

**ENVIRONMENT & TRANSPORT  
CABINET COMMITTEE**

**Wednesday, 16th September, 2015**

**10.00 am**

**Darent Room, Sessions House, County Hall,  
Maidstone**





## AGENDA

### ENVIRONMENT & TRANSPORT CABINET COMMITTEE

**Wednesday, 16 September 2015 at 10.00 am**  
**Darent Room, Sessions House, County Hall,**  
**Maidstone**

Ask for: **Alexander Saul**  
Telephone: **03000 419890**

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

#### **Membership (14)**

- Conservative (8): Mrs P A V Stockell (Chairman), Mr C R Pearman (Vice-Chairman), Mr A H T Bowles, Mr P J Homewood, Mr J M Ozog, Mr C Simkins, Mrs C J Waters and Mr M A Wickham
- UKIP (2) Mr M Baldock and Mr B E MacDowall
- Labour (2) Mr C W Caller and Dr M R Eddy
- Liberal Democrat (1): Mr I S Chittenden
- Independents (1) Mr M E Whybrow

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#### UNRESTRICTED ITEMS

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

#### **A - Committee Business**

##### A1 Apologies and Substitutes

To receive apologies for absence and notification of any substitutes present

##### A2 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

A3 Minutes of the meeting held on 21 July 2015 (Pages 7 - 18)

A4 Verbal updates

*The Cabinet Member for Environment and Transport*

- Update on Find and Fix pothole campaign
- Young Person's Travel Pass take up
- Launch of "Discovery" bus ticket
- Imminent completion of North Farm highway improvement scheme, Tunbridge Wells

A5 "Give Canterbury its Buses back" - Petition Scheme Debate (Pages 19 - 26)

To receive a report by the Cabinet Member for Environment & Transport and the Corporate Director for Growth, Environment and Transport that invites the Cabinet Committee to consider whether to make any recommendations to the Cabinet Member for Environment and Transport in relation to the action taken by the petitioners.

**B - Key or Significant Cabinet/Cabinet Member Decision(s) for Recommendation or Endorsement**

B1 Winter Services Policy for 2015/16 (Pages 27 - 54)

To receive a report of the Cabinet Member for Environment and Transport and the Interim Director of Highways, Transportation and Waste and to consider and endorse or make recommendations to the Cabinet Member for Environment & Transport on proposed changes to the Winter Service Policy for 2015/16

B2 Drainage and Planning Policy Statement (Pages 55 - 116)

To receive a report by the Cabinet Member for Environment and Transport and Corporate Director of Growth, Environment and Transport to consider and endorse or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to adopt the Drainage and Planning Policy.

B3 Contracts for the provision of Reception, Bulking and Transport of Residual Waste (Canterbury and Thanet Area) for final disposal at the Allington Waste to Energy Facility or other nominated facilities (Pages 117 - 128)

To receive a report of the Cabinet Member for Environment and Transport and the Head of Commercial Services and Waste Services and to consider and endorse, or make recommendations to the Cabinet Member on the proposed decision to delegate the award of contracts for the Bulking, Transportation of residual Waste, and any subsequent extensions, to serve Canterbury City Council, and Thanet District Council

B4 A28/A291 Sturry Link Road, Canterbury (Pages 129 - 136)

To receive a report of the Cabinet Member for Environment and Transport and the Corporate Director of Growth, Environment and Transport and to consider and endorse, or make recommendations to the Cabinet Member on the proposed decision seeking approval to take the A28/A291 Sturry Link Road highway improvement scheme through the next stages of development and delivery

**B5 Tender and Award of a Contract for the Maintenance of Traffic Signals (Pages 137 - 148)**

To receive a report of the Cabinet Member for Environment and Transport and the Corporate Director for Growth, Environment and Transport and to consider and endorse, or make recommendations to the Cabinet Member on the proposed decision to agree the award and issue of the Traffic Signals Maintenance contract for an initial period of five years

**B6 Proposed extension to the Highways Term Maintenance Contract currently let to Enterprise AOL (now Amey) (Pages 149 - 162)**

To receive the report from the Cabinet Member for Environment and Transport and Corporate Director for Growth, Environment and Transport and to consider and endorse or make recommendations to the Cabinet member on the proposed decision to agree the two year extension to the Highways Term Maintenance Contract.

**C - Other items for comment/recommendation to the Leader/Cabinet Member/Cabinet or officers**

**C1 Solutions to Operation Stack: Freight Fluidity for the UK's Gateway to Europe (Pages 163 - 166)**

To receive a report from the Cabinet Member for Environment and Transport and Corporate Director for Growth, Environment and Transport that provides an update on the current position.

**C2 Waste Strategy (Pages 167 - 170)**

To receive the report by the Cabinet Member for Environment and Transport and Interim Director of Highways, Transportation and Waste to approve the approach to developing a Waste Strategy and support the setting up of a Waste Strategy Task and Finish Group to inform strategy development.

**C3 Waste Regulations 2011 assessment (Pages 171 - 176)**

To receive the report from the Cabinet Member for Environment and Transport and the Interim Director of Highways, Transportation and Waste to note and comment upon KCC's level of compliance with Waste Regulations 2011 (amended 2012) TEEP Assessment requirement, and note that further service enhancements will be considered through the waste strategy development

**C4 Ashford District Deal (Pages 177 - 188)**

To receive a report by the relevant Cabinet Members and Corporate Director Growth, Environment and Transport that sets out an overview of the proposed District Deal model for continuing improved working between the County and Districts, as well as the proposed Ashford District Deal as a pilot.

C5 Environment and Transport Cabinet Committee Draft Programme of Work (Pages 189 - 192)

To receive a report by the Head of Democratic Services that gives details of the proposed work programme for the Environment and Transport Cabinet Committee

#### **D - Monitoring of Performance**

D1 Performance Dashboard (Pages 193 - 202)

To receive a report by the relevant Cabinet Members and Corporate Director for Growth, Environment and Transport that shows progress made against targets set for Key Performance Indicators.

D2 Annual Equalities and Diversity Report (Pages 203 - 230)

To receive a report by the relevant Cabinet Members and Corporate Director that sets out a position statement for services within the Growth, Environment and Transport (GET) Directorate regarding equality and diversity work and progress on KCC Equality objectives for 2014/15.

#### **E. MOTION TO EXCLUDE THE PRESS AND PUBLIC FOR EXEMPT ITEM**

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

#### **EXEMPT ITEMS**

E1 Tender and Award of a Contract for the Maintenance of Traffic Signals (Pages 231 - 232)

To receive exempt information for Item B5

E2 Extension to Highways Term Maintenance Contract (Pages 233 - 246)

To receive exempt information for Item B6

Peter Sass  
Head of Democratic Services  
03000 416647

**Tuesday, 8 September 2015**

*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.*

## KENT COUNTY COUNCIL

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### 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 Tuesday, 21 July 2015.

PRESENT: Mrs P A V Stockell (Chairman), Mr C R Pearman (Vice-Chairman), Mr A H T Bowles, Mr C W Caller, Mr B E Clark (Substitute), Dr M R Eddy, Mr P J Homewood, Mr B E MacDowall, Mr J M Ozog, Mr C Simkins, Mr A Terry (Substitute), Mrs C J Waters, Mr M E Whybrow and Mr M A Wickham

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

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), M D Beaver (Head of Network Management and Performance), Ms A Carruthers (Head of Strategic Planning and Policy), Mr R Fitzgerald (Performance Manager), Ms S Holt (Head of Culture & Sport Group), Mr D Joyner (Transport & Safety Policy Manager), Ms K Lewis (Drainage and Flood Manager), Ms C McKenzie (Sustainability and Climate Change Manager), Mr D Thomas (Business Improvement Manager - EHW), Mr R Wilkin (Interim Director of Highways, Transformation and Waste), Mrs L Whitaker (Democratic Services Manager (Executive)) and Mr A Saul (Democratic Services Officer)

#### UNRESTRICTED ITEMS

**87. Membership**  
(Item A1)

The Chairman welcomed those present including those registered to speak as part of the meeting. The following updates in membership of the Committee were received; Mr Homewood has replaced Mr Harrison, Mr Pearman has replaced Mr Brazier and Mrs Waters has replaced Mrs Hohler.

**88. Apologies and Substitutes**  
(Item A2)

Apologies for lateness were received from Mr Homewood, who would join the meeting later.

Apologies were received from Mr Baldock and Mr Chittenden who were represented by Mr Terry and Mr Clark.

**89. Declarations of Interest by Members in items on the Agenda**  
(Item A3)

No declarations of interest were received.

**90. Minutes of the meeting held on 9 April 2015**  
(Item A4)

The minutes of the previous meeting held on 9 April 2015 were agreed as a correct record.

**91. Verbal updates**  
(Item A5)

The Cabinet Member for Community Services, Mr Hill made the following comment;

- a. *Stop the Scammers*; a ground breaking initiative from Trading Standards intended to assist vulnerable victims of scams such as those targeted by scam phone calls and scam emails. This project has worked in partnership with Community Wardens and 70 of them have now been trained in this role. Their work has included monitoring these situations and working with banks and post offices to prevent fraudulent standing orders and cheques. They have also been installing phone devices that filter 98% of nuisance calls for the victims. *Stop the Scammers* has had significant success in prosecuting scammers. The Community Wardens have been awarded the Hero Award for their work by Trading Standards and the *Stop the Scammers* scheme was a finalist in the 2015 Local Government Services awards.

