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, 30 November 2017.

PRESENT: Mr P J Homewood (Chairman), Mr M D Payne (Vice-Chairman), Mrs C Bell, Mr A Booth, Mr T Bond, Mr A Cook, Mr N J Collor, Mr S Holden, Mr A R Hills, Mr R C Love, Mr G Cooke (Substitute for Mr P J Messenger), Mr J M Ozog, Mr R H Bird (Substitute for Mr I S Chittenden), Mr A J Hook, Mr B H Lewis and Mr M E Whybrow

ALSO PRESENT: Mr P M Hill, OBE and Mr M A C Balfour

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Roger Wilkin (Director of Highways, Transportation and Waste), Richard Fitzgerald (Business intelligence Manager – Performance), Peter Oakford (Deputy Leader and Cabinet Member for Strategic Commissioning and Public Health), Katie Stewart (Director of Environment, Planning and Enforcement),Sharon Thompson (Head of Planning Applications), Andrew Loosemore (Head of Highways Asset Management), Tim Read (Deputy Director for Highways, Transport and Waste) and James Wraight (Principal Transport and Development Planner), Tony Harwood (Principal Resilience Officer, Resilience and Emergency Planning Service), Phil Lightowler (Head of Public Transport) and Max Tant (Flood and Water Manager).

UNRESTRICTED ITEMS

41. Apologies and Substitutes
(Item 2)

Apologies for absence were received from Mr I Chittenden and Mr P Messenger.

Mr R Bird and Mr G Cooke attended as substitutes for Mr I Chittenden and Mr P Messenger respectively.

42. Declarations of Interest by Members in items on the Agenda
(Item 3)

1. Mr Lewis declared an interest in the Kent County Council Bus Funding Review (Item 12) as a regular bus user.

2. Mr Bird declared an interest in The Local Flood Risk Management Strategy (item 14) and said that as a resident of Yalding in the Medway Valley he received first-hand experience of the flooding and this could be reflected within the discussion.

3. Mr Balfour declared a pecuniary interest in the Kent Minerals and Waste Local Plan (item 7) and said that he would leave the room for this item as one of the sites under consideration was owned by his relative.

43. Minutes of the meeting held on 21 September 2017
(Item 4)

RESOLVED that the minutes of the meeting held on 21 September 2017 are a correct record and that they be signed by the chairman.

44. Verbal updates
(Item 5)

1. Mr Hill (Cabinet Member for Community and Regulatory Services) announced that the Open Golf Championship would be returning to Sandwich in 2020. He said that the economic impact of the project would be significant for Kent. In 2011 the Open Golf Championship created £24m of direct economic benefit and a further £53m of indirect economic benefit and the event in 2020 was estimated to be 15% larger. Kent County Council and Dover District Council were working with the Department for Transport (DFT) and Network Rail on the Sandwich station infrastructure to support the event, and a decision would be taken shortly.

2. Mr Hill said that the Kent Community Safety Partnership (KCSP) had held its annual Community Safety Conference on 7 November 2017 . The theme was protecting vulnerable people from organised crime and there were 187 people in attendance from various agencies.

3. Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) provided a written update to Members on the major roads programme; Kent County Councils response to the Highways England consultation on proposed improvements to junction 5 of the M2, lorry parking and the South East rail franchise.

4. Mr Balfour also provided a verbal update on the Urban Grass, Shrubs and Hedges contract and advised Members that due to unforeseen circumstances Kent County Council was unable to fulfil the contract immediately. Officers were in discussion with Amey and Kent Commercial Services to try and find a solution.

   Roger Wilkin (Director of Highways, Transportation and Waste) added that in order to begin soft landscaping work within communities in March 2018; a decision would be taken between the Cabinet Committee meeting held on 30 November 2017 and that held on 31 January 2018.

5. The government had announced that it would withdraw from the court case regarding lorry storage at Standford and would begin the process of identifying a suitable site shortly.

6. In response to questions, both the Cabinet Members and Officer provided the following information:

7. Barbara Cooper (Corporate Director for Growth, Environment and Transport) said that there had been no update on the bid made to the DCLG housing infrastructure fund.

8. In relation to the Open Golf Championship, Mr Hill confirmed that the Kent County Council contribution would be £250,000 and this would not be increased. There would be a further contribution of £100,000 from district councils involved. He defended the intention to provide the funds as reasonable and proportionate.

9. In regards to the South East rail franchise, Mr Balfour expressed disappointment at the decision of the DFT to defer the new franchise award for a further 12 months and KCC would make representations to that effect to the DFT.

