provide a postcode so that agent can provide location specific flood related information. It will also tell them who their Local Council is and whether they have provided information via EFS.

The agent can then use the EFS section to provide the information as required. If the information is not available or the caller requires further help, the call can be transferred to the local council. If a transfer is not possible the agent can email you on behalf of the caller. Transfers or emails can only take place if the local council has allowed us to do so by providing contact details and opening times.

For further information on the Topics that Local Councils can add via EFS, please read the document 'Knowledgebase Content - guidance on what information to provide for EFS'.

What are the benefits of EFS?

- Enables the public to obtain locally specific information alongside general advice in the same call
- Saves callers time and reduces possible frustration and anxiety
- Helps educate callers as to where to obtain this information in the future
- Free for Local Councils to join
- No training or log in details needed

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

www.gov.uk/environment-agency

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How to join EFS

Local Councils, including County Councils have two options to join the service. Using the template provided, you can choose to complete the FAQs section only, or you can additionally complete the Transfers section with contact details (telephone and email) for the Floodline agents to use to transfer callers. The agents cannot see the contact details you supply so these details will not be given to the public (unless you also include them in the answers to your FAQs).

In two-tier areas, information for County Councils and District Council can either be collated under the county council, or separately. However, councils must liaise with each other to avoid significant duplication or contradicting pieces of information. The Floodline agents are trained on the different roles of single and two-tier councils but there should be a clear distinction in your FAQ content. Transfer details must be associated to the relevant individual council.

How much of your time will EFS take up?

To join the EFS you will need to do the following:

- Read the background information and guidance materials provided.
- Write the FAQs for your council using complete the template provided (with or without contact details for transfers). Review the Terms of Service included on the template.
- Send your information to the local EA/NRW rep who will pass it to the National Flood Risk Services team, NFRS, (fwisteam@environment-agency.gov.uk) for checking and uploading.
- Incorporate EFS into your incident management arrangements - should the need arise, you can request urgent information to be briefed out to the Floodline agents as a temporary bulletin (eg major evacuations required) via the template provided.
- Review your FAQs when requested (every 12 months), or whenever changes are required.

Need further help?

If you have any further questions about the purpose of EFS and how it works, please contact your Environment Agency/NRW Area Primary User, or email fwisteam@environment-agency.gov.uk

customer service line
03708 506 506

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floodline
03459 88 11 88

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Kent County Council Flood Response Plan

Issue 7 (November 2019)

Plan owner: Director of Environment, Planning & Enforcement

From: Mike Hill, Cabinet Member for Community and Regulatory Services
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: Kent Resilience Forum Animal and Plant Health Emergency Plan

Decision No: 19/00074

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All

Summary:

The KCC Animal and Plant Health Emergency Plan has been updated, expanded and, due to its multi-agency content, re-designated as a KCC-led Kent Resilience Forum (KRF) document. New risks such as non-native mosquitoes and more detailed local planning in relation to Ashford Livestock Market and safeguards for welfare of animals in transit have been incorporated into the revised plan.

Recommendation(s):

The Cabinet Committee is asked (as shown at Appendix A) to:

- Endorse or make recommendations to the Cabinet Member for Community and Regulatory Services on the principle of re-designation of the corporate Animal and Plant Health Emergency Plan as a KCC-led KRF document; and
- Endorse or make recommendations to the Cabinet Member for Community and Regulatory Services on scope and content of the Animal and Plant Health Emergency Plan.

1. Introduction

- 1.1 Kent County Council is a 'Category 1 Responder' within the provisions of the Civil Contingencies Act 2004 and is legally bound to ensure plans are in place to respond to threats to life, property and the environment. For Kent, a 'major outbreak of exotic notifiable disease in animals' and 'notifiable plant diseases

and notifiable exotic invertebrate species destructive of plants' are both identified as significant risks within the KRF Community Risk Register. These risks to animal and plant health are a real concern for agricultural and land management industries and the wider community.

- 1.2 To support the effective planning for and response to such risks, KCC has in place an Animal and Plant Health Emergency Plan. This Plan has previously been utilised as a template for similar plans as far afield as South Africa, and the County Council's emergency planning team has worked closely with Government on a number of specific issues arising from the plan – including sitting on the national Ash Dieback Health and Safety Task Group.
- 1.3 This report presents a revised version of the Emergency Plan for consideration by Cabinet Committee following a review undertaken with partners both within and beyond KCC.

2. Plan Updates

- 2.1 The scope of and audience for the Animal and Plant Health Emergency Plan has been expanded and changed to reflect the multi-agency nature of this agenda. As such, the Plan is now presented as a Kent Resilience Forum (KRF) plan led by KCC, rather than a KCC corporate plan. Updates and revisions complement this transformation from a single agency to a multi-agency document.
- 2.2 The implications arising from a changing climate and associated expansion in some animal and plant disease ranges are also addressed within the updated Emergency Plan.
- 2.3 A notable addition to the revised Emergency Plan is a section addressing non-native mosquito species, some of which can act as vectors for serious human disease. Indeed, this issue was recently highlighted within the Government Environmental Audit Committee's inquiry into the impact of invasive species. The new appendix on non-native mosquito species and associated pathogens was developed with Buglife, the Dipterists Forum, Public Health England and Kent and Medway Biological Records Centre.
- 2.4 The revised Emergency Plan further incorporates new content addressing Ashford Livestock Market, resting fields and other welfare considerations for animals in transit. These additions are complementary to local planning for EU withdrawal.

3. Financial Implications

- 3.1 All costs associated with drafting, upkeep and associated training and exercising for this plan are covered by the core Resilience and Emergency Planning Service budget. Indeed, through improving the effectiveness of planning, response and recovery, the updated plan seeks to enable more cost-effective use of staff, assets and other County Council resources.
- 3.2 Historically, animal and plant health emergency response activity in Kent has resulted in significant expenditure by the County Council, notably during the Foot and Mouth Disease outbreak in 2000/2001. This outbreak was estimated by the National Audit Office to have cost the UK economy £8.6 billion, including £3 billion in direct costs to the public sector. It is estimated that the total impact could have been reduced by 40% if all infected premises had been dealt with within 48 hours of detection. Responses to recent Avian Influenza, Asian Longhorn Beetle and Ash Dieback outbreaks within the County have also resulted in significant expenditure by KCC services, including Resilience and Emergency Planning, Trading Standards and Highways. The Emergency Plan presented with this report seeks to further enhance local preparedness for any future such outbreaks.

4. Legal and Regulatory Requirements

- 4.1 The following legislation applies in relation to KCC and partner statutory duties and powers in the event of a notifiable or other serious animal or plant disease outbreak in the County: Civil Contingencies Act 2004; Animal Health Act 1981 (amended by Animal Health Act 2002); Aquatic Animal Health (England & Wales) Regulations 2009; Communities Act 1972; Plant Health Act 1967; Plant Health (England) Order 2015; and Wildlife and Countryside Act 1981. KCC is responsible for implementation and enforcement across a range of provisions included within these acts, including a number of Government responsibilities where the County Council acts as the enforcement agency.
- 4.2 In addition to legal and regulatory compliance obligations, animal and plant disease outbreaks can have a profound impact upon the wider economy, especially agriculture, tourism and the natural environment. Kent County Council has established a hard-won reputation for robust and effective leadership during the response to recent serious animal and plant disease outbreaks, including Foot and Mouth Disease, Avian Influenza and latterly Ash Dieback. The proximity of Kent to continental Europe and its gateway status for both people and goods places the county at the frontline of potential animal and plant health threats and constant vigilance and effective planning and response contingencies are therefore vital.

5. Next Steps

- 5.1 The draft plan is currently undergoing a consultation across KRF partners. This consultation will be concluded on the 25th November 2019.
- 5.2 The feedback from partners as well as the feedback from this Cabinet Committee will be used to inform a final version of the draft which the Cabinet Member for Regulatory and Community Services will sign off for KCC and which will subsequently be proposed for KRF sign off in February 2020.

6. Conclusion

- 6.1 Updates to the Animal and Plant Health Emergency Plan reflect legal and regulatory changes and the latest science within this area of resilience policy and practice. It is hoped that repositioning as a KCC-led KRF emergency plan will ensure wider partner engagement and enable more effective multi-agency co-operation to manage evolving threats and challenges.
- 6.2 The changes proposed are all designed to increase the value and influence of an already highly regarded and ground-breaking emergency plan.

7. Equalities Impact

- 7.1 An Equalities Impact Assessment has been undertaken to address the implications of animal and plant health disease outbreaks for individuals and communities. Effective arrangements to support affected communities are delivered through the revised and updated Animal and Plant Health Emergency Plan and associated contingency planning.

8. GDPR Considerations

- 8.1 Emergency planning and response sometimes require the County Council to collect, use and be responsible for certain personal information to ensure an appropriate response can be delivered. The General Data Protection Regulation means that the County Council will be responsible as a 'controller' of that personal information.

9. Recommendation(s):

The Cabinet Committee is asked (as shown at Appendix A) to:

- Endorse or make recommendations to the Cabinet Member for Community and Regulatory Services on the principle of re-designation of the corporate Animal and Plant Health Emergency Plan as a KCC-led KRF document; and
- Endorse or make recommendations to the Cabinet Member for Community and Regulatory Services on scope and content of the Animal and Plant Health Emergency Plan.

10. Appendices and Background Document

- Appendix A – Proposed Record of Decision
- Appendix B - KRF Animal and Plant Health Emergency Plan EqIA
- Animal and Plant Health Emergency Plan Public Version:
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5768&ID=5768&RPID=32964073>

11. Contact Details

Report Authors:

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Relevant Director:

Katie Stewart (Director of Environment, Planning & Enforcement), Growth, Environment and Transport, tel. 03000 418 827, e-mail katie.stewart@kent.gov.uk

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Mike Hill

Cabinet Member for Community and Regulatory Services

DECISION NO:

19/00074

For publication

Key decision*

Yes – County Wide impact

Subject: Animal Welfare and Health Emergency Plan

Decision:

As Cabinet Member for Community and Regulatory Services I agree to approve the KRF Animal and Plant Health Emergency Plan and statutory ACTSO appendix. (i.e. the Local Authority Exotic Notifiable Animal Disease Contingency Plan which is relevant to KCC Trading Standards and Resilience and Emergency Planning Service policy and practice) as a KCC led Kent Resilience Forum document). Once this strategic policy document is signed off, operational implementation will be the responsibility of the Heads of KCC Trading Standards and Resilience and Emergency Planning Service (supported by KRF partners).

Reason(s) for decision:

Kent County Council enforces a range of legal and regulatory duties in relation to animal and plant health. This plan sets out the powers and duties of KCC in this regard and incorporates the Association of Chief Trading Standards Officers statutory guidance on Notifiable Animal Disease response. A significant change is proposed to this standing document in making it multi-agency in reach through Kent Resilience Forum, though remaining KCC-led.

Cabinet Committee recommendations and other consultation:

Consultation has taken place with Kent Resilience Forum Partners.

The proposal will be discussed by Members of the Environment and Transport Cabinet Committee on 29 November 2019.

