

## KENT COUNTY COUNCIL

---

### **ENVIRONMENT, HIGHWAYS AND WASTE POLICY OVERVIEW AND SCRUTINY COMMITTEE**

MINUTES of a meeting of the Environment, Highways and Waste Policy Overview and Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 4 November 2010.

PRESENT: Mr C Hibberd (Chairman), Mr M B Robertson (Vice-Chairman), Mr J R Bullock, MBE, Mr N J Collor, Mr J M Cubitt, Mr M J Harrison, Mr J D Kirby, Mr S Manion, Mr R F Manning, Mr R A Pascoe, Mrs E M Tweed and Mr M J Whiting

ALSO PRESENT: Mr N J D Chard

IN ATTENDANCE: Mr M Austerberry (Executive Director, Environment, Highways and Waste), Mr S Allum (Mobility Management Team Leader), Mr N Bateman (Head of Technical Services), M D Beaver (Performance And Technology Manager), Mrs R Best (Signs & Lines Manager), Mr D Hall (Head of Transport & Development), Mr R Hallett (Directorate Finance Manager - EHW), Mr B Haratbar (Head Of Countywide Improvements), Mr J Hawkins (Project Manager, Transformation), Mrs E Milne (Team Leader Natural Environment & Coast) and Mrs K Mannering (Democratic Services Officer)

#### **UNRESTRICTED ITEMS**

*Prior to the commencement of the meeting the Chairman informed Members that it was his intention to take the Items in the following order B6, B4, B5, B1 – B3, B7 – B11.*

#### **1. Membership**

*(Item A2)*

The Committee noted that Mr R F Manning replaced Mr W L Richardson.

#### **2. Minutes - 14 September 2010**

*(Item A5)*

RESOLVED that the Minutes of the meeting held on 14 September 2010 are correctly recorded and that they be signed by the Chairman.

#### **3. Change to Keep Succeeding**

*(Item B6)*

(1) "Change to Keep Succeeding" set out a proposed new structure for the senior management of Kent County Council. It was presented to meetings of the Council's Cabinet, Scrutiny Board and Cabinet Scrutiny Committee in the week commencing 11 October 2010. On 15 October Kent County Council started a period of formal consultation on the proposed new senior management structure with the 25 staff impacted by the proposal. At the same time a wider informal consultation was commenced which was open to all staff and partners. The consultation period ended

on 3 December 2010. A report would then be made to full Council on 16 December for a revised management structure and plans for the implementation of that structure. The target was to implement the change in structure, subject to consultation and the decision of the County Council on 16 December, by 4 April 2011.

(2) The Committee received a presentation on the report, the management structure it proposed, and the process for consulting with staff.

(3) During debate the following issues were raised:-

- Countryside Access – PROW – an excellent team of officers and volunteers. Concern was expressed that the team was included within Customer and Communities – Members preferred these functions were not moved from their existing location
- Every effort should be made to avoid impairing the ability of KHS to deliver
- Members were informed that it would be the Director's remit to adjust functions, and opportunity would be given to comment on the final structure
- Country Parks and Kent Downs – AONB – the work of the team had increased and Members preferred these functions were not moved from their existing location
- Clarification was requested in relation to the procedure to be adopted for slotting staff into new posts in the structure, and for those staff that were not being slotted in. Hay Panels would be set up for some posts. Mr Hawkins undertook to supply the necessary information.

(4) RESOLVED that the report be noted.

#### **4. Briefing on the Marine and Coastal Access Act 2009 and Marine Conservation Zones**

*(Item B4)*

(1) Mrs Milne gave a presentation on the Marine & Coastal Access Act 2009 and Marine Conservation Zones. The paper circulated provided a brief overview of the 2009 Marine and Coastal Access Act and its new provisions. The Act aimed to ensure clean, healthy, safe, productive and biologically diverse oceans and seas, through a number of new management measures and the establishment of a Marine Management Organisation (MMO). One such measure was the creation of a network of ecologically coherent Marine Protected Areas, which would be enhanced by the designation of new Marine Conservation Zones. The Balanced Seas Project was identifying sites off Kent's coast for recommendation as Marine Conservation Zones.

(2) The MMO had a wide range of responsibilities, overseeing the implementation of measures introduced by the Act:-

- New marine planning system
- New marine licensing regime
- Creation of a network of marine protected areas
- Replacement of the Sea Fisheries Committees with Inshore Fisheries and Conservation Authorities (IFCAs)
- Improved environmental data and information

- Creation of a continuous signed and managed public access route around the English coast.