10. RESOLVED that the verbal updates be noted, with thanks.

45. Performance Dashboard
(Item 6)

Richard Fitzgerald (Business intelligence Manager – Performance) and Roger Wilkin (Director of Highways, Transportation and Waste) were in attendance for this item.

1.) Mr Fitzgerald introduced the report which showed progress made against targets for Key Performance Indicators and referred, in particular, to the guidance notes at page 28 of the agenda pack and to the summary on page 29.

2.) In response to questions the officers provided further information:

3.) Mr Wilkin said that a capital bid had been submitted for funding to replace the concrete street light columns across Kent.

4.) In regards to the Key Performance Indicator HT11c (Number of actual streetlight conversions since that start of the programme), Mr Wilkin confirmed that from March 2018 there would be a further 18,000 LED street lighting conversions to do. The initial stage had been quicker as conversions were concentrated within residential areas with the more complex columns left until last. All conversions were due to be completed by May 2019.

5.) In regards to Waste recycled and composted at HWRC's, Mr Wilkin said that there were cost implications for providers if they failed to deliver the provisions of the contract in full and that Kent County Council sought redress for those costs from the provider if they occurred.

6.) Growth, Environment and Transport (GET) was committed to improving digital inclusion and to this end work was being undertaken in conjunction with Agilisys and Software providers.

7.) Members commended work undertaken in relation to LED conversions, pothole repair ad recycling.

8.) RESOLVED that the report be noted.

46. 17/00111 - Kent Minerals and Waste Local Plan 2013 - 30 - Partial Review, Minerals Sites Plan and revised Local Development Scheme
(Item 7)

Mr Oakford (Deputy Leader and Cabinet Member for Strategic Commissioning and Public Health), Katie Stewart (Director of Environment, Planning and Enforcement) and Sharon Thompson (Head of Planning Applications) were in attendance for this item.

Mr Oakford advised Members that due to a declaration of interest made by Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) he would present the report and would take the subsequent decision. Mr Balfour left the meeting.

1. Sharon Thompson (Head of Planning Applications introduced the report that provided an update on the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 adopted by Kent County Council in 2016. The KMWLP committed the Council to develop a Minerals and Waste Sites Plan, to identify suitable sites for minerals and waste management in Kent.

2. Following the decision to agree the methodology by which sites would be assessed, a *'call for sites'* had been issued and work progressed under four main streams:

    i. The Minerals Sites Plan

    ii. Waste Sites Plan

    iii. Associated partial review of the KMWLP (in respect of future requirements for waste management and mineral and waste safeguarding); and

iv. The local development scheme (timetable)

3. In respect of the Minerals Sites Plan, it was now considered timely and useful to seek local views on the minerals sites options as set out in the KMWLP 2013-30 Mineral Sites Plan Options Consultation Document November 2017 (appendix 1 to item 7 of the committee papers). To this end a public consultation would be held for a twelve week period between December 2017 and March 2018.

4. In response to questions the officer provided further information:

5. The process for identification of Silica sand sites was separate from the minerals plan and was clearly set out in the KMWLP.

6. No dredging sites are proposed in the Site Options document. None had been promoted during the 'call for sites, suggesting no case of need. In order for the Plan to be found sound and capable of adoption, it needed to be deliverable and justified and a willing landowner was crucial to this.

7. A Waste Site Plan identifying allocations for sites for waste management was no longer necessary following the implementation of a recent planning permission of significant new capacity at Kemsley. This would provide some 500,000 tonnes of the identified need of 562,000 tonnes. The requirement set out in the KMWLP would therefore need to be amended as part of the partial review.

8. Mrs Thompson welcomed the views of Mr Payne and Ms Hamiltion, elected Members of Tunbridge Wells and those of the borough councillor represented by Mr Hamilton. She reminded Members that such views would be sought as part of the public consultation period after which the options would be reconsidered in light of any responses.

9. In regards to the proposed timescale for the Partial Review of the KMWLP and the Mineral Site Options, a 12 week public consultation period was proposed that would run from December 2017 to March 2018. Mrs Thompson reiterated that the Council would not want to proceed without the views of parishes and town councils. Whilst there was little flexibility in the consultation timescale, the consultation period could be extended to allow for optimal flexibility within the constraints of the Democratic sign off period.