The Cabinet Member for Environment and Transport, Mr Balfour, made the following comments and announcements;

- a. An Active Travel Strategy was being developed and would come before this Cabinet Committee before a consultation would be undertaken.
- b. That there were problems regarding the Paramount development concerning the methodology by which planning permission was granted. Mr Balfour explained that the proposers of the park were not coming forward with reasonable solutions to the obvious problems that would emerge with Paramount. He has now been appointed to the planning committee of Ebbsfleet Development Corporation.
- c. Roger Wilkin and his team were developing a new Waste Strategy. This would be coming before Environment and Transport Cabinet Committee in coming months and is expected to appear in the September meeting.
- d. In regards to littering, the district councils had agreed to mutual support at a recent Kent Resource Partnership meeting. This should allow districts that are responding better to littering to be able to influence those Districts that are falling behind to improve in this area.
- e. Two problems caused by Operation Stack were brought to the Committee's attention. Firstly, overnight parking and the littering that follows that. Secondly, the ferry disruption. Shepway District Council has made Traffic Regulation Orders (TROs) to enforce stopping lorries parking in certain roads.
- f. A paper on Operation Stack would be compiled in conjunction with the Gateway Group which includes KCC, Shepway District Council, Ashford Borough Council, Dover District Council, ferry companies, the Port of Dover, the Channel Tunnel, haulage organisations and lorry park operators. He confirmed it was not proving easy to acquire an agreement from the group that could be used to speak to Ministers on this issue. Because of this, speaking to Ministers had been put back to September. It had also been difficult to acquire a proposal from Highways England as to what they would suggest doing on this and



how much it would cost. The Gateway Group was hoping that when a problem is emerging either with the ferries or in the tunnel the operators should inform the authorities immediately, which had not happened in the past, and that this intelligence should be used to forewarn the appropriate industries to stay out of Kent whilst this is happening. The intention would also be to develop plans for large lorry storage which cannot be like a lorry park. He also stated he would be grateful for support in terms of persuading MPs and others to support KCC on this matter.

- g. Lastly, that Phil Lightowler's team was reviewing all KCC contracts in regards to bus services to persuade operators' to take over certain services that were currently subsidised by KCC.

The Corporate Director of Growth, Environment and Transport, Mrs Barbara Cooper, made the following comment:

- a. Whilst Operation Stack had been in place the Emergency Planning Team, Community Wardens and Highway Stewards of KCC have been hard at work. They were still on standby to assist and respond to the welfare needs that arise during Operation Stack. Mrs Cooper paid tribute to their significant efforts in responding to these challenges.

The following comments were made by members of the committee and Cabinet Members:

1. That perhaps KCC's voluntary wardens should undertake the flood warden training so they could carry out this role as well.
2. Clamping in Ashford, whilst successful, had unfortunately redirected disruption into neighbouring areas and concern was raised that the new Shepway TROs would simply redirect disruption elsewhere.
3. A concern was raised about disruption in Cobham where up to 32 lorries had been parked overnight.
4. In regards to socially necessary buses, it was asked that bus services going to hospitals be considered as a priority.
5. The warning sign to inform drivers of when the motorway was closed due to Operation Stack, that had been placed by the Maidstone Hilton, was complimented as a positive step in responding to the challenges faced by drivers.
6. Further information on the Active Travel Strategy was requested.
7. It was suggested that smaller buses such as those seen in London could be of use in Kent.
8. Members expressed support for Mr Balfour in putting pressure on our MPs in regards to Operation Stack.
9. Comments were made that a previous project on Taxi Tokens be investigated.
10. Questions were raised about the use of the rail network to transport cargo to decrease the amount of lorries required.

The following comments were made by Cabinet Members and officers in response to questions raised by members of the committee:

1. It was accepted that simply redirecting the traffic would not resolve this disruption. The Council was aware just moving lorries would be unhelpful and that there was insufficient parking nationwide. It was confirmed that Mr Balfour

would like to discuss the stretch of road in Cobham with Highways. It was also emphasised that rail featured in plans to decrease the amount of lorries on motorways and would contribute in the long term solution to Operation Stack. In response to concerns about bus services to hospitals it was emphasised that they would be looking at those buses that are socially necessary.

2. Barbara Cooper confirmed that the Active Travel Strategy is a combined strategy involving Highways, Sports Team, Public Health and the Countryside Team.

**92. Criteria for determining community requests for changes to neighbourhood lighting**  
*(Item B1)*

Roger Wilkin, Interim Director of Highways, Transportation and Waste, introduced the report which asked the Committee to consider and endorse or make recommendations to the Cabinet Member for Environment and Transport on the criteria for determining community requests for changes to current neighbourhood lighting.

In response to comments made and questions raised by members, the following further information was provided by officers:

- i. Consultation would be conducted more transparently in the future.
- ii. Paragraph 6.1 of the report was intended to avoid situations whereby part-night lighting was reversed when a conversion to LED was imminent. This would avoid unnecessary cost and two sets of engineering works in close proximity.
- iii. That there was a key point liaison with Kent Police.

Mr Caller welcomed the anticipated greater flexibility of the revised review process as detailed in paragraphs 4.1 to 4.6 of the report and proposed:

1. That the following be added to section 4 as paragraph 4.7; Street lights that are converted to LED under a maintenance or replacement programme of works will be returned to AN (all-night) operation pending the outcome of the Post-LED consultation process.
2. That the clear process set out in paragraphs 5.1 to 5.4 for dealing with requests for AN operation be endorsed.
3. That paragraph 6.1 be amended to read:

*Unless a site meets the criteria as set out in section 4 of this report, other changes should not be implemented until the installation of the new LED's with Accompanying Central Management System (CMS) has been completed.*

In regards to Mr Caller's first proposal to section 4, concerns were expressed that, were it to be included in the report, KCC was pre-empting the result of the consultation and equality impact assessment process.

Mr Caller's recommendation 1 was put to the vote;

*Lost, 9 votes to 5.*

Mr Caller's recommendation 2 was put to the vote;

*Carried, 12 votes to 2.*

Mr Caller withdrew recommendation 3 and this was not put to the vote.

Dr Eddy proposed and Mr Bowles seconded that the committee welcomes the anticipated greater flexibility of the revised review process as detailed under 4.1 to 4.6 of the report.

It was RESOLVED that the proposed decision be endorsed and the clear process set out in paragraphs 5.1 to 5.4 for dealing with requests for AN operation be noted.

**93. Extension to the Contract for Waste Treatment and Final Disposal to Landfill, of the following Suppliers; Viridor, Biffa, Veolia**  
*(Item B2)*

The Chairman asked the committee to agree to move item B2 to the end of the meeting as it included exempt information.

**94. Kent Connected - Delivering improved 'door to door' travel options**  
*(Item B3)*

David Joyner, Transport and Safety Policy Manager, introduced the report which asked the committee to endorse or make recommendations to the Cabinet Member for Environment and Transport, on a proposed decision to accept Department for Transport's (DfT) funding to enable the Kent Connected initiative to be delivered.

He said the Kent Connected initiative focused on a website bringing together a series of measures to improve journey planning and the funding would be used to:

- i) pay supporting costs associated with delivering the initiative;
- ii) enter into and amend procured contracts as necessary and subject to the council's approval process;
- iii) make grants to transport operators, business and schools, in accordance with agreement procedures; and
- iv) promote the initiative to partner organisations and the public.

In response to comments made and questions raised by Members, Mr Joyner and Mr Balfour gave the following information:

- i) Promoting active travel, including walking and cycling, is an important part of this project.

- ii) This grant would fund the project for one year, including enhancing a number of existing initiatives, and the intention was to leave a legacy of measures and outcomes, which would still exist post funding.
- iii) Funding would be used to get the smart card scheme functioning and if successful, the objective is that the bus companies would maintain it without subsidy from KCC.
- iv) In terms of whether any individual bus operator would benefit from the smart card scheme Mr Joyner confirmed the intention of the smartcard was to support competition and would not favour one operator over another.
- v) That mode share targets would be measured in a number of ways, including through Business & School Travel Plan surveys and by asking customers to report through the website on changes to their travel patterns and experience.

It was RESOLVED that the proposed decision to accept this injection of revenue be endorsed.

**95. Highways and Transportation schemes funded through Local Growth Fund Round Two**  
(Item B4)

Ann Carruthers, Head of Strategic Planning and Policy, introduced the report which asked the committee to endorse or make recommendations to the Cabinet Member for Environment and Transport on a proposed decision to develop agreements for the transfer of funding and conditions of spend to the following delivery organisations:

- National Rail in respect of the Ashford Spurs scheme; and
- Dover Harbour Board in respect of Dover A20 Improvements Scheme

She referred in particular to the following:

- i. That £109 million had been secured for 24 transport and regeneration schemes through the Local Growth Fund (LGF). Four of these would be delivered by third party developers.
- ii. That the Dover A20 Improvements Scheme which focused on improving 2 roundabouts in Dover and was promoted by Dover Harbour Board as part of the Western Docks Revival Scheme.
- iii. The Ashford Spurs scheme would be required for Ashford International Station to stay on the international rail network and as such was of great value and importance to Kent.
- iv. That part of the funding had been secured from the European TEN-T CEF stream, as detailed within the report.
- v. That agreements with the third party deliverers were required as under the terms of the LGF which is allocated via South East Local Enterprise Partnership (for which Essex County Council was the accountable body). All schemes delivered must comply with South East Local Enterprise Partnership's Assurance Framework.