(3) The Marine and Coastal Access Act enabled the creation of a new type of Marine Protected Area, called a Marine Conservation Zone (MCZ). The purpose of the MCZ was to protect nationally important marine wildlife, geology and geomorphology.

(4) Key dates for the project were:-

- June 2010 – submission of first report to the SAP to provide broad areas of interest that met the broad-scale habitats and other criteria of the Ecological Network Guidance. No specific MCZ sites were identified at this stage.
- June 2010 to May 2011 – the project would then build on this initial assessment, developing several themes that would eventually lead to the identification of proposed MCZ sites.
- June 2011 – submission of recommended MCZ sites to Defra.

(5) The process for identifying the proposed MCZs was already underway and the County Council was engaging at the local level to ensure all local considerations (socio, economic and environmental) were included in the identification of the recommended Marine Conservation Zones. There was still the crucial question of how the MCZs would be managed and therefore work would be required, following the submission date of June 2011, to minimise the impact on water users whilst still realising the conservation targets of the designation.

(6) RESOLVED that subsequent reports be submitted to the Committee relating to:-

- (a) Coastal Access elements of the Marine Act; and
- (b) recommendations for Marine Conservation Zones from the Balanced Seas Project.

## **5. Floods and Water Management Act**

*(Item B5)*

(1) Mrs Milne gave a presentation on the Floods and Water Management Act. The Floods and Water Management Act 2010 designated Lead Local Flood Authorities at Unitary or County Council level. Lead Local Flood Authorities were required to co-ordinate the strategic management of local flood risk (arising from surface water, groundwater and ordinary watercourses) and to approve and adopt Sustainable Drainage Systems. Kent County was at significant risk of local flooding and the new powers placed a substantial burden on KCC to manage the risks. The paper circulated provided an introduction to the new responsibilities and detailed initial work on their implementation at KCC.

(2) An outline of the new flood risk management responsibilities for KCC arising from the Act and Regulations were set out in the report. As Lead Local Flood Authority, Kent County Council would be required to:-

- Develop local partnerships.

- Develop, maintain, apply and monitor a Flood risk management strategy for Kent.
- Investigate and maintain a flood register.
- Adopt additional permitting powers.
- Approve, adopt and maintain Sustainable Drainage Systems (SUDS).
- Meet the requirement of the Flood Risk Regulations (2009) and identify and map areas of significant local flood risk and prepare a strategy for mitigation of this risk.
- Review and scrutinise the exercise of flood and coastal risk management functions in Kent.

(3) A summary of progress that KCC had made to date in implementing the Act and Regulations; and a summary of the key activities that would be undertaken over the next twelve months were set out in the report.

(4) Funding for the full implementation of the Act was still being determined by Defra. The SUDS functions would be funded separately through application, inspection and adoption fees; the Minister was currently consulting on the mechanisms for funding SUDS and the appropriate fees. The other additional burdens would be met by Defra, funding for which would be announced shortly. To date £100,000 had been received to undertake the Dover SWMP and £30,000 to undertake the PFRA.

(5) RESOLVED that:-

- a subsequent report be submitted to the Committee once capacity assessment was completed and the allocation of funding for flood management in Kent was confirmed by central government; and
- further reports on the implementation of the responsibilities be submitted to the Committee.

*Mrs Milne was thanked for two very informative presentations.*

## **6. Cabinet Member's Update**

*(Item B1)*

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

Local Enterprise Partnership (LEP)

*Kent Highway Services*

Future Highways - procurement update; Road Classifications; Permit Scheme; Road safety events & campaigns; Fastrack; Winter Service Plan implementation.

*Integrated Strategy & Planning*

Lower Thames Crossing; Local Transport Plan; Kent Rail Summit; Regional Spatial Strategies

*Waste*

DEFRA Review of Waste Policies; East Kent Joint Waste Project

### *Environment*

South East Business Carbon Hub; Housing retrofit; The England Coastal Path; Country parks update

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

## **7. Financial Monitoring 2010/11**

### *(Item B2)*

- (1) Members were asked to note the August budget monitoring exception report for 2010/11 reported to Cabinet on 11 October 2010.

### *Revenue*

- (2) The overall position for the EHW Directorate reported to Cabinet on 11 October remained unchanged from the detailed quarterly monitoring reported to the POSC on 14 September 2010.

### *Capital*

- (3) The capital budget had also seen significant in-year reductions. The Integrated Transport (IT) funding had been cut by £4.105m, the road safety allocation by £0.508m and the highway maintenance allocation by £0.04m.
- (4) RESOLVED that the budget variations for the EHW Portfolio for 2010/11 based on the August exception report to Cabinet, and the effects of the in-year budget reductions, be noted.