10. Mrs Thompson reinforced the notion that the views expressed within the Hendeca Ltd letter which was circulated to Committee Members in advance of the meeting and related to the Partial Review and waste management requirements, were typically those that were expected to be raised from the

public consultation. She advised that the views presented by Hendeca Ltd. were based on the August 2017 Technical Reports and an informal consultation with the industry at the time. The documents were reviewed in light of that consultation. Mrs Thompson said that she welcomed the view of that company or any other waste company that may wish to comment on the partial review documents.

11. In terms of contractual obligation, the document would not change those contractual obligations on the Norwood quarry activity. Mrs Thompson advised the Member that she was happy to discuss the needs and the timescale for those needs outside the meeting as it fell outside of the KMLWP remit.

12. In response to a Member's query about the extraction of sand and the growing ecology issue, Mrs Thompson said that ecology was a key consideration in regards to determining whether a development was acceptable or not and was considered at both the initial assessment stage and the detailed technical assessment stage. There was also a Sustainability Appraisal document and a Habitats Regulation Assessment document that sat alongside that piece of work to support whether or not the development was ecologically sound.

13. Mrs Thompson noted that there was a typographical error that needed to be corrected within the proposed amendment to the Safeguarding Policy document. She confirmed that this would be corrected before the consultation commenced.

14. RESOLVED that the Cabinet Committee endorse or make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan to:

    i. undertake public consultation on the 'Minerals Sites Plan – Options 2017' document and associated Sustainability Appraisal Scoping Report in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

    ii. undertake a Partial Review of the Kent Minerals and Waste Local Plan 2013-30 concerning future requirements for waste management and mineral and waste safeguarding;

    iii. undertake associated public consultation on the Partial Review document and the associated Sustainability Appraisal Scoping Report; and

    iv. note the contents of an updated Local Development Scheme (including revised timetable) to reflect the Partial Review and changes to the programme and timetable concerning preparation of the Sites Plan.

47. Task & Finish Group Review of Future Commissioning of Soft Landscape Service

(Item 8)

Roger Wilkin (Director of Highways, Transportation and Waste) and (Andrew Loosemore (Head of Highways Asset Management) were in attendance for this item.

1. Andrew Loosemore *(Head of Highways Asset Management)* introduced the report that looked at the work carried out by the Task and Finish Group that reviewed the future commissioning of the soft landscape works service. The Task and Finish Group explored the possible devolution of discretionary services to local councils; in particular those in relation to the urban grass, shrubs and hedges contract. In 2016 Highways Transport and Waste held a series of workshops with the local town and parish to councils; of the 49 parish Councils that initially expressed an interest, only 7 had agreed to undertake the work on behalf of Kent County Council. As a result Kent County Council was only able to devolve £11.7k and had £160k worth of work handed back. The recommendation of the report highlighted the closure of the Task and Finish Group however the opportunity would remain open to local councils to adopt work on behalf of Kent County Council.

2. Roger Wilkin (Director of Highways, Transportation and Waste) said that most parishes did not wish to extend the line of communication; the benefit of work carried out at local levels was that parishes responded very quickly to the work required. In regards to financial benefits, due to the economic constraints, Kent County Council could not offer additional money to the parish or town councils.

3. The Chairman invited Mr Rayner to speak. He said that the parish prepared its budget in December and this did not correlate with the seminars held by Kent County Council and therefore the parishes did not know what was expected of them and did not have information regarding the quantum cuts.

4. Mr Loosemore said that timetable was set around the completion of the Task and Finish Group and agreed that the proposition to parishes did not sit comfortably in line with the parish's schedule. However the offer was open to all local councils over an extensive period of time and there were no expressions of interest made. Those that did come forward were given a quote for the amount of work required and the funding they would receive from the contract for undertaking that piece of work.

5. RESOLVED that the Cabinet Member for Planning, Highways, Transport and Waste endorse the proposed decision for the Highways, Transportation and Waste team to continue supporting individual local councils who express an interest and to ensure that opportunities continue to remain available for the delivery of soft landscape service at local level.

48. Draft Thanet Transport Strategy

(Item 9)

Tim Read (Deputy Director for Highways, Transport and Waste) and James Wraight (Principle Transport and Development Planner) were in attendance for this item.

1. Tim Read (Deputy Director for Highways, Transport and Waste) introduced the report that set out an overview of the draft Thanet District Transportation Strategy and its progress to date, including the future consultation and democratic process in relation to the emerging Thanet Local Plan. Mr Read said that the report asked Members to endorse the principles of the draft Thanet Transport Strategy and support the public consultation exercise.