Any alternatives considered:

This is a statutory plan reflecting overarching regulation and legislation. Non-compliance would risk an inability to enforce appropriately with potential negative implications for the economy and environment of Kent. The 'gateway' status of the county and local importance of agriculture and the natural environment underline the importance of good biosecurity being maintained in Kent.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Growth, Environment & Transport

Name of decision, policy, procedure, project or service: KRF Animal & Plant Health
Emergency Plan

Responsible Owner/ Senior Officer: Tony Harwood

Version: 1

Author: Louise Butfoy

Pathway of Equality Analysis: Environment & Transport Cabinet Committee

Summary and recommendations of equality analysis/impact assessment.

- **Context**
The KCC Animal and Plant Health Emergency has been updated and expanded to reposition as KCC-led multi-agency document and is now titled; KRF Animal and Plant Health Emergency Plan, as was proposed by the Head of Resilience and Emergency Planning.
- **Aims and Objectives**
Testing the impact of the updated KRF Animal & Plant Health Emergency Plan on vulnerable communities
- **Summary of equality impact**

Adverse Equality Impact Rating Low

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning **KRF Animal and Plant Health Emergency Plan**. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: _____ Name: _____

Job Title: _____ Date: _____

DMT Member

Signed: _____ Name: _____

Job Title: _____ Date: _____

Updated 21/11/2019

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

No, however, some of the notifiable animal or plant diseases covered in the KRF Animal and Plant Health Emergency Plan are zoonotic, which means that they can be transferred from animals to humans. Individuals that are immunocompromised and/or have an immunodeficiency disorder may be more susceptible to zoonotic infection.

Additionally, Gov.uk advises that pregnant women should avoid close contact with livestock animals (cattle, sheep and goats) which have recently given birth to prevent potential contact with zoonotic infections such as chlamydiosis, Q fever, toxoplasmosis, and listeriosis.

Could this policy, procedure, project or service promote equal opportunities for this group?

N/A

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				<p>20% of Kent residents are aged 65+ compared to 18.3% of UK residents.</p> <p>Plan will enhance resilience against zoonotic disease outbreaks and will facilitate a more effective response to any outbreak.</p>
Disability				<p>17.6% of Kent residents are described as having their day-to-day activities limited due to disability, compared to 17.9% of England and Wales residents.</p> <p>Plan will enhance resilience against zoonotic disease outbreaks and will facilitate a more effective response to any outbreak.</p>
Sex				No specific impact on this characteristic.

<p>Gender identity/ Transgender</p>				<p>No specific impact on tis characteristic.</p>
<p>Race</p>				<p>93.7% of Kent residents are white compared to 85.4% of England residents.</p> <p>3.3% of Kent residents are Asian compared to 7.8% of England residents.</p> <p>1.5% of Kent residents are mixed / multiple ethnic groups compared to 2.3% of England residents.</p> <p>1.1% of Kent residents are Black / African / Caribbean compared to 3.5% of England residents.</p> <p>0.5% of Kent residents are of another ethic group compared to 1% of England residents.</p> <p>No specific impact on tis characteristic.</p>

<p>Religion and Belief</p>			<p>62.5% of Kent residents are Christian compared to 59.4% of England residents.</p> <p>0.5% of Kent residents are Buddhist compared to 0.5% of England residents.</p> <p>0.7% of Kent residents are Hindu compared to 1.5% of England residents.</p> <p>0.1% of Kent residents are Jewish compared to 0.5% of England residents.</p> <p>1% of Kent residents are Muslim compared to 5% of England residents.</p> <p>0.7% of Kent residents are Sikh compared to 0.8% of England residents.</p> <p>0.4% of Kent residents have another compared to 0.4% of England residents.</p>
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				<p>26.8% of Kent have no religion compared to 24.7% of England residents.</p> <p>No specific impact on tis characteristic.</p>
Sexual Orientation				No specific impact on tis characteristic.
Pregnancy and Maternity				Plan will enhance resilience against zoonotic disease outbreaks and will facilitate a more effective response to any outbreak.
Marriage and Civil Partnerships				No specific impact on tis characteristic.
Carer's Responsibilities				No specific impact on tis characteristic.

Part 2

Equality Analysis /Impact Assessment

Protected groups

(Who will be directly or indirectly negatively affected by the changes?)

Information and Data used to carry out your assessment

(Please list your data source and if you have it provide a link to source. Please highlight any gaps)

Who have you involved consulted and engaged?

(Please list stakeholders)

Analysis

(What have you found out and what does it tell you about the impacted protected groups? What did you stakeholders, including protected groups tell you?)

Adverse Impact,

(What is the effect on the protected group? Please state mitigation in the action plan)

Positive Impact:

(Please highlight any positive impacts in relation to protected groups)

JUDGEMENT

Set out below the implications you have found from your assessment for the relevant protected group(s). If any negative impacts can be justified please clearly explain why. Identify the option to address the impact. There are four possible options:

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken
- **Adjust and continue** - adjust to remove barriers or better promote equality
- **Continue the policy** - despite potential for adverse impact or missed opportunity. Set out the justifications: there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements.
- **Stop and remove the policy** – policy shows actual or potential unlawful discrimination it must be stopped and removed or changed

Internal Action Required YES/NO

There is potential for adverse impact on particular groups and we have found scope to improve the proposal...

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
N/A	N/A	N/A	N/A	N/A	N/A	N/A

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Have the actions been included in your business/ service plan? (If no please state how the actions will be monitored)
 Yes/No

Appendix

Please include relevant data sets

Updated 21/11/2019

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published .

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

Susan Carey, Cabinet Member for Environment

From: Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: Ash Dieback in Kent

Classification: Unrestricted

Electoral Division: All Divisions

Summary:

This report provides an update on Ash Dieback in Kent and describes the evolving local response and the outbreak's environmental and economic impacts. It further seeks to identify future trends and risks, as well as policy, staffing, financial and other resource implications for Kent County Council and its partners. The extent of the challenge is illustrated by the fact that the proportion of trees exhibiting Ash Dieback symptoms across Kent survey sites has increased by an average of 28% in the last year. Further, monitoring reveals that the cost to KCC Highways for felling and other safety interventions on Ash Dieback infected trees on the KCC Highways estate has increased by over 1,000% between 2014/15 and 2018/19 (up from £5,696 to £66,000).

Recommendation(s):

The Cabinet Committee is asked to:

- Note the significant threat Ash Dieback poses to the environment and economy of Kent and the leadership role being played by the County Council in the response to the outbreak; and
- Endorse the planning and response contingencies outlined within this report.

1. Purpose

- 1.1 It was agreed by Environment, Highways and Waste Cabinet Committee on 10 January 2012 that the Committee continue to receive regular updates on Ash Dieback. The last update was reported to Environment & Transport Cabinet Committee on 30 November 2017. This report outlines the evolution of the outbreak in Kent and other developments since the publication of that report and seeks to identify future trends, risks and resource implications for the County Council and its partners.

2. Background

- 2.1 Kent was a bridgehead into the British Isles from continental Europe for the introduced and invasive fungal pathogen Ash Dieback (*Hymenoscyphus fraxineus*). Within its native Far Eastern range, this organism is a harmless endophyte associated with Manchurian Ash (*Fraxinus mandshurica*) and Chinese Ash (*Fraxinus chinensis*). However, following its initial accidental introduction to Central Europe in the 1990s the fungus has infected native European Ash (*Fraxinus excelsior*) and a small number of related tree and shrub species, where it rapidly kills young trees and progressively brings about the death of individual twigs and branches within the crowns of more mature trees - through a cycle of annual infection and re-infection. This creates potentially dangerous standing dead wood and makes Ash trees susceptible to lethal secondary infection such as Honey Fungus. There is no treatment currently available to either prevent or cure Ash Dieback, though genetic resistance may facilitate a recovery of the Ash population in the longer term.
- 2.2 European Ash is Kent's most widespread tree, recorded in 930 of the county's 1,043 2km squares (89% of the county). Its landscape and biodiversity contribution are locally significant, especially at the urban edge and across the Kent Downs Area of Outstanding Natural Beauty and Greensand Ridge, where Ash is the dominant large native tree species and can support some 112 invertebrate species and 255 lichens. Ash forms a key component of the makeup of Kent's nationally significant ancient woodland heritage, where it is often the tallest canopy tree (on the Kent Downs AONB and Greensand Ridge for example) and allows for development of a uniquely diverse ground flora, in a UK context, by virtue of the light, dappled shade it creates.
- 2.3 Unfortunately, Kent's gateway status for international trade, sylvan landscape (with more surviving ancient woodland than any other county in the UK), large and growing population and extensive transport network means that this and other tree species are particularly exposed to such pathogens from overseas. Ash Dieback is now present across the entire County wherever Ash grows.
- 2.4 Survey work undertaken by the County Council identifies some 20,000 Ash present on KCC owned and maintained highway land, with as many as 0.5 million trees growing on private and unregistered land adjacent to highways, by-ways and other publicly accessible land, which has implications for future safety works and associated costs.
- 2.5 In response to the identification of Ash Dieback within the British Isles, KCC and Kent Resilience Forum partners initiated a Strategic Co-ordinating Group (SCG) in November 2012, in compliance with the Civil Contingencies Act 2004.
- 2.6 It was agreed that the County Council was best placed to assume the strategic lead. Tony Harwood (Resilience and Emergency Planning Manager) is SCG

chair and the Group continues to meet regularly to guide the multi-agency response.

3. Progress to Date

- 3.1 The Ash Dieback SCG acts to co-ordinate planning and intelligence gathering and implement a wide-ranging Action Plan (see Appendix 1) and has contributed to guidance for stakeholders (notably [Managing Chalara Ash Dieback in Kent](#) and [Ash Dieback Advice to Schools](#)). Public warning and informing signage, emphasising biosecurity guidance, has also been installed across key locations in the County.
- 3.2 KCC has undertaken annual Ash Dieback surveys since 2013, focussed upon nine randomly selected 2km square sample areas, and undertaken across the same sites every year, with three each in East, Mid and West Kent. Resultant survey data provides vital intelligence in terms of better understanding outbreak intensity, trends and associated health and safety and resource implications. The County Council recently contributed data to an influential scientific paper "[Estimating mortality rates of European Ash \(*Fraxinus excelsior*\) under the Ash Dieback \(*Hymenoscyphus fraxineus*\) epidemic](#)", published in December 2018.
- 3.3 Analysis of summer 2019 survey data indicates that a 'tipping point' has been reached, i.e. hitherto a range of biosecurity interventions had acted to contain and slow the spread of Ash Dieback in the County, however, the outbreak has now intensified and become County-wide. Biosecurity and containment policies initiated by the Ash Dieback SCG previously encompassed measures to prevent movement of potentially infective material by human-means out of heavily infected East Kent alongside pro-active maintenance interventions, such as removal of infected saplings and small trees wherever sporadic outlier outbreaks were identified in Mid and West Kent. Survey data indicates that this approach was previously successful in slowing expansion of the pathogen from its East Kent stronghold. However, latest survey data evidences a second infection front spreading Eastwards into Mid and West Kent from East Sussex and Surrey, with fungal spores likely carried on prevailing South Westerly winds (see Appendix 2).
- 3.4 The proportion of trees exhibiting Ash Dieback symptoms observed across the nine Kent survey sites has increased by an average of 28% between 2018 and 2019 (Appendix 4 provides a breakdown).
- 3.5 There is evidence from Kent and Denmark that the impact of Ash Dieback on street and other urban trees is less severe than in semi-natural habitats. This is due to lower levels of airborne fungal spores, increased air flow, higher canopy temperatures (limiting fungal development), and a lower likelihood of infection by secondary pathogens. However, a recent study has shown that trees in the

wider rural landscape, including agricultural land, are infected as readily as woodland trees.