## **8. Budget 2011/12 and Medium Term Financial Plan 2011/12 to 2012/13**

### *(Item B3)*

- (1) The report identified the proposed strategy for determining next year's budget and the financial plans for the following year. This included an initial analysis of Spending Review 2010, the likely impact on the overall funding for KCC, the indicative cash limit for the EHW portfolio, and the latest indications of likely pressures facing the EHW portfolio.
- (2) The Autumn Budget Statement was due to be presented to Cabinet on 29 November 2010 and would set out the proposed budget strategy following the Spending Review announcement on 20 October. Even after the Spending Review announcement the full impact on the County Council's grants would not be known until the provisional Local Government Finance settlement was received. Indications were that the settlement information would not be received until early December.
- (3) RESOLVED that the report be deferred to the January meeting of the POSC to enable Members to fully consider the paper and accompanying appendices.

## **9. Delivering Road Safety Service into the Future**

### *(Item B7)*

(1) Kent Highway Services had the primary objective of ensuring that safety was at the heart of managing the highway asset. Road Safety had a single purpose, 'to contribute to life in Kent, by reducing the number of people killed and injured on Kent's roads'. Government had set local authorities targets to reduce the numbers of those Killed or Seriously Injured (KSI's), Kent County Council had monitored through the 2010 targets and now through corporate Core Monitoring. Reductions of those killed or seriously injured had been made and Government targets had been exceeded.

(2) Whilst Government targets had been exceeded it remained that further reductions needed to be achieved. Through Kent Highway Services, Road Safety had four key activities that had played a part in casualty reduction – these were the four “E’s”

- Education through awareness and training
- Encouragement through publicity campaigns
- Engineering, through making changes to the Highway Network that control or influence road user behaviour
- Enforcement, through the Kent and Medway Safety Camera Partnership

(3) Kent County Council had a statutory duty under the Road Traffic Act 1988 to carry out studies into the cause of accidents on the roads in their area; and to take appropriate measures to prevent accidents. In the past the Road Safety operations had been funded by reward and area based grants. KCC's contribution for the current financial year is £970k. The comprehensive spending review had removed all ring fencing of area based grants. It remained for KCC to decide how Road Safety should be financed. In anticipation of the spending review ACPO had recommended to the Department for Transport that a revised operating and financing model be introduced. It was anticipated that this operating model created a sustainable Safety Partnership, presently this had not been fully modelled in Kent.

(4) Kent had a successful casualty reduction partnership that could evolve to form a more holistic approach to better inform and influence Road Safety priorities and policies. It was proposed to bring the Health Service to the Road Safety Board.

(5) It was proposed and documented in *“An Operational Review of the Kent and Medway Safety Camera Partnership”* to create a new operating model which led more offenders to being referred to driver improvement rather than fixed penalties. The Association of Chief Police Officers (ACPO) and the Department of Transport were considering the changes. This was likely to change the stewardship of the Safety Partnership away from KCC to Kent Police, detailed decisions were due in the coming months.

(6) Governance and operational working mechanisms would be established to create a more holistic solution through the four “E’s” enabling:-

- Development of cross cutting policy opportunities and recommendations, and providing insight into the impacts upon casualty reduction
- Discussion around areas of public concern such as wider speed enforcement and perception of safety
- Better understanding of crash data and broader intelligence to inform casualty reduction strategies at individual and collective agency levels

- Improved common understanding that reducing casualties not only serves society on a human level but also relieved financial pressure upon individual partners

(7) RESOLVED that the key proposals for discussion to create a sustainable service, outlined in paragraphs (4) – (6) above, be supported.

## **10. Barrier & Pedestrian Guardrailing Policy**

*(Item B8)*

(1) The report informed members of the new policy for barriers and pedestrian guardrailing. It was intended to provide guidance on the standard to be used for the provision and maintenance of safety barrier and pedestrian guardrailing on Kent County Council's (KCC's) road network.

(2) Barriers were an important element in aiding to maintain the safety of Kent's highway network for highway users. Objects on or adjacent to the highway could present a significant hazard to the road user and there was a clear need to ensure they were properly protected. The policy aimed to support other Kent County Council (KCC) policies, strategies and initiatives, for example the Passive Safety policy and the Road Safety Targets.

(3) The policy set out the methods for assessing the requirement for safety barriers and pedestrian guardrailing. Adherence to the policy would assist in improving the environment through identifying unnecessary barrier and pedestrian guardrailing.