2. James Wraight (Principle Transport and Development Planner) said that the draft Thanet Transportation Strategy was jointly developed with Thanet District Council. The aim of the strategy was to encourage sustainable transport, manage journey time, improve resilience of the network and reduce the requirement to travel in accordance with the National Planning Policy Framework. The Strategy referred to the Inner-circuit improvement route that complimented the existing primary road network in Thanet and would provide enhanced access to rural communities via a socially viable bus service provision.

3. In terms of infrastructure there was no financial obligation on Kent County Council to fund the infrastructure within the Transport Strategy. It would be largely funded by development and there was viability work carried out by Thanet District Council to assess the viability of the local plan which would then shape the final version of the Transport Strategy.

4. The strategy would be presented to the Joint Transportation Board (JTB) and then to the District Council in January 2018.

5. In regards to external funding, Thanet District Council submitted a £10m bid for housing infrastructure funding.

6. In response to issues raised around Parkway, this was subject to its own planning application in 2018. Discussions had taken place with bus operators in relation to the inner-circuit route and how this would benefit resident's within Thanet.

7. RESOLVED that the Cabinet Members consider and endorse the principles of the draft Thanet Transport Strategy and support the initial public consultation exercise to be progressed as part of the Thanet Local Plan process, be endorsed.

49. 17/00124 - Highway Maintenance Contract Commissioning Project
(Item 10)

Roger Wilkin (Director of Highways, Transportation and Waste) and Andrew Loosemore (Head of Highways Asset Management) were in attendance for this item.

1. Roger Wilkin (Director of Highways, Transportation and Waste) introduced the report that set out the proposal to extend the Highways Term Maintenance Contract with AMEY for a period of two years and to re-procure the Machine Resurfacing Contract. Mr Wilkin said that the proposed recommendation restored confidence that the current contract provided a balance of quality, innovation and cost.

2. Andrew Loosemore (Head of Highways Asset Management) said that the contract commenced in 2015 and the Highways Maintenance team had undertaken a number of visits to other Local Authorities and worked with both Large and Small, Medium Enterprises (SME's) to understand market engagement and what was available to Kent County Council. Three options were identified however based on the initial evaluation, option 3 was deemed to be the preferred delivery model.

3. Mr Loosemore acknowledged and agreed to amend the typographic error in paragraph 7.2 of the report to read "Commencement of procurement – December 2017."

4. In response to questions the officers provided further information.

5. Mr Wilkin agreed that there were performance concerns with Amey in 2015 and a recommendation was made at the time to Members of the Environment and Transport Cabinet Committee, not to extend the existing contract of 5 years and put in place a 12 month extension. Since then its improvement has been evidenced through the quarterly performance reports. Mr Wilkin said that Amey had replaced its Senior Management team and had developed a culture of improvement through collaborative working.

6. Mr Wilkin agreed that there was a need to look at how Members could be involved more widely with contracts. He advised Members that due to the procedural changes in government the commissioning process meant that contracts needed to go through a large number of Member Boards and Panels. For future commissions of such a nature it would be beneficial to have more informal meetings.

7. In terms of contract management the division underwent a number of audits including contract management maturity examinations led by the Strategic Commissioner through the Budget

Programme Delivery Board. The Board was satisfied that the division had the correct structure and personnel in place to effectively manage contracts and was seen as an exemplar of this however Mr Wilkin welcomed any scrutiny from Members.

8. Barbara Cooper (Corporate Director for Growth, Environment and Transport) advised Members that the Strategic Commissioner was part of the working group as well as finance and many others to ensure there was challenge from across Kent County Council. Mr Vincent Godfrey was part of this work and deliberately involved from the beginning.

9. In response to a request for a more robust report, Mr Wilkin referred Members to the Appendix of the report which was the Commissioning Plan for the process and provided a lot of detail. The appendix summarised that whilst there was alterative models of delivery, option 3 was most beneficial in terms of quality outcomes for the community. In terms of cost benefit analysis, Mr Wilkin said there was room to improve the model however the model at the current stage in time outweighed that benefit.

10. Mr Wilkin confirmed that there was clauses within the contract as putting in place alternative arrangements would have taken an exceptional amount of time. However it was agreed that contracts would come back to the Environment and Transport Cabinet Committee to look at the performance measures as part of good contract management practice and if there was any learning to be made, this would be used as a mechanism to work closely with the providers to improve their performance rather than terminate the contract.

11. Mr Balfour welcomed the recommendation to put contract management on the Work Programme.

12. Mr Balfour reminded Members that there was a separate item within the recommendation to award extensions of the Road Asset Renewal Contract.