- 3.6 Nationally, KCC remains an active partner within the Defra Ash Dieback Health and Safety Taskforce. Further, the Tree Council issued a UK [Toolkit](#) in February 2019, which is significantly informed by Kent's local response to the Ash Dieback outbreak. The County Council has also issued 'Trading Standards Alerts' forewarning the public and businesses of the risk of 'rogue traders' seeking to profit from the outbreak.
- 3.7 An e-learning package addressing biosecurity policy and practice and prominently featuring Ash Dieback has been developed by the Resilience and Emergency Planning Service with Learning and Development colleagues and has been completed by more than 420 KCC personnel to date. This training tool is now being marketed by the County Council to seek to recoup development costs.

4. Looking Forward

- 4.1 Local expansion and intensification of the Ash Dieback outbreak will inevitably result in year on year increases in urgent reactive health and safety tree works, with resultant impacts upon all relevant KCC budgets and most significantly Highways, Public Rights of Way and Access and the Resilience and Emergency Planning Service.
- 4.2 The current observed annual average rate of increase in Ash Dieback infection in the County, calculated from annual survey data, is 28.36% (with an average of 50.61% of Ash trees in the County now showing signs of infection). If this trajectory is maintained, by 2023 100% of Ash populations across Kent will be affected by Ash Dieback. However, there is some local evidence of individual trees showing natural resistance to the pathogen and for Ash in urban areas being less susceptible to infection than trees growing in semi-natural locations. It should be noted that following initial infection there is a time lag before extent of dieback, secondary infection and decay processes render trees unsafe. Therefore, the actual time horizon for the range of Ash Dieback impacts cannot be reliably forecast at this time.
- 4.3 Reflecting the exponential increase in documented Ash Dieback infection across the County and rising costs and challenges surrounding non-compliant private landowners, the County Council's Growth Environment and Transport (GET) Directorate Management Team raised Ash Dieback from a **medium** to a **high** risk on the GET Risk Register on 6th November 2019.

5. Financial and Other Implications

- 5.1 Monitoring reveals that the cost to KCC Highways for felling and other safety interventions on Ash Dieback infected trees on the KCC Highways estate has increased by **1,058%** between 2014/15 and 2018/19 financial years (up from £5,696 to £66,000). Though actual costs remain relatively low, it must be understood that we are still in the early stages of this outbreak. The recent exponential increase in extent and intensity of infection and a worsening prognosis, as evidenced by the latest survey data, suggests that the costs to the County Council and its partners will continue to increase year on year (see Appendix 3). So far, the cost to KCC Highways for the 2019/20 financial year is already **£58,265**.
- 5.2 KCC and partners operate policy and practice whereby minimum required interventions are undertaken to address identified safety concerns. This approach is enshrined within the Kent Tree Officers Group Ash Dieback Toolkit, adopted by KCC and all Kent Districts. This approach is locally deemed to be most appropriate in fostering genetic resistance, landscape, biodiversity and financial terms. KCC Highways does not currently have a tree replacement budget, and felled street trees are therefore not routinely replaced. The tree stock within the highway has therefore declined steadily since 2009 as the County Council removes more trees, due to their being identified as a potential danger, than are replanted.
- 5.3 In recognition of the potentially significant costs which will arise from Ash Dieback in the future, KCC submitted the required 'expression of interest' for a claim against the MHCLG administered Bellwin Scheme of Emergency Financial Assistance within the prescribed timescale. Where the criteria for the scheme are met, the grant is normally payable to authorities at 85% of eligible costs incurred above a threshold set for each authority (for KCC this remains £1,764,324). However, to date all costs captured fall below this qualifying threshold.
- 5.4 Projections indicate a potential eventual cost as high as £16 million for Ash Dieback related highway safety interventions in Kent (calculated on the basis that 4% of KCC street trees are Ash according to a recent County-wide survey, equating to some 20,000 individual trees, with a median cost for maintenance interventions, lane hire fees and other costs of £800 per tree). With as many as 0.5 million trees growing on private and unregistered land adjacent to the public highway, the eventual longer-term cost to KCC or Kent could be as high as £400 million. This figure is predicated upon the fact that interventions for trees on private and unregistered estates often incur legal and administrative costs for Local Authorities to find and engage with landowners e.g. Land Registry searches, serving of notices and follow-up action. Serving notices can

sometimes result in costly boundary disputes with private landowners. Dealing with trees on unregistered land can involve Local Authorities addressing all these issues themselves which requires additional resources. As wider context, research published in the journal *Current Biology* in May 2019 calculates the eventual cost to the UK of Ash Dieback as £14.8 billion. This figure is one third greater than the National Audit Office estimate for the total cost of the 2000/2001 UK Foot and Mouth Disease outbreak.

- 5.5 A practical concern amongst local stakeholders is facilitation, lane hire cost and management of road closures to undertake the necessary safety interventions in response to Ash Dieback impacts. At a recent Forestry Commission event, held with conservation organisations from across the South East, this was identified as a major operational obstruction to progress, with achieving effective co-operation between the County Council, landowners and contractors seen as a key challenge.
- 5.6 The maintenance of bespoke budget headings for Ash Dieback safety interventions and associated staff time devoted to Ash Dieback planning and response are key to understanding overall costs. All Districts, Boroughs and relevant KCC services are regularly reminded to capture of all costs arising from the Ash Dieback outbreak within their respective budgets. As a snapshot, officer time devoted to Ash Dieback interventions across KCC Highways and Resilience and Emergency Planning Service total some 318 hours in the current financial year alone.

6. Conclusion

- 6.1 Susceptibility of young trees to Ash Dieback is already preventing recruitment of new generations of Ash, while mortality of semi-mature and mature Ash is increasing, particularly in those locations where trees are subject to secondary infection and additional stressors such as drought or waterlogging. Kent is undergoing an ***Ash decline***, which will inevitably result in changes to our landscape and wildlife as profound as those experienced during the historic Elm and Lime declines. The resultant loss of street and other urban Ash is eroding urban tree cover and associated benefits from environmental services – including flood attenuation and sequestration of atmospheric carbon and other pollutants.
- 6.2 Increasing outbreak intensity and the resultant safety interventions are driving rising costs for the County Council, as associated planning and response activity ramp-up. It is therefore vital that ongoing cost recording, annual survey and analysis effort are maintained. This will enable informed decision making and measured and appropriate safety interventions.

6.3 Recovery considerations will also increasingly come to the fore and will encompass replacement of lost tree cover. Increasingly, counties impacted by Ash Dieback are framing policies addressing replacement of lost trees. For example, both Devon and Norfolk County Councils have now agreed a 3:2:1 tree replacement system, with three replacements for a large tree lost, two for a medium sized tree and one for a smaller tree. From a local perspective, it is crucial that KCC ensures records are maintained of how many Ash trees are lost from their estate informing any eventual tally to be replanted. This will allow for restocking once appropriate receptor sites are identified and a local recovery process is determined and funded. The development of a recovery strategy is currently being scoped by officers and will include consideration of the options for tree replacement. Guidance already produced by the County Council and partners recommends appropriate native tree species to replace the lost Ash, including Field Maple (*Acer campestre*), Small-leaved Lime (*Tilia cordata*) and Large-leaved Lime (*Tilia platyphyllos*). KCC Highways and Resilience and Emergency Planning Service continue to lobby Government and other potential sponsors on behalf of the County Council for a sustainable funding mechanism to be established to support such a recovery strategy.

7. Recommendation(s):

The Cabinet Committee is asked to:

- Note the significant threat Ash Dieback poses to the environment and economy of Kent and the leadership role being played by the County Council in the response to the outbreak; and
- Endorse the planning and response contingencies outlined within this report.

8. Background documents

Appendix 1: *KRF Ash Dieback Outbreak SCG Action Plan;*

Appendix 2: *Graph - Percentage of Ash with No Symptoms Comparison to Ash with Observed Symptoms 2017, 2018 & 2019;*

Appendix 3: *Percentage increases in trees exhibiting Ash Dieback symptoms observed across all survey sites between 2018 and 2019; and*

Appendix 4: *Graph - Cost to KCC Highways, Transportation & Waste for the Felling & Pruning of Ash Dieback Infected Ash of KCC Estate.*

9. Contact Details

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Kent Resilience Forum (KRF)
Ash Dieback Outbreak
Strategic Co-ordinating Group (SCG)

ACTION PLAN

1. Introduction

- 1.1 At the initial Kent Resilience Forum (KRF) Ash Dieback Outbreak Strategic Coordinating Group (SCG), held on 16th November 2012 it was agreed that an Action Plan would be drafted to provide clear direction to local, cross-border & national partners as to the response to be implemented across Kent & Medway in support of the agreed multi-agency Gold Strategy and the Interim Chalara Control Plan.

2. Background

- 2.1 Media reports widely cite the impact of the fungus Ash Dieback (in Denmark, where a 2010 estimate stated that some 60-90% of Ash trees were affected and may eventually die¹. Since the announcement in October 2012 of confirmed cases in the UK, the outbreak has been reported widely by national and local media with much speculation as to the fate of our Ash trees. The latest reports² quote Danish scientists as suggesting that up to 95% of UK Ash trees could eventually be affected. However, annual tetrad surveys undertaken in Kent are indicating a clear and sustained geographical variation in local infection rates (with east Kent and seminatural habitats such as wet woodland and scrub, and woodland on thin and free draining soils, such as on the chalk, hardest hit). Trees in urban situations, such as street trees, are not generally exhibiting the rates of infection seen in trees growing in semi-natural habitats.
- 2.2 Such headlines have generated significant local concern as Ash (*Fraxinus excelsior*) is the most widespread tree species found in Kent, with records from 930 of the county's 1,043 tetrads (or 2km squares)³. Some 112 invertebrates feed directly upon ash, and this figure increases significantly when associated predators and parasites are considered⁴. In addition, some 255 lichens have an especial association with the alkaline substrate afforded by Ash bark⁵. The tree forms a component of high forest, coppice woodland

¹ European and Mediterranean Plant Protection Organization (2010)

² Denmark's ash disease dieback toll poses warning to UK. Jeremy Cooke (BBC Rural affairs correspondent) – 20th November 2012

³ A New Atlas of the Kent Flora. E.G. Philp 2010

⁴ UK Biological Records Centre Database of Insects and their Food Plants and T. Harwood

⁵ Pasture and woodlands in Lowland Britain and their importance for the conservation of the epiphytes and invertebrates associated with old trees. Nature Conservancy Council & The Institute of Terrestrial Ecology

and hedgerow habitats across Kent, and is also a prominent feature of our urban landscape, as street trees and within parks and gardens. Kent also supports the largest extent of surviving ancient woodland within the UK. If Ash Dieback takes hold in the UK at the rate and extent experienced in Denmark, and elsewhere within Continental Europe, it will bring profound change for the landscape, ecology and rural economy of Kent.