(4) The document had been forwarded to KCC Finance for comment to ensure the Council was able to afford policies made. Internal consultation within KHS was undertaken over a 4 month period from April 2010. The Customer Impact Assessment had been completed and waiting on a decision from the CIA Group if further action was required. Initial findings suggested that this would not be required.

(5) RESOLVED that the Cabinet Member for Environment, Highways and Waste be recommended to approve the Barrier & Pedestrian Guardrailing policy.

## **11. Signs and Lines Policy & Technical Directive**

*(Item B9)*

(1) Further to Minute 7 of 14 September 2010, adherence to the new policy and Technical Directive for signs and road markings would assist in enhancing the appearance of the urban and rural environment through removal of sign clutter and the use of innovative design and materials. It would enable KHS to contribute to environmental and climate control policies; and would assist in enabling cost efficiencies to be gained through specification of materials and number of signs required to be kept to a minimum.

(2) The policy reviewed existing policy relating to signs and also included new policy in relation to road marking and road studs. Both the policy and the Technical Directive had used the KHS Document toolkit. The document had been forwarded to KCC Finance for comment to ensure the Council was able to afford policies made. Internal consultation within KHS and also with Kent Police was undertaken on 14

June 2010. A further meeting relating specifically to illumination of traffic signs was undertaken on 24 August 2010 and the policy had been amended accordingly.

(3) The Customer Impact Assessment had been completed and waiting on a decision from the CIA Group if further action was required. Initial findings suggested that this would not be required.

(4) RESOLVED that the Cabinet Member for Environment, Highways and Waste be recommended to:-

(a) approve the Signs and Road Marking policy;

(b) approve the Technical Directive; and

(c) note the comments made during the internal consultation.

## **12. Inclusive Design & Placemaking Guidance**

*(Item B10)*

(1) Further to Minute 6 of 14 September 2010, following expert stakeholder consultation the draft Inclusive Design & Placemaking Technical Appendix for the Kent Design Guide (December 2005) had been amended, and was submitted to the Committee for comment. If Cabinet agreed, the intention was to undertake a public consultation on the guidance. Following final amendments, the document would then be submitted for Cabinet approval and adoption as formal policy.

(2) RESOLVED that:-

(a) the need to produce a cross-county policy on Inclusive Design & Placemaking continue to be supported;

(b) the next step to carry out a public consultation be endorsed; and

(c) the submission of the final document for Cabinet approval and adoption as formal policy be endorsed.

## **13. Planned Carriageway Maintenance**

*(Item B11)*

(1) Kent Highway Services new 'Planned Carriageway Maintenance Guide' was a concise document that explained how we invested in our roads, planned for the future and undertook preventative treatments to avoid costly repairs. The document outlined what caused roads to deteriorate, how roads were assessed and the range of treatments that were available. It also gave greater understanding of how we look after one of our most valuable assets, our roads.

(2) Sites for inclusion in the annual programmed carriageway maintenance works were selected using a number of national and Kent Highway Services documents. The road network in Kent had an impact on everyone who lived, worked and travelled within or through the County. The Guide identified the maintenance issues and explained why certain maintenance techniques were used rather than others. It described the value of timely preventative maintenance techniques, such as surface

dressings, which were essential elements to maintaining the integrity of the road network.

(3) Following debate Mr Chard thanked the officers for an excellent report.

(4) RESOLVED that:-

(a) the Planned Carriageway Maintenance Guide be noted; and

(b) a more detailed report regarding surfacing treatments be submitted to the January meeting of the Committee.

#### **14. Select Committee - update**

*(Item C1)*

(1) The Select Committee on Renewable Energy engaged with Cabinet Members and Directorates on 7 October and had subsequently finalised its report. The report contained 22 recommendations, key themes of which were:- increasing energy efficiency in the KCC estate in order to avoid wasted energy, reducing both costs and carbon emissions; capitalising, within the estate on government incentives which had been put in place to encourage the take up of renewable energy systems; and enabling Kent schools, businesses and householders to do the same by various means including through financial mechanisms such as the new Green Investment Bank; and finally ensuring that the county of Kent was more resilient to energy price rises and benefits in the future from the development and supply of sustainable energy while contributing to national renewable energy targets. The report would be submitted to the Corporate Management Team before being considered by Cabinet on 29 November 2010 and, if time permitted, County Council on 16 December 2010.

(2) RESOLVED that:-

(a) progress of the Select Committee for Renewable Energy be noted; and

(b) Members advise the Democratic Services Officer of any items that they would like to suggest for inclusion in the Select Committee topic review programme.