13. In response to Mr Bird's suggestion, that a formal review of the Highway Maintenance Contract be brought back to the Environment and Transport Cabinet Committee, Mr Balfour advised Members that it was a regular feature on the Work Programme and was happy for this to be added.

14. The recommendation in the report was then put to the vote.

Carried (13 votes for, 4 votes against)

Mr A Hook, Mr M Whybrow, Mr R Bird and Mr B Lewis asked that their votes against the recommendation be minuted.

15. RESOLVED that the proposed decision at Appendix A of the report to:

i. give approval for awarding a two year extension with Amey until 31 August 2020;

ii. in consultation with the Cabinet Member for Planning, Highways, Transport and Waste , delegate authority to the Corporate Director for Growth Environment and Transport to award the final available year extension with Amey up to 31 August 2021;

iii. approve the procurement of the Road Asset Renewal Contract and in consultation with the Cabinet Member for Planning, Highways , Transport and Waste , delegate authority to the Corporate Director for Growth Environment and Transport to approve the award of subsequent contract to the preferred bidder; and

iv. in consultation with the Cabinet Member for Planning, Highways , Transport and Waste , delegate authority to the Corporate Director for Growth Environment and Transport to award extensions of the Road Asset Renewal Contract in accordance with the possible extension clauses within the contract

be endorsed.

50. Ash Dieback Impacts - Update
(Item 11)

Katie Stewart (Director of Environment, Planning and enforcement) and Tony Harwood (Principle resilience Officer, Resilience and Emergency Planning Service) were in attendance for this item.

1. Katie Stewart (Director of Environment, Planning and enforcement) introduced the report that provided an update on the Ash Dieback impacts in Kent and the local responses to manage the outbreak. Ms Stewart referred Members to the Appendix within the background documents that provided an overview and scale of the problem. There was work undertaken on a Tree Strategy which was adopted as a Supplementary Planning Document and KCC had launched a Biosecurity: Animal and Plant Health e-learning to raise corporate awareness. In recognition of the potentially significant costs, Kent County Council submitted an ‘Expression of Interest’ however as it currently stood the Council had not incurred costs above the allocated threshold.

2. RESOLVED that Cabinet Committee note the report and endorse the approach taken by Kent County Council approach to manage the impact of Ash Dieback.

51. Kent County Council Bus Funding Review - Public Consultation
(Item 12)

Roger Wilkin (Director of Highways, Transportation and Waste) and Phil Lightowler (Head of Public Transport) were in attendance for this item.

1. Mr Balfour introduced the report for Members which detailed proposals to utilise the current SNBS criteria to identify potential savings, necessary owing to target savings of £4million in this area between 2018 and 2020. The proposals covered two elements of SNBS. Firstly the need to consult the public about the use of the KCC criteria to determine subsidised bus route and secondly to consult and then review those routes currently subsidised, to assess the continued need for those services and to identify potential savings;. It was crucial that the view of the public, users, and other stakeholders were sought on both matters.

2. The Committee, Mr Balfour clarified, would be asked following consideration of the report, to endorse the proposal to consult publicly on those matters previously set out. He acknowledged that at this stage the full details of all subsidised routes and timetables was not available but assured members that all of this information would be available as part of the consultation in order that those responding to it had all of the relevant information when making their comments

3. He further emphasised that no decision on services would be taken before the consultation and that the committee was asked only to consider the virtue of consulting on these matters to assure that aby decisions in the future were properly informed and that the council's non-statutory spending was put to the best use.

4. Finally, Mr Balfour assured members that work had begun to secure alternatives to subsidised bus routes, including community transport initiatives and that, as always, any reduction in services would be mitigated as fully as possible.

5. Roger Wilkin (Director of Highways, Transportation and Waste) advised Members that although contemplation of service reductions was never welcome, due to current financial pressures it was necessary. It was therefore crucial that the potential impact of such reductions was understood and work undertaken to assess how they would be mitigated. The consultation would reveal whether the criteria adopted in the past were still relevant and would

provide the correct template against which decisions would be taken in the future.

6. Phil Lightowler (Head of Public Transport) said that the consultation would also provide operators with an opportunity to put forward alternative proposals of mitigation if contracts were likely to be withdrawn.