- 2.3 Practical challenges are posed by the threat of unprecedented numbers of deteriorating trees, growing on private and public land, and to the safety of public spaces, pedestrian and bridle routes, the railway network and highways. The risk that “rogue traders” will seek to profiteer from the outbreak is another key concern.

Local Action Plan

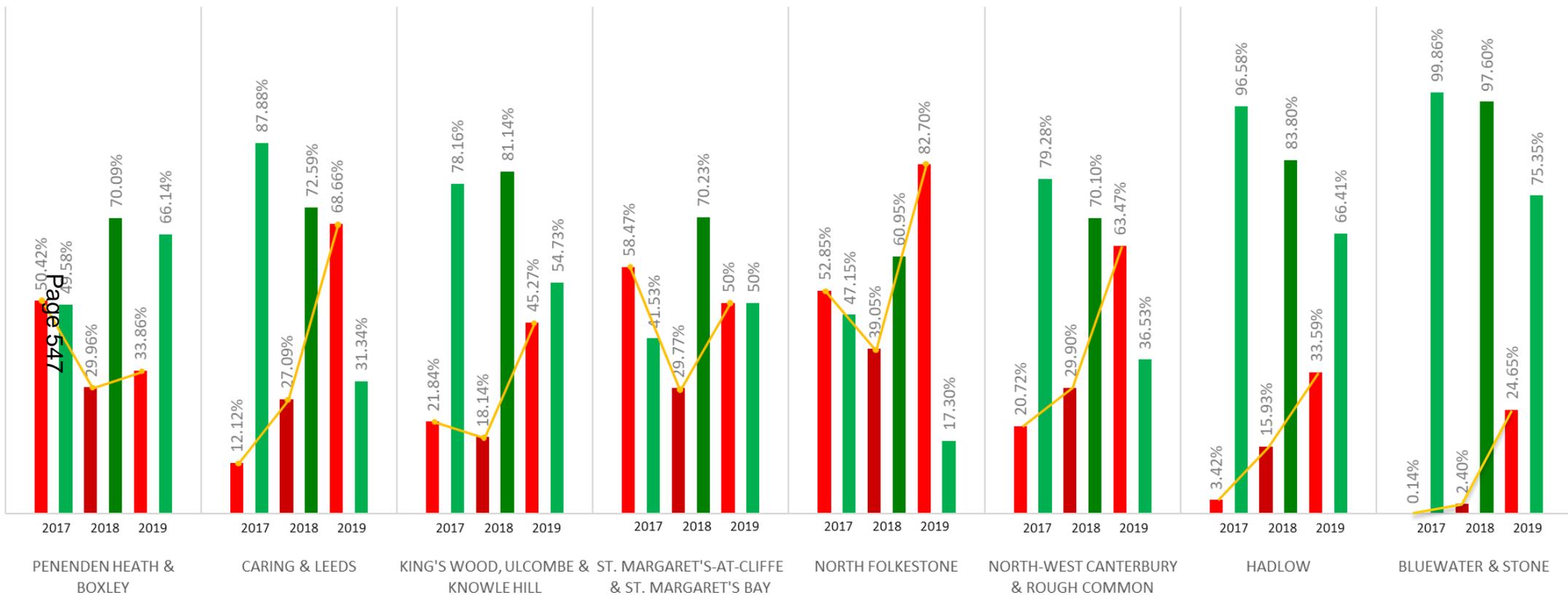
Responsible Owner (Tactical Co-ordination): **Chair of Kent Resilience Forum Ash Dieback Strategic Co-ordinating Group**

	Key Targets	Performance Measure	Accountability	Timescale	RAG
1.	Command, Control & Co-ordination (C3): Establish robust C3 arrangements (incl. relevant plans & protocols) to support effective & proportionate local, cross-border & national response arrangements				
1.1	Effective multi-agency C3 structure, Gold Strategy and Action Plan in place, being implemented, monitored and communicated.	Regular SCG meetings and information sharing with local and national partners. Engagement with Defra Ash Dieback Health and Safety Task Group.	Strategic Coordinating Group	Ongoing	Green
1.2	Bio-security tool-kit / guidance to seek to contain level of Ash Dieback spread within county, with specific focus upon tackling spread from natural environment into parks, gardens and other urban green space.	Ash tree management guidance note produced and circulated in paper and electronic format. Focus on preventing movement of potentially infective material. Local eradication of infected trees where sporadic outbreaks identified	Strategic Coordinating Group	1 st May 2014 (with updates as required)	Green
1.3	Ensure measured, cost-effective systems in place for ongoing monitoring and assessment of Ash Dieback spread.	Systems in place: Annual (June) tetrad monitoring (x9) of symptomatic Ash; Cooperation with Kew, John Innes Centre, Mendelova Univerzita v Brne, Queen Mary University London on development of methodology to calculate rate of attack.	Strategic Coordinating Group	Ongoing	Green
1.4	Ensure baseline asset and tree safety audit data for Ash on public land informing identification of required staffing / contractor / financial resources.	Audits in place.	Strategic Coordinating Group	Ongoing	Green

	Key Targets	Performance Measure	Accountability	Timescale	RAG
1.5	Plan and deliver multi-agency tree health awareness training events, addressing identification and biosecurity.	Events delivered on rolling programme. KCC e-Learning tool developed.	Strategic Coordinating Group	Ongoing	Green
1.6	Public information signs produced and installed at entrances and on notice boards at publicly accessible sites supporting Ash across Kent and Medway.	Circa 4,000 Chalara public information signs circulated to key stakeholders and installed at suitable locations.	Strategic Coordinating Group	Signs installed from end of calendar year 2012 (and ongoing)	Green
1.7	Tree strategy for Kent and Medway, incorporating re-planting, natural regeneration and dead wood retention (saproxylic wildlife) policies.	Incorporated into Kent Environment Strategy. Draft Tree Action Plan completed March 2018, yet to be published.	Strategic Coordinating Group	Final draft presented to KES June 2018	Amber
1.8	Monitor and address financial recovery implications of outbreak for key partners, including financial record keeping and investigation of Bellwin scheme, HLF bids and other potential reparation options.	Financial recovery strategy agreed.	Strategic Coordinating Group	Ongoing	Amber

PERCENTAGE OF ASH WITH NO SYMPTOMS COMPARISON TO ASH WITH OBSERVED SYMPTOMS SUMMER 2017, 2018 & 2019

■ Symptoms Observed 2017 ■ No Symptoms 2017 ■ Symptoms Observed 2018 ■ No Symptoms 2018 ■ Symptoms Observed 2019 ■ No Symptoms 2019

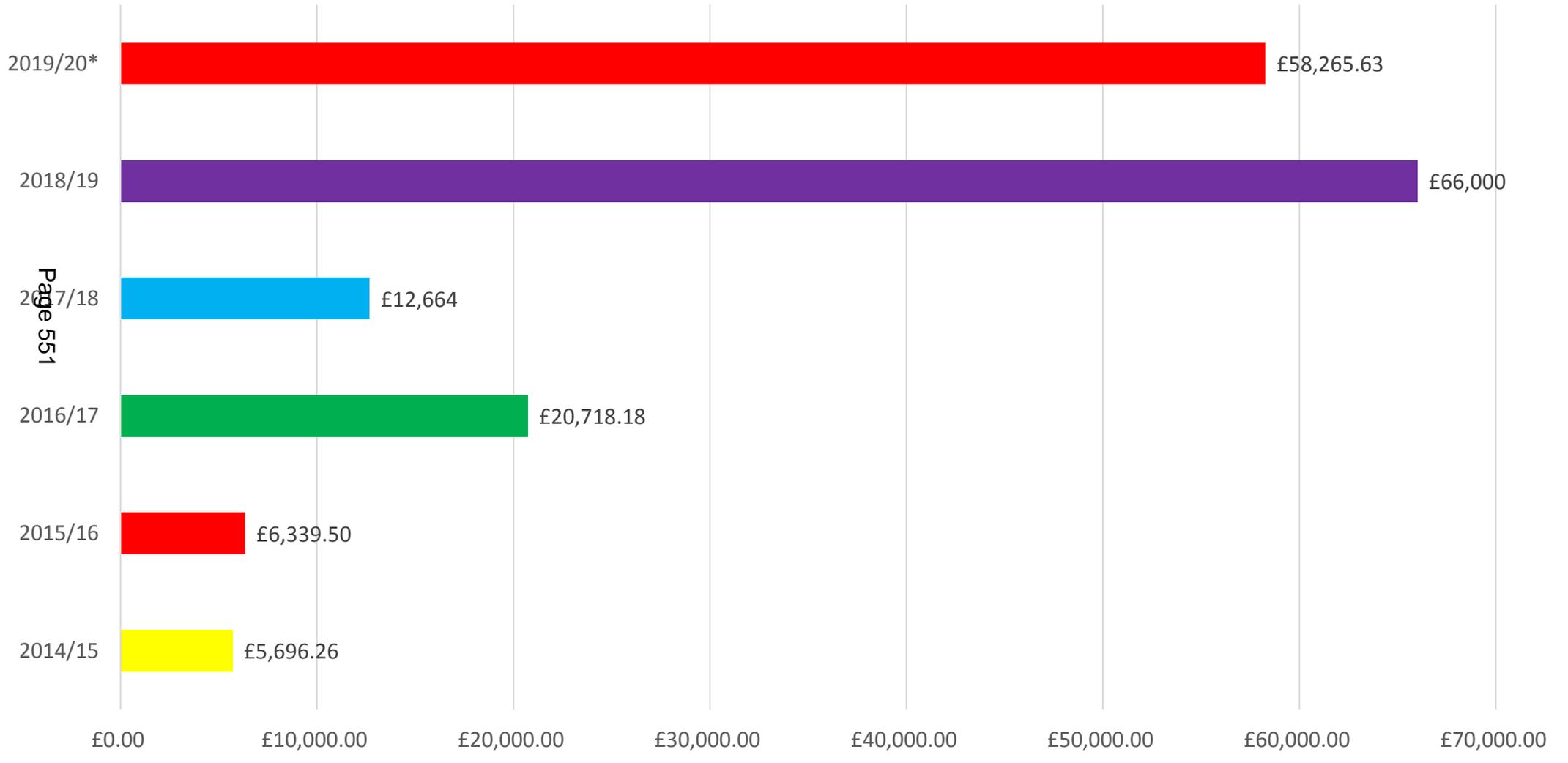


The percentage increases in trees exhibiting Ash Dieback symptoms observed across all survey sites between 2018 and 2019 are as follows:

- Penenden Heath & Boxley: **3.90%** (from **29.96%** of trees surveyed showing ADB symptoms in 2018 to **33.86%** in 2019);
- Caring & Leeds: **41.57%** (from **27.09%** of trees surveyed showing ADB symptoms in 2018 to **68.66%** in 2019);
- King's Wood, Ulcombe & Knowle Hill: **27.13%** (from **18.14%** of trees surveyed showing ADB symptoms in 2018 to **45.27%** in 2019);
- St. Margaret's-at-Cliffe & St. Margaret's Bay: **20.23%** (from **29.77%** of trees surveyed showing ADB symptoms in 2018 to **50.00%** in 2019);
- North Folkestone: **43.65%** (from **39.05%** of trees surveyed showing ADB symptoms in 2018 to **82.70%** in 2019);
- North-West Canterbury & Rough Common: **33.57%** (from **29.90%** of trees surveyed showing ADB symptoms in 2018 to **63.47%** in 2019);
- Hadlow: **17.66%** (from **15.93%** of trees surveyed showing ADB symptoms in 2018 to **33.59%** in 2019);
- Bluewater & Stone: **22.25%** (from **2.4%** of trees surveyed showing ADB symptoms in 2018 to **24.65%** in 2019); and
- Cranbrook: **45.33%** (from **8%** of trees surveyed showing ADB symptoms in 2018 to **53.33%** in 2019).