In response to comments made and questions raised by members, Ms Carruthers provided the following further information:

- i. The Ashford Spurs schemes would be undertaken in phases. She said she would supply timescales for this to members who requested it after the meeting.
- ii. It was the Dover Harbour Board's intention that the Dover A20 improvements scheme would be implemented in 2016.

It was RESOLVED that the proposed decision to authorise the Council entering into agreement for the transfer of LGF to Network Rail in respect of the Ashford Spurs scheme and to Dover Harbour Board in respect of Dover A20 Improvements Scheme be endorsed.

**96. Proposed consultation on the revised policy on street lighting post-LED conversion**  
(Item B5)

The committee received a report seeking endorsement of, or recommendations to the Cabinet Member of Environment and Transport on the proposed consultation on Street Lighting post-LED conversion.

Roger Wilkin, Interim Director of Highways, Transportation and Waste, introduced the report which set out the consultation approach that would consider the equality impacts of Street Lighting post-LED conversion. He confirmed that following the consultation a further report would be prepared.

The following further information was provided by officers in response to questions from members:

- i. That the consultation would need to start by the end of August 2015.
- ii. That the Equalities and Consultation team would help ensure that groups affected by this policy were identified and participated in the consultation.

Mr Caller proposed the following proposals to the committee to amend the proposed consultation;

**1. Section 2 – Scope of the consultation**

2.1 That Part-Night lighting be removed as an option for consultation.

**2. Section 3 – Consultation approach**

a. That both deliberative workshops and focus groups/meetings as detailed in the report be utilised as part of the consultation process

b. That the following paragraph be added:

Residents currently affected by Part-Night lighting

Communication will be sent out to all Kent residents currently affected by Part-Night lighting advising them that a consultation being undertaken, the date the consultation closed and how they could access/obtain a copy of the consultation document.

After further debate Mr Caller withdrew the first recommendation.

Mr Caller's recommendation in **Section 3 part a** was put to the vote;

*Lost, 9 votes to 5.*

Mr Caller's recommendation **Section 3 part b** was put to the vote;

*Lost, 9 votes to 5.*

The recommendations in the report were put to vote and it was RESOLVED that they recommendations within the report be agreed;

*Carried, 9 votes to 5.*

**97. Kent and Medway Growth and Infrastructure Framework**  
*(Item C1)*

The Cabinet Committee received a report that gives details of the work that has been carried out to develop a Growth and Infrastructure Framework for Kent and Medway. In light of the fact the Cabinet Committee members had been updated on this subject at County Council they agreed to not continue with the accompanying presentation.

**98. Consultation for the Kent Environment Strategy 2015**  
*(Item C2)*

Cabinet Committee received a report presented by Carolyn McKenzie, Head of Sustainable Business and Communities, which outlined the draft of the refreshed Kent Environment Strategy (KES). She explained that the Strategy would have a detailed implementation plan alongside it and would be refreshed annually.

She said explained that, if the Committee agreed, public consultation would be undertaken from July to September. Further consultation with partners and stakeholders would continue around that consultation.

The following comments were made:

1. That the document was a very good piece of work.
2. That aviation matters should be addressed more in the KES.

In response to concerns about aviation matters not being sufficiently addressed in the KES Ms McKenzie said there was a potential link with regards to noise impacts, and offered to follow up after the meeting.

It was resolved that the new draft KES be NOTED and the consultation be AGREED.

**99. Highway Drainage**  
*(Item C3)*

The Cabinet Committee received a report presenting the response to reports of flooding and drainage issues on the highway. Mr Balfour introduced the report, explaining it had previously been agreed at a Scrutiny Committee meeting that this paper would be brought before the Environment and Transport Cabinet Committee. This was in response to members wanting further information on over 3,500 highway drainage and flooding enquiries the County Council had received between 23 December 2013 and 1 March 2014. He confirmed this report would detail the nature of these enquiries, why this many were received and what action was taken.

Kathryn Lewis, Drainage & Flooding Manager, was in attendance and gave the following further information in response to questions raised by members;

- i. That the current report predominantly addressed residential property but also referred to business property. A member advised this be referenced more in future reports.
- ii. That concerns about communication with members and the public would be addressed in the service re-design.

It was RESOLVED that the report be NOTED.

**100. Work Programme 2015**  
*(Item C4)*

The Cabinet Committee received a report from the Head of Democratic Services which contained information on the Environment and Transport Cabinet Committee Work Programme.

RESOLVED that with the inclusion of the Active Travel Strategy, as mentioned in the Verbal Updates, the Work Programme be AGREED.

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

The Cabinet Committee received a report setting out the Environment and Transport Performance Dashboard, which showed progress made against targets set for Key Performance Indicators up to May 2015.

Richard Fitzgerald, Performance Manager, was in attendance to introduce the report and take questions from members.

He drew the Committee's attention to the performance data from Highways and reported that Highways were back on track for performance.

In response to questions from members Roger Wilkin gave the following information;

- i. That the reduction at recycling of Household Waste Recycling Centres (HWRCs) was due to the district councils with support from Kent County Council investing in further developing and improving kerbside recycling;
- ii. that the data on streetlight repairs had been affected partly by seasonal fluctuations in the use of the streetlights but also due to technical complications with their maintenance. He also said there had been very robust discussions with the relevant provider about delays in maintenance of street lighting.

A comment was also made that changes be made to how the Expected Range data was displayed.

Following further comments Richard Fitzgerald thanked the Cabinet Committee for their feedback and confirmed it would be taken into account in their next report.

RESOLVED that the report be NOTED.

**102. Results from the Highways, Transportation & Waste Annual Satisfaction Survey 2014**  
*(Item D2)*

The Cabinet Committee received a report on the results from the Highways, Transport and Waste Annual Satisfaction Survey for 2014. David Thomas, the Business Manager for Environment, Growth and Transport, was in attendance to present the report. He explained that the survey gave an overall impression of the view of the service from residents, County Members and Parish/Town Councils.

In response to comments from members, David Thomas confirmed that feedback from members on the way in which the survey data be displayed would be taken into account in future.

Resolved that the report be NOTED.

**103. Exclusion of the Public**

The Chairman proposed that the press and public be excluded from the meeting.

Resolved that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

**104. Extension to the Contract for Waste Treatment and Final Disposal to Landfill, of the following Suppliers; Viridor, Biffa, Veolia**  
*(Item E1)*

The Committee had agreed to defer the report to the end of the meeting. David Beaver, Commercial Manager for Growth, Environment and Transport, was in attendance to speak on the item which sought to endorse, or make recommendations to the Cabinet Member for Environment and Transport on the proposed decision to extend the current Landfill Contracts up to 31 March 2016:

- Waste Treatment and Final Disposal (Landfill) – Viridor. Ref WTFD 10/23.
- Waste Treatment and Final Disposal (Landfill) – Biffa. Ref WTFD 10/23.
- Waste Treatment and Final Disposal (Landfill) – Veolia. Ref WTFD 10/23.

He emphasised that endorsing this proposal would enable KCC to fulfil its statutory obligations as a Waste Disposal Authority.

In response to comments made and questions raised by members, officers provided the following further information:



- i. It was acknowledged that the three contracts had all expired. Various other waste disposal contracts had also expired recently and these had been resolved through an intensive programme of procurement.
- ii. A report on future waste disposal contracts would be brought to the Environment and Transport Cabinet Committee.
- iii. All procurements would be shown in the Business Plan.
- iv. That KCC was moving towards a better commissioning process.

It was RESOLVED that the proposed decision be endorsed.

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From: Matthew Balfour, Cabinet Member – Environment and Transport  
Barbara Cooper, Director – Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 16 September 2015

Subject: “Give Canterbury its Buses back” - Petition Scheme Debate

Classification: Unrestricted

Summary: Details of petition received which will be the subject of a debate in accordance with the County Council’s Petition Scheme.

## For Decision

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### 1. Introduction

(1) In accordance with the Petition Scheme agreed at the County Council on 13 September 2012, any petition on a County Council matter that has more than 2,500 signatures will trigger a debate at the appropriate Cabinet Committee.

(2) The process for the debate on each petition is that the Lead Petitioner(s) will be invited to speak to the petition for up to 5 minutes. There will then be a debate of up to 35 minutes (with each Member speaking for up to 3 minutes) before the Cabinet Member for Community Services is invited to respond for a maximum of 5 minutes at the end of the debate to advise the Cabinet Committee how he intends to respond to the petitioners’ concerns.

(3) As the subject matter of this petition relates to a matter that is the responsibility of the Council’s Executive, the Cabinet Committee may decide whether to make a recommendation to the Cabinet Member for Community Services to inform the decision-making process.