7. The matter was opened discussion; the following comments were made and responses from officers and the Cabinet Member received to questions put:

    a. Some committee members argued that other people may be disadvantaged by reductions in subsidies and subsequent withdrawal of services who had not been identified as part of the equality impact assessment. There may also be impacts for workers, school children and health service users for example and wider economic and environmental impacts that should also be considered.

    b. That officers from the Public Transport Team had met with representatives of Arriva regarding the 'Click Service' but it currently did not appear to be as appropriate as the Total Transport Project detailed within the report. The Total Transport Project was a feasibility study founded on the concept of demand responsive transport which was written by KCC for the Department for Transport (DfT). It considered combining existing paid for services which may have some capacity, such as education transport or non-emergency NHS transport to deliver improved transport methods for communities whilst also delivering necessary cost savings. A report had been submitted to the DfT and a pilot area identified; the Total Transport Officer continued to work with partners to identify further funding and the outcome of the DFT bid was awaited.

    c. Mr Lightowler, confirmed that the information presented to the committee would be complete for the consultation with the public but that the report and appendices should give members a feel for the potential consequences of applying the criteria to achieve the required savings. He further confirmed that once the complete data set was completed it would be sent to Members for review before it went out to public consultation. The document was developed in line with Kent County Councils Public Consultation Guidance and the method for communicating with stakeholders was under development, and would include the best way to ensure rural communities were included. The Cabinet Member confirmed on this matter that the people concerned or potentially affected would be consulted in an appropriate manner that allowed all of those who wished to participate to do so

d. That a full Equality Impact Assessment (EqIA) was to be completed and reviewed by the Equalities Team as part of the consultation process.

e. A member of the committee argued that the council had a duty to identify services that were 'socially necessary' and it would be disingenuous to suggest that the intention of the 1985 Act was to only identify them and not address their delivery. The crucial matter to be considered was the proposed budget cut that was necessitating the proposals before the committee.

f. That approval by the full council of the 2018-19 budget in February would not negate the usefulness of the consultation and the decisions for which the executive was responsible would not be taken until the implications of the consultations responses had been fully considered.

g. A Member expressed concern that members had not been involved in the production of the material on which the council would consult and that the information which had been put to the committee was not complete enough to be useful. He argued that the consultation should not begin until a report with full details including the detailed equality impact assessment had been received by the E&T committee for consideration. In response to this comment officers confirmed that the EQiA would be completed and would form part of the consultation documents. The Cabinet Committee would have a chance in the future to consider that document.

h. The wording of the proposed decision concerned some members of the committee. It was suggested that the inclusion of the words "proposed withdrawal of services" was misleading and that it was likely to cause unnecessary worry for some residents.

i. A request was made by a member of the committee that any subsidised routes that benefitted from developer contributions should not be included in the consultation as they did not have a financial impact for the council.

8. The Chairman invited Mr Bowles to speak. He said that he welcomed the report along with the proposal to go out to public consultation and understood that savings needed to be made however the following points were made:

(i) the information provided within the appendix was not user friendly.
(ii) there needed to be meetings in the areas where it was necessary to ensure full community participation.
(iii) That it was unfortunate that the information put forward to the committee was not only incomplete but had not had the benefit of being influenced by Members who should have driven the consultation. Officers and the

Cabinet Member needed to ensure that other elected members had the tools that they needed to make sensible and useful input.

9. The Chairman invited Mrs Hamilton to speak. She said that she welcomed the recommendation for forward planning to mitigate any reduction in traditional services. It was important that as part of this planning work the Council recognised the needs of different areas and in particular the danger of perpetuating or increasing isolation in more rural areas. She described consultation which had taken place in her own parish by Arriva and the comprehensive nature of the work they undertook with local residents. Mrs Hamilton said that she would be grateful for guidance on managing public concerns and expectations now and going forward with the consultation.

10. Mr Wilkin said that report was transparent and showed all the contracts that were at risk if the criteria was to be adopted. All information was clearly set out to enable communities to respond properly to the consultation. It was crucial that Members understood that they were being asked, to make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposal to undertake public consultation on the criteria to be used to deliver the MTFP saving and the impact of the contract withdrawals.

11. In response to Members suggestion that the recommendation be re-worded, and following further debate Barbara Cooper clarified that the Members advice to the Cabinet Member for Planning Highways Transport and Waste was that his decision be revised to read as follows:

> *"The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposal to use the current SNBS funding criteria to assess the future level of subsidy and the timetable to go out to public consultation starting 17 January 2018 on the possible reduction of subsidies which may impact on the delivery of bus services"*

12. The amended recommendation was put to the vote

Carried (13 votes for, 4 votes against)
Mr A Hook, Mr M Whybrow, Mr R Bird and Mr B Lewis asked that their votes against the recommendation be minuted.

13. It was RESOLVED that the Cabinet Committee recommend to the Cabinet Member that his decision should reflect the wording set out in 11.