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Cost to KCC Highways, Transportation & Waste for the felling & pruning of Ash Dieback infected Ash on KCC estate.



* To October 2019

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From: Mike Hill, Cabinet Member for Community and Regulatory Services
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: Gypsy and Traveller Service: Proposed approach to the setting of fees and charges

Classification: Unrestricted

Past Pathway of Paper: n/a

Future Pathway of Pathway of Paper: n/a

Electoral Division: Canterbury City North, Cranbrook, Dover North, Malling Central, Malling North East, Sevenoaks Rural North East, Sevenoaks West, Sittingbourne North

Summary: This report updates the Environment and Transport Cabinet Committee on progress in the review of policies supporting the operation of the Council’s Gypsy and Traveller Service. It follows the presentation of the draft Pitch Allocation and Site Management Policy to the Committee in October. This report presents the proposed approach to the setting of fees and charges, which along with the Pitch Allocation and Site Management Policy, will be subject to consultation in the New Year.

Recommendation: The Cabinet Committee is asked to discuss and make recommendations to the Cabinet Member for Community and Regulatory Services on the proposed approach to the setting of fees and charges to enable full cost recovery.

1. Introduction and background

- 1.1. Kent County Council (KCC) owns and manages eight settled Gypsy and Traveller sites and manages a further two sites on behalf of Maidstone Borough Council. Out of the 4,522¹ estimated Gypsy and Travellers living in Kent, approx. 343 residents² live on the eight sites owned and run by the KCC Gypsy and Traveller Service (GTS), and a further approximately 140 residents on the two GTS-managed sites in Maidstone.

¹ Office for National Statistics: Census 2011, CT0769 Metadata – Ethnic group: Gypsy, Traveller, Roma, Gypsy/Romany

² Gypsy and Traveller Service Census 2016, encompassing the eight KCC owned sites.

- 1.2. As reported to the Committee in July, the GTS is undertaking a fundamental review of both the sites it manages and the service it provides in order to deliver a more effective service whilst ensuring sustainability.
- 1.3. This report presents the latest development in this review – the proposed approach to the setting of fees and charges for Gypsy and Traveller sites that KCC owns and manages. It follows the presentation of the draft Pitch Allocation Policy to the Committee in October and will be followed in the New Year by a full draft fees and charges policy and schedule, and the asset management review of the full suite of sites.

2. Background

- 2.1. As a reminder to the Committee and as reported previously, the County Council has no statutory obligation to provide or manage Gypsy and Traveller sites. Rather, the responsibility for providing accommodation to the Gypsy and Traveller community rests with the district and borough councils through national planning policy, which KCC supports through the provision of 131 pitches in total across eight sites located in six districts. Therefore, it is critical that the service aims to achieve cost neutrality to the extent possible.
- 2.2. In running the service and its sites, a significant proportion of the GTS's activity is funded by income provided by pitch licence fees, which are intended to cover the costs of running and managing the sites.
- 2.3. Historically, however, the Council has been limited in what it could charge for pitch fees, as the process for setting fees was out of the Council's hands. The District Valuer Services (DVS) in the past have assessed and set 'rent' for Gypsy and Traveller sites.
- 2.4. Since 2016, it has been down to the local authority to set its own rent levels, albeit with a need to have regard to provisions in the Local Government Act and Mobile Homes Act (see para 3.2 below). Taking the historic rent levels set by the DVS as a baseline, pitch fees have been agreed with individual district authorities in line with the localised rent affordability calculations for social housing within any particular district or borough. The resulting pitch fee was calculated by comparing similar charges of rent in the locality and the condition of the accommodation.
- 2.5. Critically, the rent levels set covered only partial cost recovery for the service, to which the GTS has applied Retail Price Index (RPI) uplift only. As a result, fees have not kept in line with market rents and have fallen significantly behind in relation to actual costs.
- 2.6. In addition, whereas historically the service has been able to draw on a reserve for site maintenance, this reserve has been almost entirely exhausted in recent years, leaving the service very little budget for proactive or reactive maintenance of the sites, hence the need for an Asset Management Plan to inform fees and charges that allow sufficient proactive maintenance.

3. Local and national context and constraints

- 3.1. In setting fees and charges for Gypsy and Traveller sites, the local authority may have more discretion than previously when the DVS set rates; however, the Council is bound by national legislation in the Mobile Homes Act 1983 and the Local Government Act 2003 and other national guidance in charging “reasonable” fees and charges. The Mobile Homes Act specifically sets out limitations as to the way in which pitch fees are set and allows for residents to object when setting new pitch fees, such that a court order may be required to implement the new fees.
- 3.2. The Local Government Act ensures that charges set by local authorities should not exceed the cost of providing the relevant service. It is therefore critical that the service is as robust as possible in developing any cost model and subsequent fees and charges policy.
- 3.3. As a result of these national legislative constraints, further engagement with the Ministry of Housing, Communities and Local Government (MHCLG) will be undertaken as part of the development of KCC’s proposed fees and charges policy.
- 3.4. In addition, it is critical that KCC engages with the district and borough councils given their statutory responsibility for providing accommodation to the Gypsy and Traveller community. This engagement is particularly crucial in respect of ensuring that links to the districts’ provision of Housing Benefit (HB) are effectively made.

4. Proposed approach to the setting of fees and charges

- 4.1. With those constraints in mind, however, the service is proposing an approach to setting fees and charges that is based on **full cost recovery**. This is a shift from the earlier approach adopted by the service which saw only the recovery of direct costs, and which has now become unsustainable.
- 4.2. In addition, the service is continuing to develop a **robust asset management approach** to the sites, from which an Asset Management Plan will be developed to help inform the fees and charges that are set by the service. In this way, the Service will be learning from and moving to the same principles of sound asset management that other KCC services have moved in recent years including Public Rights of Way and highways.
- 4.3. By moving to full cost recovery and an asset management approach, the service will be able to provide a more sustainable service and an appropriate standard of quality across all sites, and to ensure value for money in providing the service.
- 4.4. The service is also committed to providing a **transparent and fair approach** to the setting of fees and charges. It is specifically worth noting that the Gypsy and Traveller community is protected under the Equality Act 2010 as a protected characteristic, and therefore, particular care must be taken to ensure that all policies are fair.

- 4.5. To this end, as a discretionary service, fees and charges should balance a realistic 'not for profit' return for the local authority with a reasonable charge to the residents for the services provided. They should also compare fairly with rents set nationally and locally by Registered Social Landlords and peer councils providing Gypsy and Traveller accommodation.
- 4.6. The resulting framework will be developed against a full assessment of the cost of the service to provide the sites, and the Asset Management Plan which will be presented to the Committee in the New Year, currently planned for March. The basic elements of the proposed framework are highlighted in the following paragraphs:
- 4.7. **Principles:** It is proposed that the following **principles** underpin the approach to the setting of fees and charges:
- **Viability** – sufficient income is generated to support the work of the GTS, ensuring sites are managed effectively and efficiently, protecting the interests of all residents and ensuring sustainability of the service provided;
 - **Transparency** – the system of setting and apportioning the pitch fees and charges is transparent; and
 - **Fairness** – the fees and charges set are fair, eliminating discrimination and promoting equality of opportunity
- 4.8. **Basis of full cost recovery:** In order to assess the basis for full cost recovery, the service is reviewing all costs associated with the running of its sites in providing a reasonable standard of accommodation, including:
- Direct costs of the service, including staffing;
 - Indirect costs of the service, including overheads for the provision of service, such as staff accommodation, ICT and management costs; and
 - Costs of maintaining the sites, including proactive and reactive asset maintenance as defined by the Asset Management Plan
- 4.9. **Fees and charges:** It is current proposed that the direct and indirect costs of providing the service along with some elements of the maintenance of sites will be covered by the **pitch fee**, whilst the introduction of a **service charge** is proposed to cover the costs of maintaining communal areas and services. The exact composition of the pitch fee and service charge will be subject to confirmation in the final fees and charges policy.

- 4.10. In addition, the service will charge for services for the repair and replacement of facilities if caused by a resident either through intentional damage, neglect or unauthorised works.
- 4.11. **Benchmarking:** In order to ensure the fees set are compliant with national legislation and guidance, a benchmarking exercise will be undertaken to compare the fees identified from the above full cost recovery calculation.
- 4.12. By way of context, the tables at **Appendix 1** show an overview of current benchmarking against the Council's Peer Group (Table 1) as well as regional average social rents as charged by Registered Social Landlords (RSLs) (Table 2). It demonstrates that the service is currently charging less than most of its peers and even more so against RSLs.
- 4.13. **Support for residents unable to pay:** The service will continue to work with residents that are finding it difficult to pay their fees and charges. The service is proactive in supporting residents to access benefits and/or other financial assistance where required. Where the resident is experiencing difficulty paying, the service will seek to put in place a payment plan for any debt accrued, providing advice and support as required to ensure the payment plan is effective. This plan works with the resident's circumstances to try to ensure they are able to pay their debt as effectively as possible.
- 4.14. **Debt enforcement procedure:** The proposed approach will include a debt enforcement procedure which starts once a resident is in arrears on payment of a fee or charge, with the service working with the resident to put in place a payment plan as indicated in 4.12. Where a resident either does not engage with the development of a payment plan or does not follow such a plan, there are clear stages to escalating the collection of the debt. This is supported by the employment in the service of a compliance officer, part of whose job it is to actively pursue the collection of debts owed to the service.

5. **Equalities Implications**

- 5.1. An Equality Impact Assessment (EqIA) will be undertaken to inform the development of the draft Fees and Charges Policy.