### 2. Petition – Give Canterbury its Buses back

(1) Kent County Council has received a petition that says the following;

*“We the undersigned petition the council to arrange a Bus Service into Lower St Dunstons Street and St Peter’s Place (through the Westgate Towers). People in Whitstable, Tankerton, Faversham, Blean, Boughton, Rough Common, Harbledown and London Road Estate used to be able to catch a bus to The WESTGATE Towers area to use all small shops, Doctors, Dentists and Canterbury West Station. If Stagecoach will not run this bus service we appeal to the Council to use their influence.*

*Stagecoach have withdrawn services to lower St Dunstons and St Peter’s Street which is causing hardship to residents and traders.”*

- (2) The petition has attracted 2,783 signatures from people who live, work or study in Kent and therefore has triggered a debate at this Cabinet Committee.

A statement from the Lead Petitioners is attached (**Appendix A**) and Ms Debbie Barwick will be attending the meeting and speaking to the petition.

A response from Kent County Council's Public Transport Department is also attached (**Appendix B**).

### **3. Recommendation**

The Cabinet Committee is invited to consider whether to make any recommendations to the Cabinet Member for Environment and Transport in relation to the action taken by the petitioners.

#### **Report Author**

**Alexander Saul**  
**Democratic Services Officer**  
**Tel: 03000 419890**  
**Email: alexander.saul@kent.gov.uk**

#### **Director**

**Barbara Cooper**  
**Director of Growth, Environment and Transport**  
**Tel: 03000 415981**  
**Email: barbara.cooper@kent.gov.uk**

Background Documents: None

Petitioner's statement to the Environment & Transport Cabinet Committee – 16 September 2015

The petition now presented to KCC shows the frustration felt by both residents and traders of Canterbury alike.

We know now that the 2012 Westgate Towers Traffic Trial happened because Stagecoach Bus Company purchased buses not fit for purpose (they didn't fit through the Westgate Towers.)

The Leader of KCC stopped the trial and gave assurances that the road layout would return to how it was before the trial. This has happened but there is no bus service to the area.

Kent University has a financial but not an operational interest in the buses. KCC pays part of the cost of the service.

Many reasons have been given as to why the buses cannot return through the Westgate Towers.

**1. Damage to the Towers.**

The structural survey shows the only damage was to the South side and it is caused by rain damage.

**2. Stagecoach stated it was illegal for drivers to retract their wing mirrors.**

C and U regulation 33 (4) (e) states that mirrors HAVE TO BE retractable by the driver (copy of legislation available). Over the past few years Councillors in Canterbury have been asking KCC to provide legislation which states this is illegal, none has been forthcoming.

**3. Disabled access.**

Routemaster manufacturer a narrower and greener bus which complies with current legislation and is used by Stagecoach in other areas Stagecoach letter dated 1<sup>st</sup> March 2013 to Cllr Northey states 100 people per hour were being dropped in St Dunstons St Peters Street, these people are now taken along London Road to Rheims Way to Whitefriars shopping Centre. By passing St Dunstons and St Peters Street. Passengers are unable to reach their desired destination.

Stagecoach are planning to provide two buses an hour to bring people to Station Road West for the Train station and North Lane. This is not acceptable. It is not commercially viable and may well be a short lived service.

Stagecoach have stated that the St Dunstons route through the Westgate Towers is a very lucrative route (see Local plan) and buses must return to this area.

The bus stop through the Westgate Towers remains there and needs buses for residents to get to Doctors surgeries and Kent and Canterbury Hospital, plus customers for the shops in St Peters Street and St Dunstons area.

For the Cabinet member for Highways to say he has no influence is simply risible. He has massive power and should exercise it in the public interest. He who pays the piper should call the tune.

Sadly KCC payments on the freedom pass have created a monopoly which allows Stagecoach to tell KCC what to do. This entire business has been a web of misinformation.

This petition is to ask KCC to ensure Stagecoach run buses through the Westgate Towers or to get a bus company that will.

## Environment and Transport Cabinet Committee – 16 September 2015

### Petition - Give Canterbury its Buses back

Briefing note from Kent County Council's Public Transport Department

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Kent County Council's Public Transport Department has considered the issues raised in the petition "Give Canterbury its Buses back" and provides the following responses to support discussions held at the Environment and Transport Cabinet Committee meeting on 16<sup>th</sup> September 2015:

**Issue raised: *Damage to Towers - "The structural survey shows the only damage was to the south side and it is caused by rain damage"***

**Response:**

The Westgate Towers are a protected ancient monument and therefore, as defined by statute, any damage caused is classified as an offence. The Tower's northern arch is 2.8 metres wide with the vehicles utilised by Stagecoach for operation measuring 2.55 metres. Side mirrors add an additional 0.23 metres at each side of buses, resulting in a total width of 3.01 metres. All vehicles used for operation by Stagecoach comply with United Kingdom Construction and Use regulations for PCV vehicles and are fully Disability Discrimination Act compliant.

Prior to May 2013, Stagecoach vehicles operated through Westgate Towers, with drivers retracting both the nearside and offside mirrors in order to ensure physical passage was possible. Buses would then proceed through the monument with drivers unable to make use of these mirrors resulting in no rear view of either the arch or of any pedestrians in the vicinity. At the end of the Westgate traffic scheme trial, Stagecoach reviewed whether this practice was safe and appropriate and determined that the manoeuvre was unsafe and posed a risk to safety as well as a risk to the company from a legal perspective. It is very evident that the arch has been damaged by large vehicles including buses, as the marks on the stone work can be seen clearly.

Stagecoach has made it clear to Kent County Council that they will not reverse this decision and, as a commercial operator, have every right to take this stance.

**Issue raised: *"Stagecoach stated it was illegal for drivers to retract their wing mirrors"***

**Response:**

It is not appropriate for Kent County Council to adjudicate whether this is legal or not, as the Kent County Council is not the enforcement authority for road traffic; this is enforced by Kent Police.

**Issue raised: Disabled access** - "Routemaster manufacturer a narrower and greener bus which complies with current legislation and is used by Stagecoach in other areas Stagecoach letter dated 1<sup>st</sup> March 2013 to Cllr Northey states 100 people per hour were being dropped in St Dunstons St Peters Street, These people are now taken along London Road to Rheims Way to Whitefriars shopping Centre. By passing St Dunstons and St Peters Street. Passengers are unable to reach their desired destination.

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For the Cabinet member for Highways to say he has no influence is simply risible. He has massive power and should exercise it in the public interest. He who pays the piper should call the tune.

Sadly KCC payments on the freedom pass have created a monopoly which allows Stagecoach to tell KCC what to do. This entire business has been a web of misinformation.

This petition is to ask KCC to ensure Stagecoach run buses through the Westgate Towers or to get a bus company that will."

**Response:**

East Kent has predominantly been served by one bus operator for the past 50 years, both through the period when the operator East Kent Road Car Co. formed part of the government-owned National Bus Company and its privatised form, under the ownership of Stagecoach. That there is not a mix of operators reflects the history of bus service development in this area and the market for bus travel. That Stagecoach today operates the majority of services has no linkage to the supported services provided by KCC, the payments for concessionary travel or the public transport policies of KCC.

Under the 1985 Transport Act, the market for local bus services was de-regulated. Any bus operator, who satisfied the Operator Licensing regulations, could register to run a bus service on a commercial basis. Since the 1985 Transport Act there has been the opportunity for all operators to develop services; that they haven't is linked to the market, not Kent County Council.



There is no market regulation of bus services outside of London, exercised by local authorities or any other regulatory body. The majority of the network operated into/out and around Canterbury is operated commercially by Stagecoach, with KCC supporting a small number of services / journeys to meet minimum social need where this cannot be provided by the commercial operator. Contracted services are, in the most part, awarded following a competitive tender process open to all operators registered on the relevant procurement framework. Some contracts are awarded on a di-minimis basis where for instance a limited number of journeys which build on a core commercial service are funded e.g. in the early morning or late evening.

Payments made to Stagecoach by the Kent County Council for the English National Concessionary Travel Scheme (ENCTS) are payments for concessionary travel and are governed by the 1985 Transport Act. Kent County Council does not have the right to withhold payment for such travel, except in limited circumstances. Likewise, whilst the Young Persons Travel Pass (YPTP) is provided as a discretionary scheme, Stagecoach must be re-imbursed for each use of a pass. If their payments are higher than those for other operators this is simply reflective of the number of services they operate as a result of the de-regulated network described above. The Westgate Towers issue would not constitute a reasonable circumstance to alter the payments made in respect of YPTP or ENCTS.

Stagecoach has developed a compromise to the current issues at Westgate Towers with the aim of improving connections to the St Dunstons area. The proposal required the co-operation of Canterbury City Council, Kent County Council and the University of Kent and will come into effect from 21<sup>st</sup> September 2015. Whilst the solution is based on Stagecoach's resolution that they will not return to operation through the Towers, it does provide more journeys into the area.

The changes provide the following:

- 1 bus per hour from Herne Bay via Whitstable to Canterbury via the University & St Dunstons
- 2 buses per hour from Whitstable to Canterbury via the University & St Dunstons
- 4 buses per hour from the University to Canterbury via St Dunstons

The above will be on top of existing services between the University to Canterbury via St Dunstons. The service in Whitstable will also be serving the new Estuary NHS complex.

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From: Matthew Balfour, Cabinet Member - Environment & Transport  
Roger Wilkin, Interim Director - Highways, Transportation and Waste

To: Environment & Transport Cabinet Committee - 16 September 2015

**Subject: Winter Service Policy for 2015/16**

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: All

**Summary:**

Each year Highway Operations reviews the Council's Winter Service Policy and the operational plan that supports it in light of changes in national guidance and lessons learnt from the previous winter. This report sets out revisions to this year's policy and details of arrangements for delivering the winter service including procurement of the weather forecast service and farmer snow ploughing contracts.