52. Proposed B2163 Leeds & Langley Relief Road
(Item 13)

Tim Read (Deputy Director for Highways, Transport and Waste) was in attendance for this item.

1. Barbara Cooper (Director for Growth, Environment and Transport) made sure all Members had received the letter from Maidstone Borough Council prior to the meeting and said that she would responded to various parts in the letter during the discussion.

2. Tim Read (Deputy Director for Highways, Transport and Waste) introduced the report that provided an overview to the proposed Leeds and Langley Relief Road. It identified a programme for taking forward the preparatory work and proposed the use of section 106 developer contributions to progress traffic survey and modelling work in order to develop a draft business case to support future funding opportunities.

3. In response to questions the officer provided further information.

4. In regards to the Local Planners Report, the recommendations were not binding on the Highways Authority, they were there as guidance.

5. In response to points raised within the Letter from Maidstone Brought Council, Mr Read said that Kent County Council gained independent legal advice from the Queens Counsel in 2016 regarding the use of monies from the 106 agreement. This guidance was presented to the inspector during the inquiry and was in common circulation. The money that was used was from three unilateral undertakings that affectively put no contractual or statutory obligation on Kent County Council as the Highways Planning Authority providing that the money was used in accordance with Kent County Councils public law and duties.

6. In response to Members suggestion that the recommendation be re-worded, Mrs Cooper clarified that the Members advice to the Cabinet Member for Planning Highways Transport and Waste could be revised to read as follows:

   "The Cabinet Committee is asked to endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposal for the Director of Highways to progress feasibility work on the B2163 Leeds and Langley Relief Road, as soon as possible and that the Corporate Director for Growth, Environment and Transport should make arrangements with the Chief executive of Maidstone Borough Council for the appropriate funding for this work."

7. Mrs Cooper said that she was happy to talk to the Chief Executive of Maidstone Borough Council to look at how Maidstone's funding could be used to reduce the expenditure of unilateral monies.

8. The Chairman clarified that Mr Bird had proposed and Mr Lewis had seconded that the recommendation within the report be amended.

Upon being put to the vote, this was lost (3 votes for, 8 votes against) Mr R H Bird, Mr B H Lewis and Mr A Hook asked that their votes against be minuted.

9. The recommendation in the report was then put to the vote.

Carried (13 votes for, 3 votes against) Mr R H Bird, Mr B H Lewis and Ida Linfield asked that their votes against be minuted.

10. RESOLVED that the decision proposed to be taken by the Cabinet Member for Planning, Highways Transport and waste, that the Director of Highways progress feasibility work on the B2163 Leeds and Langley Relief Road, utilising section 106 developer contributions, be endorsed.

53. 17/00118 - Local Flood Risk Management Strategy
(Item 14)

Max Tant (Flood and Water Manager) was in attendance for this item.

1. Max Tant (Flood and Water Manager) introduced the Local Flood Risk Management Strategy that set out how local flooding (flooding from surface water, groundwater and ordinary watercourses) would be managed in the county over the next six years. The report presented the progress since the previous Local Strategy in 2013 and identified the challenges that still needed to be addressed to ensure effective local flood risk management.

2. In response to questions the officer provided further information.

3. Mr Tant advised Members that point 4.9 on page 213 of the agenda pack listed 6 catchment areas. Medway, Northeast Kent and Nailbourne Valley all contained objectives to deliver flood risk management actions, whereas Folkestone and Hythe, Tunbridge Wells and Sittingbourne contained objectives to explore opportunities for flood risk management. Mr Tant said that the final draft would include wording about the delivery of feasible measures should they be found from the exploratory work.

4. In regards to flood risk management within the Isle of Sheppey, Mr Tant said that these were largely coastal and fluvial and therefore fell outside the remit of the strategy. The Local Flood Risk Management Strategy was only looking at surface water, groundwater and ordinary watercourse flooding. Coastal

flooding and main river flooding were managed by the Environment Agency which is why the strategy did not make reference to the Isle of Sheppey. However the Medway Estuary and Swale Shoreline Strategy which was the Environment Agency's proposal for the long term management of the shoreline did include the Isle of Sheppey and Kent County Council had had a report on this at eh most recent Flood Risk Management Committee, chaired by Mr Anthony Hills. The Environment Agency consulted with Natural England in developing this shoreline management strategy, in particular to the shoreline coastal path. . The shoreline management strategy is currently open to consultation (https://consult.environment-agency.gov.uk/ksles/medway-estuary-and-swale-strategy/).