6. **Financial, GDPR and HR Implications**

- 6.1. The financial implications of the draft policy will be presented alongside the resulting draft fees and charges policy and schedule which will be presented to Cabinet Committee in the New Year, currently planned for March. However, the policy's aim of moving to full cost recovery for the service provided in maintaining the sites should provide greater financial sustainability to the service.
- 6.2. Further financial modelling will be undertaken to ensure that: there are adequate mitigations in place should there be any increase in fees or charges, that residents

are not disadvantaged financially, and that residents are supported to meet their obligations. Mitigations could include the phased introduction of increases to fees and charges. If the proposed increases are significant, officers will include options for the phased introduction of the increases in the next report to this Cabinet Committee.

- 6.3. The proposed approach to the setting of fees and charges does not contain nor consider any personal data and therefore there are no GDPR implications to report.

7. Legal implications

- 7.1. Any charges requested by KCC are based on the provisions contained in the Local Government Act 2003. Charges should not exceed the cost of providing the relevant service.
- 7.2. Fees and charges will have to be set with regard to the Mobile Homes Act 1983 (as amended) and the Housing Act 2004, which sets out how Gypsy and Traveller Site pitch fees may be reviewed and changed.
- 7.3. To this end, as indicated at para 3.3, the GTS will be engaging with MHCLG in the development of the proposed policy and resulting schedule.

8. Risks

- 8.1. Whilst the early benchmarking in **Appendix 1** would suggest that the indicative fees and charges are comparatively low, with any increase in fees and charges, there is a risk of some residents being either unable or unwilling to pay. In the case of the former, the GTS will continue to work positively with residents to connect them to financial support/assistance where appropriate. Where residents are in debt, a first step is for the GTS to work with the resident to put in place a payment plan.
- 8.2. Where residents are unwilling to pay, a full debt enforcement procedure will be clearly set out in the draft policy, and a compliance officer is in place within the GTS who is actively pursuing the collection of debt where necessary.

9. Conclusion, Next Steps and Timescales

- 9.1. By delivering a fee and charge setting process that has parity with national benchmarking, the local market and social housing, KCC will be delivering a comparable and fit-for-purpose fee setting and charges policy.
- 9.2. The Service is currently underway with a full asset management review, informed by condition surveys of the eight sites in question. An Asset Management Plan will be developed on the back of this review, which will set out programmes of proactive and reactive maintenance. This Plan will help inform the draft fees and charges policy and schedule.

- 9.3. In addition, the Service will be engaging with MHCLG in developing the draft fees and charges policy in order to ensure compliance with the relevant legislation. The Service will also be engaging with districts as part of this process.
- 9.4. It is intended that the Service will present the resulting Asset Management Plan and draft fees and charges policy and schedule to the Committee in March.
- 9.5. An optional briefing for Members on the draft Pitch Allocation and Site Management Policy, the proposed approach to the setting of fees and charges and on wider priorities and work of the KCC Gypsy and Traveller Service will be organised for the New Year.
- 9.6. Finally, it is worth noting that the Service is also developing the Unauthorised Encampments policy which will also be presented to the Committee in the New Year.

Recommendation: The Cabinet Committee is asked to discuss and make recommendations to the Cabinet Member for Community and Regulatory Services on the proposed approach to the setting of fees and charges to enable full cost recovery.

Background Documents

Appendix 1 – Benchmarking with comparators

Report Authors:

Jayne Collier-Smith, Project Manager Gypsy and Traveller Service.
Pal Sandher, Head of Gypsy and Traveller Service.

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Appendix 1 – Benchmarking with other comparators

Table 1: Comparison of Council Gypsy and Traveller Site charges across KCC's Peer Group (19/20)

<i>Council G&T Provision Nationwide</i>	<i>Managed in-house</i>	<i>Registered Social Landlord managed</i>	<i>Rental income per week</i>	<i>Service charge per week</i>	<i>Total average charges per week</i>
Kent County Council	Yes	No	£56 - £75	N/a	£63
Ashford BC (district)	Yes	No	£41	£45	£86
Bath & NE Somerset (unitary)	No	Yes	£65 to £108	N/a	£86
Durham CC (unitary)	unknown	unknown	£70	N/a	£70
East Lothian (district)	unknown	unknown	£82.88	N/a	£82.88
Essex CC	Yes	No	£60 to £80	N/a	£70
Gloucestershire CC	No	Yes	£60	N/a	£60
Leeds City Council (unitary)	Yes	No	£100+	N/a	£100+
North Somerset CC (unitary)	No	Yes	£65 to £108	N/a	£86
Oxford CC	Yes	No	£75 to £99	N/a	£87
Wakefield (district)	unknown	unknown	£87.36	N/a	£87.36

Table 2: Average Affordable Rents supported housing/housing for older people gross rents per region, 2018 £ per week

All PRPs

Region	Gross Rent1
East Midlands	162.13
East of England	179.79
London	207.81
North East	155.34
North West	142.83
South East	167.59
South West	159.59
West Midlands	176.03
Yorkshire and the Humber	150.64
England	166.43

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From: Benjamin Watts, General Counsel

To: Environment and Transport Cabinet Committee on 29 November 2019

Subject: Work Programme 2019 -2020

Classification: Unrestricted

Past and Future Pathway of Paper: Standard agenda item

Summary: This report gives details of the proposed work programme for the Environment and Transport Cabinet Committee.

Recommendation: The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme for 2019/20.

1. Introduction

- 1.1 The proposed Work Programme, appended to the report, has been compiled from items in the Future Executive Decision List and from actions identified during the meetings and at agenda setting meetings, in accordance with the Constitution.
- 1.2 Whilst the Chairman, in consultation with the Cabinet Members, is responsible for the programme's fine tuning, this item gives all Members of this Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

2. Work Programme 2019/20

- 2.1 The proposed Work Programme has been compiled from items in the Future Executive Decision List and from actions arising and from topics, within the remit of the functions of this Cabinet Committee, identified at the agenda setting meetings [Agenda setting meetings are held 6 weeks before a Cabinet Committee meeting, in accordance with the Constitution].
- 2.2 The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in appendix A to this report, and to suggest any additional topics to be considered at future meetings, where appropriate.
- 2.3 The schedule of commissioning activity which falls within the remit of this Cabinet Committee will be included in the Work Programme and considered at future agenda setting meetings to support more effective forward agenda planning and allow Members to have oversight of significant services delivery decisions in advance.
- 2.4 When selecting future items, the Cabinet Committee should give consideration to the contents of performance monitoring reports. Any 'for information' items

will be sent to Members of the Cabinet Committee separately to the agenda and will not be discussed at the Cabinet Committee meetings.

- 2.5 In addition to the formal work programme, the Cabinet Member for Economic Development, the Chairman of the Cabinet Committee and other interested Members are intending to visit all district councils over the next two years starting with Dover, Dartford, Swale and Thanet.

3. Conclusion

- 3.1 It is vital for the Cabinet Committee process that the Committee takes ownership of its work programme to deliver informed and considered decisions. A regular report will be submitted to each meeting of the Cabinet Committee to give updates of requested topics and to seek suggestions for future items to be considered. This does not preclude Members making requests to the Chairman or the Democratic Services Officer between meetings, for consideration.

5. Recommendation: The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme for 2019/20.

6. Background Documents: None

7. Contact details

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Environment and Transport Cabinet Committee - WORK PROGRAMME 2019/20

Item	Cabinet Committee to receive item
Portfolio Dashboard	At each meeting
Budget Consultation	Annually (November/December)
Final Draft Budget	Annually (January)
Annual Equality and Diversity Report	Annually (June/July)
Risk Register – Strategic Risk Register	Annually (March)
Winter Service Policy	Annually (September)
Bus Feedback Portal update	Quarterly
Strategic Delivery Plan Monitoring	Bi-Annual (every six months – November & May)
Work Programme	At each meeting

23 January 2020				
No.	Item	Key Decision	Date added to WP	Additional Comments
Page 5 of 5	1	Intro/ Web announcement (Standing Item)		
	2	Apologies and Subs (Standing Item)		
	3	Declaration of Interest (Standing Item)		
	4	Minutes (Standing Item)		
	5	Verbal Update (Standing Item) TP – update		
	6	Performance Dashboard		
	7	Financial Monitoring		
	8	Bus Feedback Portal (Quarterly)	NO	Deferred from November 2019
	9	Waster transfer station Folkestone & Hythe (key decision)	YES	
	10	Transport for the South East (TfSE) - Transport Strategy Consultation - response from KCC		
	11	Proposed Adoption of the Kent Downs AONB Management Plan 2019 - 2024	YES	22/08/2019
	12	Kent Biodiversity Strategy		23/09/2019
	13	Update report on a range of emergency planning work outside of Brexit preparations		
	14	Work Programme (Standing Item)		
		EXEMPT		
	15	Contract Management (Standing Item)		

24 March 2020				
No.	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)			
2	Apologies and Subs (Standing Item)			
3	Declaration of Interest (Standing Item)			
4	Minutes (Standing Item)			
5	Verbal Update (Standing Item)			
6	Performance Dashboard (Standing Item)			
7				
8	Gypsy and Traveller Unauthorised Encampment Strategy		22/08/2019	
9	Work Programme (Standing Item)			
	EXEMPT			
9	Contract Management (Standing Item)			

Page 566

15 May 2020				
No.	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)			
2	Apologies and Subs (Standing Item)			
3	Declaration of Interest (Standing Item)			
4	Minutes (Standing Item)			
5	Verbal Update (Standing Item)			
6	Performance Dashboard			
7	Heritage Strategy		27/09/2019	Requested by Tom Marchant
8	Work Programme (Standing Item)			
	EXEMPT			
9	Contract Management (Standing Item)			

Items for Consideration that have not yet been allocated to a meeting	
17/00084 – A247 Sutton Road, Maidstone at its junction with Willington street	
18/00037 - M2 Junction 5	
North West Maidstone Transfer Station	Requested at E&T Cabinet Committee on 16 July 2019.
Natural Capital	
Road Crossing Patrol Policy (Decision)	
Tunbridge Wells Transport Strategy	
Transport for South East (TfSE) - endorse TfSE proposal	Joe Ratcliffe has advised that due to the Secretary of State's letter informing TfSE that they cannot apply for statutory status at this time, there will be no final proposal in September. Return of paper to Cabinet Committee will depend on Government.
Update report on the North West Maidstone Transfer Station	Requested at E&TCC on 16 July 2019
Update report on Serious Organised Crime	Requested at E&TCC on 16 July 2019
Update report on Brexit	Requested at E&TCC on 16 July 2019
Gypsy and Traveller Service Charge and Rent Setting Policy (Decision)	January (TBC)
Gypsy and Traveller: Pitch Allocation and Site Management Policy (Decision)	January (TBC)
ADEPT – Live Labs (update report)	Requested at E&TCC on 10 October 2019
Brexit (update report)	Requested at E&TCC on 10 October 2019

From: Michael Payne, Cabinet Member for Highways and Transport
 Simon Jones – Director of Highways, Transportation and Waste

To: Environment and Transport Cabinet Committee – 29 November 2019

Subject: **Highways Term Maintenance Contract - Position Paper**

Classification: Part 1 Report – Unrestricted

Part 2 Appendix A - Exempt as defined in Schedule 12A of the Local Government Act 1972

Future Pathway of Paper: Cabinet Committee – 13 January 2020

Electoral Division: Countywide

Summary:

This report provides the Environment and Transport Cabinet Committee with:

- The background to the current Highway Term Maintenance Contract
- Work undertaken to date to progress the CSKL delivery option
- An outline of an alternative delivery option
- Details of key timescales and resourcing requirements going forward.