**Recommendation**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Environment & Transport on proposed changes to the Winter Service Policy for 2015/16

**1. Introduction**

1.1 During the winter of 2014/15 Kent experienced what can be described as an average winter with no snow days. However there were still many days and nights where there were marginal temperatures hovering around zero degrees and also nights where the temperature was below zero. This led to 91 primary salting runs being undertaken; 69 full runs covering all of Kent and 22 part runs. The 55 runs set out in the policy are based on a 16g pre wet spread rate. The salt usage for each run varies according the weather conditions. Therefore the number of runs completed last season is in excess of the 55 stated in the policy as some runs were done at a lower spread rate e.g. 8g pre wet. There were no secondary runs.

**2. Financial implications**

2.1 The allocated budget for winter service for 2015/16 is £3,230,800. The budget is broken down as follows:

- £1,162,800 for 66 pre-cautionary salting runs on the primary network.

- £20,000 for the purchase of additional salt bins.
- £32,000 was spent on the weather forecast contract last season.
- £700 was spent last year on the liquid de-icer.
- The balance of the budget is for plant, equipment, salt and other resources necessary to deliver the service
- The costs for the farmers contract for snow ploughing are unknown as the farmers are only used at times when there is a snow event. The cost during the last snow emergency in 2012/13 was £52,371. Costs will vary depending on the severity of the weather. There were no costs in the past two years as we did not have snow. The costs for the farmers are paid for from the Council's reserve revenue budget

### **3. National guidance and winter planning**

3.1 In recent years the Highway Operations winter service team have been working to implement the National guidance for winter service issued by the Department for Transport and detailed in the Code of Practice for highway authorities, Well Maintained Highways, Section 13 Winter Service. The appendix to this section of the guidance, Appendix H, has been updated and amended as a result of lessons being learnt in the industry over four successive cold and snowy winters.

3.2 During the summer work was done to further refine and improve the winter service. This work focused on:

- assessing areas of Appendix H to implement this coming winter ;
- the procurement of the weather forecast contract ; and
- the procurement of the farmers contract for snow ploughing

3.3 Appendix H sets out guidance in relation to salt usage and alternative products that can be used to de-ice carriageways and footways. The use of rock salt is the primary material used by Highway Operations and this will continue to be the case. However trials are being carried out by other authorities across the country using liquid treatments. The most extensive trial has been undertaken by Transport Scotland, working with Highways England (HE) and the National Winter Service Research Group (NWSRG) who have promoted an initiative to further investigate the potential merit of using brine on the Scottish and English trunk road network. Transport Scotland selected two trial sites; the A1 at East Linton (near Dunbar) and the A9 at Aviemore. HE provided a site on the M27 at Parkgate. The results of the trials are being analysed and additional roads will be added to the trial for the coming winter season. In Kent officers are trialling a liquid de-icer on a few bridges in the county. The benefits, cost and environmental factors, will be assessed during and at the end of the season. (Winter Service Policy para 3.3.1.)

3.4 In order to deliver a high quality winter service, a bespoke winter road weather forecast is required to enable decision makers to have accurate information to instruct salting action around the county. The current contract for the weather forecast service expired in May 2015 and a procurement process was undertaken for a new supplier. The business cases for the weather forecast

contract and the farmers' snow clearance contracts were signed off in May 2015. The weather forecast contract was put out to tender on 13 July 2015. 20 days were programmed for the tenders to be returned and 10 days for evaluation of the returned tenders. Two tenders were received and are currently being evaluated with the intention to award a five-year contract with an option to extend for a further two years starting on 1 October 2015.

- 3.5 For many years farmers around the county have been invaluable in clearing snow and ice in their local community. The contracts for their services expired in May 2014 and were extended for a further year up to May 2015. As this service requires farmers with local knowledge of the rural areas of Kent who provided with snow ploughs by KCC to deliver, it is a highly specialised service. The procurement process has therefore been considered by the Corporate Procurement team, and officers are currently considering their advice and putting plans in place to secure the contracts by the end of October 2015.

#### **4. Winter resilience**

- 4.1 The Code of Practice for Well Maintained Highways recommends that local authorities identify a minimum network that would be treated continuously for a period of six days in a severe winter event. The minimum network for Kent has been identified as being the main strategic network, i.e. all A and B roads and some other locally important roads as detailed in the highway network hierarchy and amended the policy accordingly. Essentially, these equate to the current primary routes minus the local roads and roads that go through estates etc. Highway Operations will always endeavour to treat the entire primary network as identified in the policy. However we recognise that there may be times as experienced in previous years where it will be necessary to reduce the network as stated above to maintain our salt stock levels and keep the main roads in Kent moving during protracted winter weather events.
- 4.2 Additionally, officers have identified an Operational Winter Period which is October to April and a Core Winter Period which is December to February and the stocks of salt needed during those periods to effectively treat the network in line with recommended resilience levels. The resilience levels are shown at Appendix A. KCC maintains a salt stock of 23,000 tonnes which is within the recommended resilience level. Arrangements are in place for winter deliveries to keep stocks topped up during winter and 2,000 tonnes are held in a strategic stockpile at Faversham Highway depot.

#### **5. Collaboration with neighbouring authorities**

- 5.1 In previous years good relationships have been established with the Highways England MAC Area 4 who manage the trunk roads and motorways in Kent. KCC shares one depot at Stanford in east Kent with Highways England and there has been a reciprocal salt sharing arrangement for some time which has worked very well. Additionally there is an arrangement with Medway Council in respect of the weather forecast and treating areas on the borders of Kent and Medway. KCC also has good working relationships with

adjacent local authorities to provide mutual aid during a snow emergency. Additionally Highway Operations continues to contribute toward national guidance, being a member of the National Winter Research Group (NWSRG) Steering Group.

## **6. Media and communication**

- 6.1 Following the successful winter service campaign, 'We're prepared are/have you?' which was run across the county in 2014/15, a similar campaign is planned for this year. Work is ongoing to continue this for the coming season and again the website and radio advertising will be key in getting the winter message across the county as well as Twitter which proved to be very popular in the past. The campaign will increase awareness of the service and also to encourage people to be prepared and undertake self-help when possible. This year the media – radio, television and press – will be provided with media briefs in advance of the winter season detailing the essentials of the winter service. Key staff in Highway Operations are working with the press office to prepare statements and press releases for rapid issue at the onset of winter conditions. These will be pre-approved for use during periods of severe conditions when the winter service delivery team will be busy

## **7. Winter Service Policy and Plan 2015/16**

- 7.1 The Winter Service Policy is presented at Appendix B. The Winter Service Policy is supported by an operational Plan which has been updated in line with the Policy and discussions have been had with KCC's contractor, Amey to ensure that plans are aligned. The Plan is available for Members to view on request. In addition district plans have been developed in conjunction with district councils across the county and these will be used together with the Policy and Plan to deliver the winter service. Local district plans will be reported to the next round of Joint Transportation Boards.

## **8. Strategic Statement**

- 8.1 Winter service is essential to keep Kent moving for social and economic development reasons. It also contributes towards Kent residents having a good quality of life in all weathers through local district winter plans, the provision of salt bins and the communication strategy that complements the winter service policy

## **9. Financial implications**

- 9.1 The allocated budget for winter service for 2015/16 is £3,230,800. £1,162,800 of this budget is allocated for 66 pre-cautionary salting runs on the primary network. £20,000 is allocated for the purchase of additional salt bins. The balance of the budget is for plant, equipment, salt and other resources necessary to deliver the service, including the weather forecast service. This sum does not include an allowance for a snow emergency. Risk - in the event of a prolonged period(s) of snow the cost to KCC could rise significantly.

## **10. Legal Implications**

- 10.1 The statutory basis for Winter Service in England and Wales is Section 41(1A) of the Highways Act 1980, modified on 31st October 2003 by Section 111 of the Railways and Transport Act 2003.

## **11. Equalities Implications**

- 11.1 The Winter Service policy prioritizes ice and snow clearance on the major roads in the County to enable as many people as possible to continue to go about their daily business. Additionally local winter service plans have been developed for local more rural areas utilizing local farmers to clear snow when necessary. Within these plans there is provision for clearing areas that are used by vulnerable people including the elderly and young people. Local communities, principally parish councils, are also provided with a salt/sand mix for use in their area during snow days.

## **13. Conclusions**

- 13.1 The Winter Service Policy sets out the Council's arrangements to deliver a winter service across Kent. The following revisions have been made this year:
- (a) weather forecast contract procurement process has been followed and a five year contract will be awarded to the successful Company;
  - (b) Farmers contracts will be procured for the next ten years; and
  - (c) Liquid de-icer products to be used on selected bridges around the county.