5. Mr Tant said that it would not be practical to have a single document that covered all the risks throughout Kent, but this had been considered. Kent County Council had four Shoreline Management Strategies, each was approximately 200 pages long, for each catchments areas there was a Catchment Management Plan, each approximately 200 pages long and therefore a combined document that contained all flood risk was not feasible. Instead Kent County Council created a document for each borough in Kent, called Flood Risk in Communities which set out the local flood risk across all sources, the bodies responsible for managing it and any strategic management plans (https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/flood-risk-to-communities).

6. In response to a question about Sustainable Drainage Systems (SuDS) in Deal, Mr Tant said that most of the housing developments that he was aware of were on the eastern side of the marshes where the discharge of water was appropriate. There was a recognised risk in regards to the costal defences however Mr Tant advised Members that this was an issue that the developers needed to discuss with the Environment Agency. Mr Tant said that there was difficulty addressing the existing risk as retrofitting SuDs would not have been feasible in parts of Deal. Mr Tant advised Members that work would continue with Southern Water to identify opportunities.

7. In terms of maintaining SuDS, Mr Tant said that the long term aim was something that the Council could condition. The Council would provide advice to the Planning Authority and then they would put the condition on the palnning application requiring long term maintenance. Mr Tant advised Members that conditions like this on long term maintenance had not been tested and therefore it was unclear as to whether this was enforceable. In its current state, Kent County Council had no powers beyond consultation at the time of the Planning Application. Mr Tant advised Members that the water industry was investigating what its role was in sustainable drainage and had

explored the opportunity to adopt a greater role. The outcome of this work was not yet finalised.

8. RESOLVED that the Cabinet Committee endorse the proposed decision for the Cabinet Member for Planning, Highways, Transport and Waste adopt the Local Flood Risk Management Strategy and 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 the Local Flood Risk Management Strategy document as attached at Appendix A.

54. 17/00123 - Decision to approve fees and charges for discretionary planning and environmental advice and the principles for establishing fees and charges
(Item 15)

Sharon Thompson (Head of Planning Applications Group) was in attendance for this item.

1. Sharon Thompson (Head of Planning Applications Group) introduced the report that looked at the proposed fees and charges for discretionary planning and environmental advice to developers and for those promoting national significant infrastructure projects via the Development Consent Order (DCO) process. The report also set out a number of key principles that were applied to establish the revised fees and charges.

2. In response to questions the officer provided further information.

3. Ms Thompson said that the hourly day rates set out on page 286 of the agenda pack reflected the level of experience and expertise of the advisors who would undertake the work. The work was traditionally carried out by the Councils Technical Support Team and not by the professional officers.

4. In regards to cost, Ms Thompson assured Members that that due to the way in which the legislation was drafted, it was not possible to make a profit. Therefore the breakdown of costs shown in table 1 of the report on page 285 of the agenda pack was a true reflection of what it would have cost Kent County Council to deliver those services.

5. RESOLVED that the proposed decision to the Cabinet Member for Planning, Highways, Transport and Waste to:

    i. publish revised fees and charges for discretionary planning and environmental advice and the DCO activity; and

ii. delegate authority to the Director of Environment, Planning and Enforcement to review and publish revised fees and charges subject to the application of a number of key principles as set out in paragraph 3.4

be endorsed.

55. Financial Monitoring 2017- 2018
(Item 16)

Barbara Cooper (Corporate Director of Growth, Environment and Transport) was in attendance for this item.

1. Barbara Cooper (Corporate Director of Growth, Environment and Transport) introduced the Financial Monitoring Report 2017-2018 and referred to the report taken to Cabinet Committee on 30 October 2017 which set out each directorate's budget for the year. The report showed an overspend of £500,000 for her directorate. Of the £163m a total of £132m went to Highways, Transport and Waste. Ms Cooper assured Members that the budget would return to a neutral position by March 2018.

2. RESOLVED that the revenue and capital forecast variances for 2017-18 within the August monitoring report be noted.

56. Work Programme 2018
(Item 17)

Georgina Little (Democratic Service Officer) was in attendance for this item.

1. The work programme was discussed and the following agreed:

   (i) Financial Monitoring – this would be a regular item

   (ii) Contract Management – this would be a regular item

   (iii) Highways Maintenance Contract - Barbara Cooper to discuss with Roger Wilkin to confirm a date at the agenda setting meeting

   (iv) Low Emissions and Energy Strategy – Barbara Cooper to discuss with Karen McKenzie and confirm an appropriate date

   RESOLVED that the work programme for 2018 be agreed.