Recommendation:

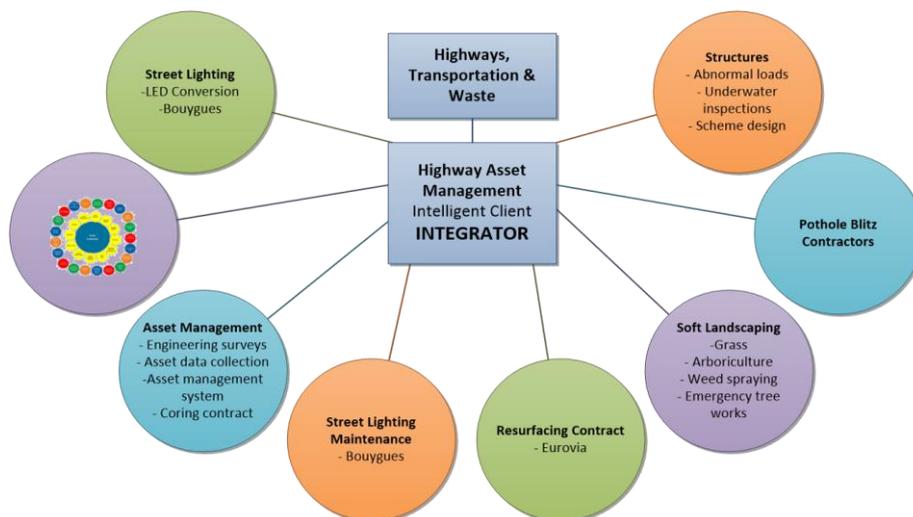
The Cabinet Committee is asked to note and comment on the report.

1. Introduction

- 1.1 As presented to ETCC in November 2017, the Highway Term Maintenance Contract (HTMC) is currently delivered by Amey and expires on the 31st August 2020. At the meeting, following a full and detailed commissioning project it was agreed that the HTMC would be extended for 24 months. This was formally ratified on the 10th April 2018 through the Cabinet Members Decision 17/00124.
- 1.2 During the commissioning project undertaken in 2017, significant officer time and resource was dedicated to reviewing the specifications and contractual clauses in accordance with industry best practice. Much of this work (about 75%) is still current today.
- 1.3 The HTMC is managed by the Highway Asset Management (HAM) team who are responsible for highway related assets totalling £25bn as shown below:



1.4 As an intelligent client within Highway, Transportation and Waste (HTW), HAM is responsible for managing a range of different contracts to deliver an effective Highway Services for the public. The HTMC is part of the current delivery model as shown below:



1.5 The range of services included with the HTMC are:

- Routine Maintenance (carriageway & footway repairs)
- Highways Improvement Schemes <£100,000
- Structures Maintenance
- High Speed Road Maintenance - including Traffic Management
- Emergency and Out of Hours Response
- Winter Service
- Drainage Improvements and Repairs
- Patching and Small Resurfacing
- Signs Maintenance and Improvements (non-illuminated only)
- Lining Maintenance and Improvements
- Gully and soakaways and catch pit emptying
- Barrier repairs and maintenance

- 1.6 A new delivery model is required as the current arrangement is due to expire on 31st August 2020.
- 1.7 Members have given strong direction that any new delivery model should:
- Take back control
 - Change the current provider
 - Maximise 'pounds in the ground'
 - Use local SMEs
- 1.8 Operationally it is also important to:
- Maintain current services levels and customer response times
 - Better manage current market price pressures
 - Secure statutory services - Emergency Response and Winter
 - Improve performance (productivity)
 - Enhance intelligent client with efficiencies across whole service
 - Continue to access and exploit technology and innovation (R & D)

2. Delivery Options

- 2.1 Four options for the future provision of these services have been considered, as set out below.
- Option 1 – Extend the contract with Amey for a further year (until August 2021).
- Option 2 – Re-procure on a like-for-like basis.
- Option 3 – Disaggregate the contract and procure smaller contract packages, with the Council taking on the management and integration role.
- Option 4 – A partnering (Highway Alliance) model developed jointly between the Council and Commercial Services Kent Limited (CSKL) under the Holdco umbrella.
- 2.2 HTW were asked to further explore Option 4 which resulted in KCC and CSKL working together to develop the strategy and produce a Business Case. In addition, a Project Board was set up to provide direction and monitor progress. Membership included:
- HTW HAM
 - CSKL
 - Corporate Finance
 - Human Resources & Organisational Development, and
 - Internal Audit
- 2.3 As part of this business case, CSKL identified that a formal instruction was required prior to the end of November 2019 to allow sufficient time to demobilise the Amey contract effectively before its expiry date and mobilise any new contracts.

3. CSKL Proposal

- 3.1 The proposal by CSKL was a Highways Alliance to be established through a Teckal organisation within the Commercial Services Group.
- 3.2 The delivery model would manage the 'core services' listed at paragraph 1.5 which would be transferred on the commencement of the new arrangement from 1 September 2020.
- 3.3 The new Alliance would include the incumbent contractor's staff and operatives (currently 220), the respective CSKL staff (approximately 10) and the respective KCC HAM team (currently 117 – 46% of total team). All staff would transfer under TUPE into the Teckal organisation on commencement of the new arrangement.
- 3.4 A business case was developed and submitted to KCC on 5 November 2019.
- 3.5 In the absence of a formal competitive dialogue, Corporate Finance sought external validation of the business case as a means of due diligence of this key and significant contract. PriceWaterhouseCoopers LLP (PWC) were commissioned to undertake an independent appraisal of the proposal to test the business case against the following criteria:
 - Financial viability
 - Appropriateness of CSKL as a delivery model
 - Timing

4. PWC Feedback

- 4.1 The full Assessment Report has been included in Appendix A. A summary of the findings is included below:
- 4.2 Financial Viability
 - Sustainability; cost analysis identified low margin on high level of spend with the risk being no margin for error. This would leave a financial risk to KCC, the report questions the sustainability of the proposal.
 - Capability; the report raised a question around CSKL current capability to incorporate a multimillion-pound diverse service taking all of the staff and the overhead impact.
 - Commissioning; the report challenged the business assertion that CSKL could source better value for money compared to an external provider.
 - Start Up Costs; the report noted significant investment would be required to mobilise the service. Furthermore, the ability to deliver tangible savings through transforming and streamlining the services were not detailed over the long term.

4.3 Appropriateness of CSKL as a delivery model

- There is a heavy reliance on key skills and capability required from TUPE'd resources and recruitment which could affect key milestone delivery. This was reflected as their overhead commitment was deemed to be low.
- Progressing through a programme of transformation to redesign the services and streamline process/resources will require significant time and investment.

4.4 Timing

- A number of critical milestones within the project plan are at risk, with mobilisation due to have commenced in November. This puts the September 2020 transfer at risk.

Recommendations

4.5 A formal market engagement process should be undertaken by KCC that encompasses both the external providers which include the local supply chain and SMEs.

4.6 Further consideration should be given to the longer-term transformation plan and the associated impacts.

4.7 Explore the possibility of a staged transition and an extension agreement that see the services move across to the Alliance on an incremental basis.

5. Risks of CSKL Model

5.1 In addition, a risk register (as is usual for all projects) has been prepared by KCC officers, the key risks being:

Ambitious Commencement Date

5.2 A September 2020 commencement date of all services could put key statutory services (winter and emergency response) at risk through October 2020 to May 2021. Examples of local authorities implementing a Highway Service through a Teckal arrangement have shown that it takes 18 to 24 months to deliver so the viability of implementing this delivery model in nine months is unproven.

Service Quality and Reputation

5.3 With the implementation of any new strategic contract on an accelerated programme, there is a risk that service quality may diminish through the bedding in period with the simultaneous transfer of all services. This could last up to six months (to March/April 2021) and could directly affect the Winter Service period.

5.4 The transfer of 46% of HAM staff into the Highway Alliance will break up the intelligent client team which will require a restructure within the HTW directorate.

- 5.5 Deconstructing the HAM service in this way could impact all services including those beyond the HTMC scope.

Key Personnel (TUPE Transfer Risk)

- 5.6 The TUPE transfer list will not be confirmed until the date of the transfer which prevents accurate planning for the number of staff that would transfer. It would be unlikely that staffing gaps could be fully backfilled within sufficient time which will put the 2020 winter service at risk.

No Deal Brexit

- 5.7 A No Deal Brexit still poses a risk over the coming months. There will be a resource strain to prepare for a No Deal outcome at the same time as implementing the Alliance. Both tasks will require the same resources and could be undermined by the transfer of staff into the Alliance.

Key Personnel (Recruitment)

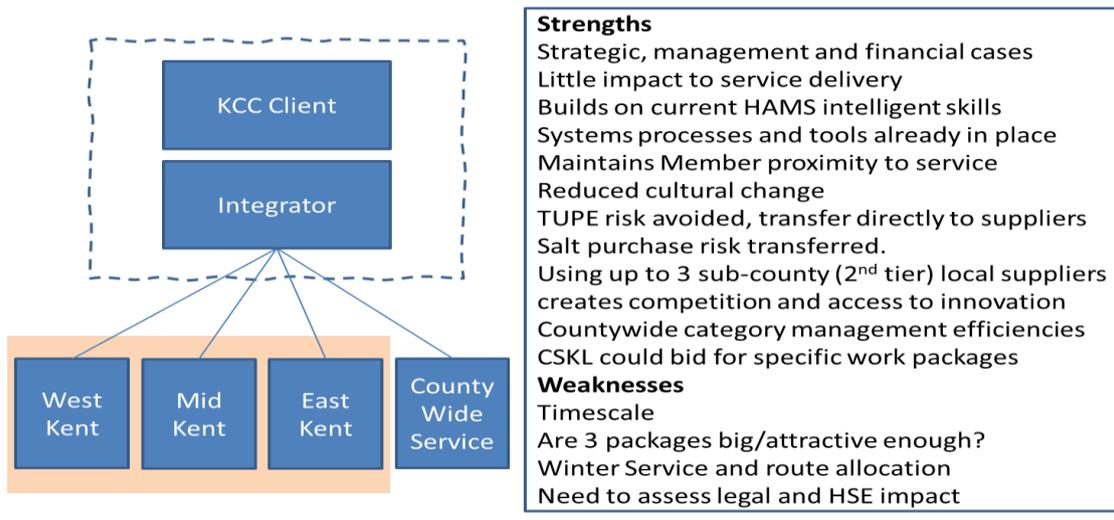
- 5.8 The highway industry is competitive (demand outstrips labour supply) and a recruitment process could take some time to appoint the suitably qualified and experienced candidates to the Senior Management team responsible for the Highway Alliance. Notice period could be as long as six months.