## **14. Recommendations**

- 14.1 The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Environment & Transport on proposed changes to the Winter Service Policy for 2015/16

## **15. Background documents**

The UK Road Liaison Group's Well Maintained Highways - Section 13 Winter Service

<http://www.ukroadsliaisongroup.org/en/news/index.cfm/appendix-h-winter-service-practical-guidance>

## **16. Appendices**

Appendix 1 – Minimum Salt Stock Levels

Appendix 2 – Winter Service Policy

Appendix 3 – Proposed Record of Decision

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## Minimum Salt Stock

Minimum Stock					
Routes	Normal salting network	Minimum Winter Network (tonnes/run	Full Pre season stock (12 days/48 runs)	Core winter period 6 days/36 runs	Overall winter period Minimum Network(3 days/18 runs)
Primary	350	350	16,800	12,600	6,300
Secondary	300	0	0	1800	5400
<b>Total</b>			<b>16,800</b>	<b>14,400</b>	<b>11,700</b>

Overall winter period - 16th October to 22nd April

Core winter period - 1st November to 1st March

Days resilience (overall winter period) 3 days

Days resilience (core winter period) 6 days

The minimum in season stocks are the minimum to which stocks should be allowed to fall, i.e. restocking should take place well before the minimum is likely to be reached

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Kent County Council

# Winter Service Policy

Highway Operations Policy for 2015/16 Winter  
Service Period

HTW CV  
V3. Aug2015 C.Valentine



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## **1. INTRODUCTION**

### **1.1 Winter Service - Statutory Duty**

1.1.1 The statutory basis for Winter Service in England and Wales is Section 41(1A) of the Highways Act 1980, modified on 31<sup>st</sup> October 2003 by Section 111 of the Railways and Transport Act 2003

“(1A) In particular, a highway authority is under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

1.1.2 The County Council recognises that the winter service is essential in aiding the safe movement of highway users, maintaining communications, reducing delays and enabling everyday life to continue. It is very important to both road safety and the local economy. The winter service that the County Council provides is believed to be sufficient so far as is reasonably practical to discharge the duty imposed by the legislation.

1.1.3 The County Council, as highway authority, takes its winter service responsibilities extremely seriously. However, it is important to recognise that the council has to prioritise its response to deal with winter weather due to the logistics and available resources.

1.1.4 Highway Operations provides the winter service through a contractual arrangement between Kent County Council and Amey plc.

### **1.2 Winter Service Standards**

1.2.1. In order to respond as quickly and efficiently as possible to its responsibilities Highway Operations has adopted policies and standards for each of the winter service activities and these are detailed within this document. The operational details for the winter service activities in Kent are detailed in the Winter Service Plan 2015/16 that complements this Policy Document.

1.2.2 Highway Operations provides a winter service which, as far as reasonably possible, will:

- Minimise accidents and injury to highway users, including pedestrians, and preventing damage to vehicles and other property
- Keep the highway free from obstruction and thereby avoiding unnecessary hindrance to passage



### 1.3 **County Council Maintained Highways**

1.3.1 KCC Highway Operations delivers the winter service on Kent County Council maintained highways.

### 1.4 **Motorways and Trunk Roads**

The Department for Transport (DfT) is the highway authority for motorways and all-purpose trunk roads in Kent and Highways England acts for the DfT in this respect. Responsibility for the operational maintenance of motorways and trunk roads lies with Highways England. Highway Operations therefore has no responsibility for winter service activities on these roads. However, close liaison exists between Highways England contractors over action taken during the winter service operational period within respective areas of responsibilities.

## 2. **WINTER SERVICE OBJECTIVES**

### 2.1 **Salting**

2.1.1 •To prevent the formation of ice on carriageways (precautionary salting)

•To facilitate the removal of ice and snow from carriageways and footways (post salting).

### 2.1.2 **Roads to be Included within Primary Precautionary Salting**

#### **Routes**

Routine precautionary salting will be carried out on pre-determined primary precautionary salting routes covering the following roads:

- Class 'A' and 'B' roads
- Other roads included in the top three tiers of the maintenance hierarchy as defined in the Kent Highway Asset Maintenance Plan. These are termed Major Strategic, Other Strategic and Locally Important roads.
- Other roads identified by Highway Managers (based on local knowledge and experience and input from relevant local stakeholders including district and parish councils), that are particularly hazardous in frosty/icy conditions

2.1.3 It would be impractical and financially draining to carry out precautionary salting of footways, pedestrian precincts or cycle ways and therefore no provision has been made. However, there will be

a certain amount of salt overspill onto footways and cycle ways when precautionary salting is being carried out on adjacent carriageways. Post salting of footways and cycle ways will be carried out on a priority basis during severe winter weather, as resources permit.

#### **2.1.4 Minimum Winter Network**

In the event of a prolonged snow event or other circumstances leading to a shortage of resources including salt, sand and vehicles, precautionary salting will be limited to the main strategic network, i.e. all A and B roads and some other locally important roads as identified in the highway network hierarchy. Essentially, these equate to the current primary routes minus the local roads and roads that go through estates etc.

### **2.2 Snow treatment**

The only effective way to remove more than a few millimetres of snow is by ploughing. The purpose of ploughing is to move as much snow as possible away from the road surface as is practical for the given conditions though it will not always be possible to remove snow right down to the road surface

- 2.2.1
  - To prevent injury or damage caused by snow
  - To remove obstructions caused by the accumulation of snow (section 150 of the Highways Act 1980)
  - To reduce delays and inconvenience caused by snow
- 2.2.2 Snow clearance on carriageways will be carried out on a priority basis as detailed in paragraph 6.2.
- 2.2.3 Snow clearance on certain minor route carriageways will be carried out by local farmers and plant operators, who are under agreement to the County Council, using agricultural snow ploughs and snow throwers/blowers. This year a small number of farmers will be equipped with spreaders to distribute dry salt after snow clearance. Snow clearance on other minor route carriageways will be carried out as resources permit. Some minor routes and cul-de-sacs will inevitably have to be left to thaw naturally.
- 2.2.4 Snow clearance on footways and cycle ways will be carried out on a priority basis as detailed in paragraph 6.3, utilising Highway Operations staff and district council staff where agreements exist.
- 2.2.5

### **2.3 Roadside Salt Bins**

Salt Bins are provided to give motorists and pedestrians the means of salting small areas of carriageway or footway where ice is causing difficulty on roads not covered by primary precautionary salting routes.

### **3. WINTER SERVICE GENERAL**

#### **3.1 Winter Service Contracts**

3.1.1 Winter service in Kent is included within the Term Maintenance Contract awarded to Amey plc. This contract was awarded in 2011 and is currently in place until 2016.

#### **3.2 Winter Service Season**

3.2.1 In Kent the weather can be unpredictable and the occurrence and severity of winter conditions varies considerably through the season, and from year to year. To take account of all possible winter weather the County Council's Operational Winter Service Period runs from mid-October to mid-April. This year the season runs from the 16 October 2015 to the 22nd April 2016. The core winter service operates between December and February and increased salting runs are planned for this period.

#### **3.3 Salt usage and alternatives to Salt**

Rock Salt will be used as the de-icing material for precautionary and post salting. H&T uses a pre-wet system which improves the effectiveness of treatment by reducing particle distribution, increasing adherence to the surface and increasing the speed of anti-icing or de-icing action. Dry salt is also used in appropriate conditions including when there is severe snow and ice.

In cases of severe snowfall, alternatives to salt will be used including sharp sand and other forms of grit, including a salt/sand mix up to 50/50 proportion.

3.3.1 A number of alternative materials to salt are now available which can be used for the precautionary and post treatment of ice and snow. The cost of these is extremely high and there are also environmental disadvantages associated with most of them. However developments are being made in this area, with some authorities in the UK now using liquid and brine treatments. Liquid treatments will be used on a few bridge decks in the county. Salt will for the time being, remain in use throughout Kent for the precautionary and post treatment of snow and ice.

#### **3.4 Winter resilience standard**

At the start of the winter service season H&T will have 23,000 tonnes of salt in stock in depots around the county. National guidance to local authorities suggests a resilience benchmark of 12 days/48 runs i.e. the authority would be able to continuously salt its minimum winter network during its core winter period for 12 days. The level of salt in stock ensures that this number of runs can be carried out.

#### **4. WEATHER INFORMATION**

##### **4.1 Weather Information Systems**

4.1.1 An effective and efficient winter service is only possible with reliable and accurate information about weather conditions, at the appropriate times in the decision making process. Highway Operations utilise the best weather forecast information currently available allied to the latest computer technology to ensure that decisions are based on the most accurate data available at the time. The current weather forecast provider is

##### **4.2 Weather Reports**

4.2.1 During the operational winter service period Highway Operations will receive detailed daily weather forecasts and reports specifically dedicated to roads within Kent.

##### **4.3 Winter Duty Officers**

4.3.1 Experienced members of staff from KCC Highway Operations will act as Winter Duty Officers, throughout the operational winter service period, on a rota basis. The Officer on duty is responsible for the following:

- Receiving forecast information from the forecasting agency
- Monitoring current weather conditions Issuing countywide salting instructions for primary and secondary routes
- Issuing the Kent Road Weather Forecast
- Recording all actions taken

4.3.2 The Kent Road Weather Forecast will be issued daily containing information about expected weather conditions together with any salting instructions. The Winter Duty Officer will also be responsible for issuing forecast updates and any revised salting instructions when necessary. The Kent Road Weather Forecast will be sent to KCC Highway Operations, contractors, neighbouring highway authorities, and other relevant agencies.

## **5. SALTING**

### **5.1 Planning of Precautionary Salting Routes**

5.1.1 Primary precautionary salting routes will be developed from those lengths of highway that qualify for treatment, whenever ice, frost or snowfall is expected. Primary routes include the roads which will be precautionary salted or cleared when an instruction is given by the Winter Duty Officer. Currently the primary routes comprise a third of the total length of roads in Kent which is 1597 miles, 2571 km. Each primary precautionary salting route will have a vehicle assigned which is capable of having a snow plough fixed to it, when required. In times of severe snowfall and/or extreme ice formation, dedicated vehicles will be assigned and instructed by the Winter Duty Officer or Highway Manager to patrol key strategic routes by driving the route and applying treatment as necessary. Secondary precautionary salting routes will also be developed from other important highways for treatment only during severe winter weather conditions. This currently equates to 15% of the total road network which is 843 miles, 1357 km.

### **5.2 Precautionary Salting**

5.2.1 Precautionary salting will take place on scheduled precautionary salting routes on a pre-planned basis to help prevent formation of ice, frost, and/or the accumulation of snow on carriageway surfaces.

### **5.3 Post Salting**

5.3.1 Post salting will normally take place on scheduled precautionary salting routes to treat frost, ice and snow that has already formed on carriageway or footway surfaces. Post salting may also be carried out on roads or sections of road beyond the scheduled precautionary salting routes.

### **5.4 Spot Salting**

5.4.1 Spot salting will normally take place on parts or sections of scheduled precautionary salting routes either to help prevent formation of ice, frost and/or the accumulation of snow or as treatment to ice, frost and the accumulation of snow that has already formed on carriageway or footway surfaces. Spot salting may also be carried out on roads and footways, or sections thereof, beyond the scheduled precautionary salting routes.

### **5.5 Instructions for Salting of Primary Routes**

5.5.1 Instructions for precautionary salting of primary routes will be issued if road surface temperatures are expected to fall below freezing unless:

- Road surfaces are expected to be dry and frost is not expected to form on the road surface
- Residual salt on the road surface is expected to provide adequate protection against ice or frost forming

5.5.2 Instructions for precautionary salting of primary routes will also be issued if snowfall is expected.

5.5.3 The Winter Duty Officer will issue routine instructions for precautionary salting of primary routes, for the whole of Kent, by means of the Kent Road Weather Forecast.

The Winter Duty Officer or Highway Manager may issue instructions for post salting and spot salting.

## 5.6 **Instructions for Salting of Secondary Routes**

5.6.1 The Winter Duty Officer will issue instructions for precautionary salting of secondary routes if prolonged heavy frost, widespread ice and low temperatures or snow, is expected.

## 6. **SNOW CLEARANCE**

### 6.1 **Instructions for Snow Clearance**

6.1.1 The Winter Duty Officer and/or the Highway Manager nominated representatives are responsible for issuing snow clearance instructions. Snow clearance will initially take place on scheduled primary precautionary salting routes, based on the priorities given in para. 6.2.1. Subsequently, snow clearance will take place on secondary salting routes and other roads, and footways, on a priority basis.

6.1.2 Snow ploughing shall not take place on carriageways where there are physical restrictions due to traffic calming measures, unless it has been deemed safe to do so following a formal risk assessment and a safe method of operation documented.

6.1.3 Where hard packed snow and ice have formed and cannot be removed by ploughing, a salt/sand mixture or other appropriate grit material will be used in successive treatments. This aids vehicular traction and acts to break up the snow and ice.

### 6.2 **Snow Clearance Priorities on Carriageways**

6.2.1 Snow clearance on carriageways should be based on the priorities given below:

- A229 between M20 and M2, A249 between M20 and M2, A299, A260 (Whitehorse Hill & Spitfire Way) and the B2011 (Dover Hill) (NB: continuous treatment & clearance will be carried out in the event of a snow emergency)
- Other “A” class roads;
- All other roads included within primary precautionary salting routes;
- One link to other urban centres, villages and hamlets with priority given to bus routes;
- Links to hospitals and police, fire and ambulance stations;
- Links to schools (in term time), stations, medical centres, doctor’s surgeries, carehomes, cemeteries, crematoria and industrial, commercial and shopping centres;
- With the approval of Highway Manager, other routes as resources permit.

6.3 **Snow Clearance Priorities on Footways**

6.3.1 Snow clearance will be carried out on footways where practicable, based on the priorities given below:

- One footway providing access to shopping centres, stations, bus stops, hospitals, medical centres, doctors surgeries, care homes, industrial and commercial centres and on steep gradients elsewhere and in the immediate vicinity of schools (in term time).
- One footway on main arteries in residential areas and the second footway in and around local shopping centres;
- With the approval of Highway Managers, other footways, walking bus routes and cycle ways as resources permit;
- District council staff will be commissioned to clear agreed priority footways in their local areas. Arrangements are in place between the Director of HT&W and district council Chief Executive Officers.

6.4 **Agricultural Snowploughs for Snow Clearance**

- 6.4.1 Agreements are in place whereby snowploughs are provided and maintained by Highway Operations and assigned to local farmers and plant operators for snow clearance operations, generally on the more rural parts of the highway.

## 6.5 **Snow Throwers/Blowers for Snow Clearance**

- 6.5.1 KCC Highway Operations also has a number of snow throwers/blowers, which are allocated to operators on a similar basis to the arrangements for agricultural snowploughs.

## 7. **SEVERE WEATHER CONDITIONS**

### 7.1 **Persistent Ice on Minor Roads**

- 7.1.1 During longer periods of cold weather Highway Managers may instruct salting action to deal with persistent ice on minor roads which are not included within the precautionary salting routes and invoke arrangements with district and parish councils to take action in their local area.

### 7.2 **Ice and Snow Emergencies**

- 7.2.1 During prolonged periods of severe and persistent icing, or significant snow fall, delegated officers may declare an ice or snow emergency covering all or part of the County. In this event Highway Managers will establish a "Snow Desk" usually within the Highway Management Centre and implement a course of action to manage the situation in either of these events.

## 8. **ROADSIDE SALTBINS**

### 8.1 **Provision of Roadside Salt Bins**

- 8.1.1 Roadside salt bins can be sited at potentially hazardous locations for use by the public, to treat ice and snow on small areas of the carriageway or footway.
- 8.1.2 Salt bins will be filled using a mixture of sharp sand or other grit material and salt and will be filled at the beginning of the winter season. In the event of severe weather further refills will be carried out as time and resources permit.

Assessment criteria for installing a new salt bin have been devised and are shown at Appendix A. The form will be used by Highway Operations staff to assess requests from parish councils, community groups etc. Once the site



assessment has been made and the decision taken to install a bin the local Highway Steward will establish the best location for the bin. This will include safe access to the bin for use and filling as well as proximity to the area of the road or pavement where the salt is needed. Whilst aesthetic factors, such as visibility of the salt bin from adjacent properties will be considered, the priority is to ensure safe access and use of the salt bin. In cases where there is local concern on the siting of a bin the Highway Steward will liaise with the local County Member and Parish Council to seek a consensus.

- 8.1.3 A sum of money will be allocated from Highway Operations to provide these salt bins. All KCC salt bins are labelled.

## **8.2 Payment for salt bins**

- 8.2.1 Once a salt bin has been approved by the assessment criteria, the cost of installation, filling and maintenance will be borne by Highway Operations.

- 8.2.2 Additionally one tonne bags of a salt/sand mix will be provided to parish councils who request them at the start of the winter season for use in their local area.

### **8.2.3 Combined Member Grant**

Members are able to purchase salt bins using their Combined Member Grant in line with the usual application process.

### **8.2.4 Parish councils**

- 8.2.4.1 Parish councils are permitted to purchase salt bins and place them on the highway once a suitable location has been approved by a qualified engineer from Highway Operations. These salt bins ideally should not be yellow and should be clearly identified by a label as being the property of the parish council. Highway Operations will have no obligation to fill or maintain these salt bins. However, the Highway Manager may agree to refill parish-owned salt bins upon request, subject to availability of salt and staff resources and the payment by the parish of an appropriate charge.

## **9. BUDGETS**

### **9.1 Winter Service Budget**

- 9.1.1 The budget for the annual operational winter service period is based on salting the primary precautionary salting routes on 66 occasions. The main budget is managed by the Head of Highway Operations as a countywide budget.

## 9.2 **Ice and Snow Emergencies**

- 9.2.1 There is no specific budget allocation within Highway Operations for ice or snow emergencies. The cost of dealing with periods of icy conditions or significant snowfalls will be met by virement from other planned programmes of work on the highway or from special contingency funds for emergencies.

## 10. **PUBLIC AND MEDIA COMMUNICATIONS**

### 10.1 **Neighbouring Authorities and other Agencies**

- 10.1.1 The Kent Road Weather Forecast containing details of the winter service action for Kent will be transmitted daily to neighbouring highway authorities and other agencies so that activities can be co-ordinated regionally.

### 10.2 **The Media**

- 10.2.1 Communicating with communities, businesses and emergency services during winter is essential to delivering an effective service. Local media organisations will be informed when instructions for salting of primary precautionary salting are issued. The Kent County Council Internet site will be updated regularly and the Highway Management Centre will issue road updates.

### 10.3 **Pre-Season Publicity**

- 10.3.1 It is important that the public are aware of and understand the Highway Operations approach to winter service. The Kent County Council website will have practical advice and guidance including information on the location of salt bins and self-help for communities to encourage local action where appropriate.