ICT, Plant and Material Costs

- 5.9 There will be significant upfront costs to mobilise prior to service commencement, that KCC will be required to fund. This will include plant (e.g. winter service fleet), materials (e.g. salt purchase (£1.25m) and labour (e.g. staffing costs), as well as ICT systems and equipment.

6. Alternative Delivery Model

- 6.1 Taking the risks in to account, HTW were asked to consider an alternative to the CSKL Alliance model which would in effect minimise risk delivery whilst still achieving the priorities identified earlier at paragraphs 1.7 and 1.8.
- 6.2 In summary, this model brings forward Option 3 with HAM building on its proven track record as the integrator, directly commissioning services as evidenced in paragraph 1.4. HAM will strengthen their intelligent client function and take back control of the HTMC core services.
- 6.3 This model would involve HAM undertaking a number of procurements for specific services such as capital drainage works, pothole blitz and drainage cleansing before September 2020. Furthermore, HAM would also consider how core services could best be delivered on a more localised basis, possibly on a west, mid and east Kent basis with specialist services being delivered county wide as shown below



- 6.4 However, taking account of restricted timelines and staff risks, it would be recommended that the core services including work following statutory inspections, winter and emergency services would be retained by Amey for the period between October 2020 and April 2021, although the procurement of a new provider(s) will have commenced in the summer of 2020.
- 6.5 During the previous commissioning project completed in 2017, a significant amount of work was completed to define future specifications, outline service improvements and engage with the market. This invaluable work will reduce the preparation time required before procurement commences.
- 6.6 Further market engagement would take place in early 2020 to identify which services could be separated from the core contract and how the scope of services could be delivered in the future. After finalising negotiations with Amey, KCC would commence procurement of descoped services prior to September 2020. To preserve winter, day to day and emergency response service delivery, Amey would continue delivering these aspects until June 2021. This will allow for a smooth demobilisation of the contract.
- 6.7 In the immediate future, it is proposed that KCC seeks an alternative Drainage Capital Works delivery model ready for April 2020. As the delivery is low risk due to the minimal TUPE obligations, KCC will procure a multi supplier framework to deliver these works. This coincides with the increased capital funding allocated for the next three financial years.

7. Benefits and Risks of Option 3

7.1 The benefits of the direct delivery model include:

- KCC has a proven track record of discrete service commissioning and integration. This alternative arrangement avoids breaking up a proven client team. Examples include the Pothole Blitz (10 SME contractors), Street Lighting Term Services (Bouygues) and Road Asset Renewal (Eurovia) contracts.
- Furthermore, the revised timescales reduce the service failure risk of emergency responses and winter service. The opportunity to deliver a managed handover from Amey can be achieved, especially with the management of a potential TUPE transfer of 220 employees.

- This approach will maintain access to innovation within the industry while also strengthening KCC's asset management capability with DfT which directly impacts funding received annually.
- This option also partly mitigates financial pressures in the 2020/21 financial year and reduces setup/mobilisation costs. With the breaking up of the services into individual contracts, KCC can realise its objective to reduce fee-on-fee costs by working directly with contractors, rather than through a third party.

7.2 Multiple core service suppliers will provide competition in procurement and also operational, financial and productivity comparators. However, there are risks and these include:

- There may not be sufficient market capacity to deliver this proposal. The size of the contract may not generate sufficient appetite within the contract and will need to be explored throughout market engagement.
- The allocation of depot resources between multiple contracts could be problematic due to the different level of facilities between main and satellite depots. This will need to be reviewed for the different contracts.

8. Finance

8.1 To mobilise this new service could cost up to £575k. These resources would be required up to June 2021.

8.2 It is expected that any new procurement and delivery model will present a price increase of up to £2.5m. This is unavoidable as future rates will become more in line with the market and KCC's expectations for improved performance and delivery. This uplift has been recorded in the Medium-Term Financial Plan.

8.4 Dependent on when new arrangements are procured, there could be an in-year pressure as services are descoped from Amey to other contractors.

8.5 In addition, there could be a small uplift in contract management costs due to the individual contracts being procured but these will be detailed in the report to cabinet in January.

9. Commissioning Advisory Board (CAB)

9.1 A Highways Term Maintenance Position Paper was presented to CAB on the 20 November 2019.

- 9.2 The Board were largely supportive of Option 3 but identified the following risks and concerns:
- Contract management risk
 - Timescales risk
 - Requirement to vigorously test the financial aspects and deliverability of Option 3
 - Identify the performance metrics to measure success
 - Evaluate the capacity of the market before implementing the strategy
- 9.3 Corporate Finance and Internal Audit are part of the HTMC Programme Board in order to ensure that risks and costs are taken properly identified and taken into account
- 9.4 Market engagement to test the capacity will be conducted in early 2020. This will ensure KCC fully understands the supply chain to recommend an appropriate way forward prior to undertaking competitive procurement. This will include reviewing the individual service areas to identify the most appropriate commissioning route.
- 9.5 It is proposed that regular progress reports are provided to both this Cabinet Committee and CAB.

10. Next Steps

- 10.1 A report will be presented to Cabinet on 13 January seeking approval to progress a preferred delivery model. The report will also seek appropriate delegated authority for the Corporate Director for Growth, Environment and Transport in consultation with the Cabinet Member for Environment and Transport to commence and conclude specific commissioning and procurement processes.
- 10.2 A programme to deliver Option 3 has been provided in Appendix B. Key milestones are as follows:
- December 2019 – April 2020*
- 10.3 Negotiations with Amey to be finalised to identify those services to remain in the core contract. Identified services will need to be procured prior to September 2020.
- 10.4 Market engagement to inform and seek approval of the future delivery model post 2020. Considerations of risks including TUPE, market capacity and appetite of options will need to be identified.
- 10.5 As detailed in paragraph 1.2, the specification and contractual document review will not be as onerous as the work completed in 2017. This work can be updated in accordance with industry best practice prior to the strategy approval. This will minimise the timelines required compared to starting the project from scratch.
- 10.6 Finalise and seek approval of the procurement strategy to deliver the preferred model of delivery.
- 10.7 Procure the Drainage Capital Works solution for April 2020.

May – November 2020

10.8 Commence direct delivery of the transferred services identified in 6.1 and 6.3. Start the procurement of the core services contracts. Mobilise and instruct Amey for the delivery of the winter service period for the last time.

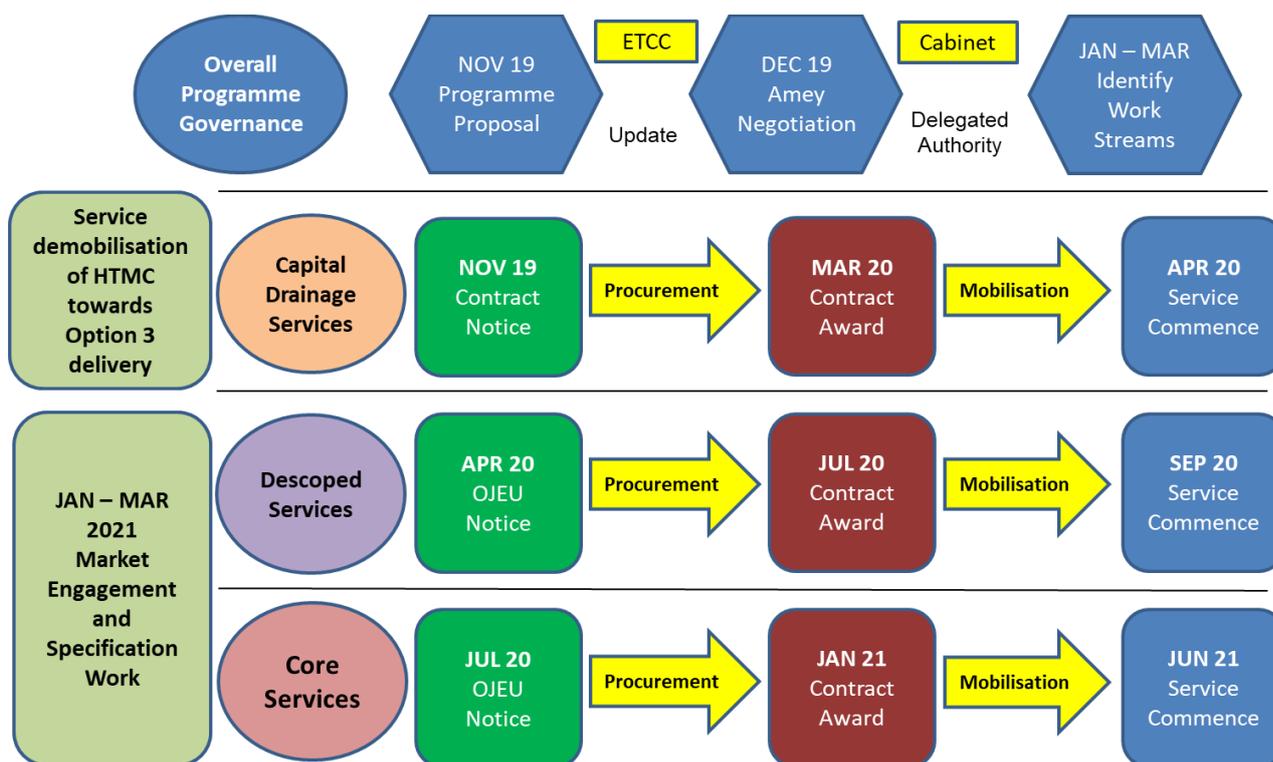
December 2020 – May/June 2021

10.9 Award and mobilise the new arrangements for the winter and emergency contracts. Continue to work with Amey to demobilise their contract.

10.10 Finalise Amey’s exit from the Highways contracts and implement the full-service commencement of new arrangement.

10.11 Throughout this whole process there will be regular reviews by Corporate Finance, Human Resources & Organisational Development, and Internal Audit to provide appropriate diligence against the delivery of Option 3.

10.12 An illustration of our short-term programme delivery has been provided below.



11. Recommendation

11.1 The Cabinet Committee is asked to note and comment on the report.

12. Report Author

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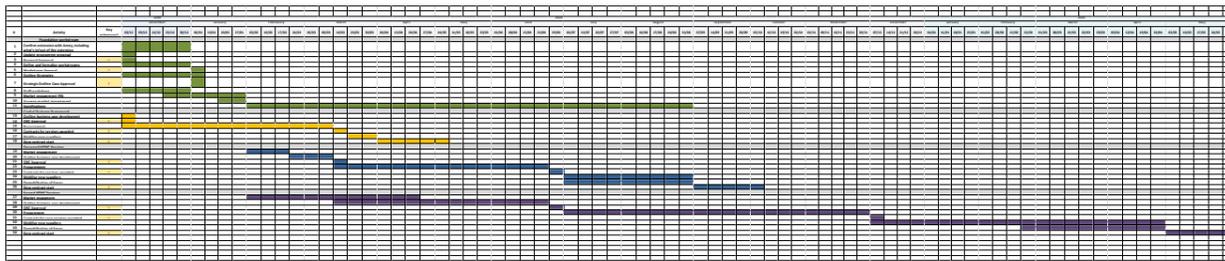
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