### 10.4. **Publicity during Ice or Snow Emergencies**

- 10.4.1 Liaison with the news media, particularly local radio stations, is of the utmost importance and links will be established and maintained particularly during ice or snow emergencies.

**Appendix A - SALT BIN ASSESSMENT FORM**

Location of Salt Bin	Assessment Date	Assessed by
----------------------	-----------------	-------------

Characteristic	Severity	Standard Score	Actual Score
Gradient	Greater than 1 in 15	75	
	1 in 15 to 1 in 29	40	
	Less than 1 in 30	Nil	
Severe Bend	Yes	60	
	No	Nil	
Close proximity to and falling towards	Heavy trafficked road	90	
	Moderately trafficked road	75	
	Lightly trafficked road	30	
Assessed traffic density at peak times	Moderate (traffic group 5)	40	
	Light (traffic group 6)	Nil	
Number of premises for which only access	Over 50	30	
	20 - 50	20	
	0 – 20	Nil	
(vi) Is there a substantial population of either disabled or elderly people	Yes	20	
	No	Nil	
<b>TOTAL</b>			

\* N.B. Any industrial or shop premises for which this is the only access is to be automatically promoted to the next higher category within characteristic (V).

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## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TAKEN BY:**

**Cabinet Member for Environment & Transport**

**DECISION NO:**

15/00075

**For publication**

**Key decision\***

*Affects more than 2 Electoral Divisions*

**Subject: Winter Services Policy for 2015/16**

**Decision:**

As Cabinet Member for Environment & Transport, I agree to the proposed changes to the Winter Service Policy:

- (a) weather forecast contract procurement process to award a five year contract to the successful Company;
- (b) farmers contracts will be procured for the next ten years; and
- (c) liquid de-icer products to be used on selected bridges around the county.

**Reason(s) for decision:**

KCC is statutorily required to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. The winter service is essential to aiding the safe movement of highway users and to the local economy.

**Cabinet Committee recommendations and other consultation:**

No formal consultation is required for this policy. However, local district plans go to Joint Transportation Board for discussion.

**Any alternatives considered:**

N/A

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

.....  
signed

.....  
date

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From: Matthew Balfour, Cabinet Member for Environment & Transport

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 16 September

**Subject: Drainage and Planning Policy Statement**

Past Pathway: None

Future Pathway: N/A

Classification: Unrestricted

Electoral Division: County Wide

**Summary:**

Kent County Council (KCC) has been made a new statutory consultee for surface water in major planning applications. As such, KCC has prepared a draft policy statement setting out the requirements for drainage in new major developments for developers and planners and detailing how KCC will assess drainage prior to providing a response to the planning authority.

**Recommendations:**

The Environment & Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to adopt the Drainage and Planning Policy as attached at Appendix A

**1. Introduction**

- 1.1. In April 2015, Kent County Council (KCC), as Lead Local Flood Authority (LLFA) for Kent, became a statutory consultee for surface water in major planning applications.
- 1.2. Under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the Development Management Procedure Order'), KCC is now required to provide a consultation response on the surface water drainage provisions associated with major development within 21 days of receiving a request for consultation from a planning authority.
- 1.3. Alongside this, changes to the National Planning Policy Guidance (NPPG) promote the use of sustainable drainage systems. NPPG states:
 

*...when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.*
- 1.4. Sustainable drainage systems (SuDS) are designed to control surface water as close to its source as possible. They should also aim to closely mimic the natural, pre-development drainage across a site, wherever possible. Well-designed sustainable drainage systems also provide opportunities to:

- reduce the causes and impacts of flooding,
  - remove pollutants from urban run-off at source, and
  - combine water management with green space with benefits for amenity, recreation and wildlife.
- 1.5. In order to meet the new requirement of NPPG developers will have to prepare a drainage strategy or flood risk assessment that sets out how the proposed development will manage drainage. The Drainage and Planning Policy document in Appendix B of this report is KCC's policy on drainage and explains what we will look for when we review drainage strategies prior to providing a consultation response to the planning authority.

## **2. Background**

- 2.1. The Flood and Water Management Act 2010, which made KCC a Lead Local Flood Authority, also included Schedule 3 which set out proposals to make upper tier authorities, including KCC, a drainage approving body.
- 2.2. The role of the drainage approval body would have been to approve the technical design of drainage in new developments according to government guidance (which prioritised SuDS), to inspect the construction of the approved drainage and, where the new drainage served two properties or more, to adopt the drainage and maintain it.
- 2.3. This role was never implemented. Defra was unable to resolve some of the issues that were required for full implementation to the satisfaction of all stakeholders, in particular how the long-term maintenance would be funded. There were also concerns about how this detailed assessment would have worked alongside the planning system, where most major planning applications are submitted as outline and the detail is provided at a later stage.
- 2.4. In September 2014 Defra consulted on a different approach to SuDS in new development. It proposed changes to the planning system to incorporate SuDS, which include the use of planning conditions to implement long-term maintenance of SuDS, with planning authorities responsible for enforcing.
- 2.5. With the outcome of this consultation supporting the use of the planning system, the responsibility for delivering this new proposal transferred from Defra to the Department of Communities and Local Government (DCLG).
- 2.6. DCLG released a further consultation on the role of the LLFA in planning. This consultation was supported and DCLG amended the Town and Country Planning (Development Management Procedure) (England) Order 2015 to include LLFAs as a statutory consultee for major developments with surface water.
- 2.7. The current role KCC has will ensure that drainage is properly designed at the planning stage. Our role will not guarantee that sustainable drainage is delivered or maintained. Defra has chosen not to continue to deliver Schedule 3 and there are currently no plans to address the issue of SuDS maintenance.

## **3. Drainage guidance**

- 3.1. In preparing for the drainage approval bodies, Defra prepared technical guidance that would have set the minimum standards that drainage should meet to receive approval under Schedule 3. Though Schedule 3 will not be implemented, Defra has issued these as a standard for sustainable drainage in



planning. The non-statutory technical standards for sustainable drainage systems sit alongside the NPPG and together provide minimum standards for drainage in new development. The non-statutory technical standards for sustainable drainage systems can be found in Appendix C.

- 3.2. KCC has prepared the Drainage and Local Flood Risk Policy to set out what developers should consider in developing a drainage strategy for their development and what KCC will look for in assessing the proposed drainage strategy before providing a consultation response to the planning authority.
- 3.3. The Drainage and Local Flood Risk Policy builds on the minimum technical standards in the non-statutory technical standards for sustainable drainage systems using industry best practice and guidance for drainage and SuDS. The policy sets out how a development should seek to prioritise SuDS and provide drainage appropriate to the site, locations, geology and local drainage infrastructure. It also promotes the incorporation of wider benefits that SuDS can offer.

#### **4. Consultation**

- 4.1. The Drainage and Local Flood Risk Policy was published for public consultation for six weeks between 12 June 2015 and 29 July 2015. We received responses from 45 interested parties and stakeholders. Significant interest was shown by local parish councils and district councils. A summary of the consultation responses we received and our comments can be found in Appendix D.
- 4.2. The majority of the comments received indicate that the document clearly defined Kent County Council's new role for surface water management within the planning application process. There were also some comments that identified minor changes regarding the document layout, ditches on development sites and adoption policy. These comments have been incorporated into the draft document attached to this paper.

#### **5. Financial Implications**

- 5.1. As a statutory consultee, KCC has to provide a response to the planning authority on the drainage proposals in major planning applications. In order to achieve effective, sustainable drainage we also provide pre-planning advice, so that developers are aware of the requirements and the new guidance.
- 5.2. Analysis of past planning applications in Kent indicates that recently there have been in excess of 500 major planning applications a year. This is expected to increase as the economy continues to improve and the new housing requirements are delivered. KCC estimates that this will require approximately 2 full-time equivalent members of staff to fulfil the minimum requirements of consultation responses and pre-planning advice.
- 5.3. Defra has provided funding for this role. In 2015/16 KCC has been allocated £81,640. This is to cover initial set-up costs. The funding for subsequent years has not been set out in detail, but it will be approximately £13,000 per LLFA per annum. This figure is significantly below our estimate of the cost of this new role. The LGA and KCC, amongst others, have lobbied the government over this, but they have not indicated that they reconsider this allocation.
- 5.4. The statutory consultee role is an important function for KCC to ensure that development does not increase flood risk. Kent is the most at risk local authority for surface water flooding and one of the most at risk for river and coastal

flooding. As the LLFA and Highway Authority for the area KCC will be responsible for investigating flooding that results from poorly planned drainage, therefore this new role is a vital function.

- 5.5. Consequently, in subsequent years the funding for the statutory consultee role will be supplemented from the flood risk management budget, which is supported by a separate grant from Defra that KCC receives for its role as LLFA. This financial year the LLFA grant to KCC was £586k.

## **6. Legal Implications**

- 6.1. An adopted policy for drainage will allow KCC to provide comments on drainage proposals to the planning authority that go beyond the requirements set out in the non-statutory technical standards and the NPPG. If the drainage strategy for proposed development does not meet the policy requirements, KCC has grounds to object to the planning application. The planning authority will determine whether to uphold any objection.
- 6.2. If KCC objects to a development on surface water drainage grounds we may be required to attend a public inquiry to defend our objection. KCC already offers planning advice to planning authorities and attends public inquiries as part of that service. The potential for attendance at public inquiries has been built into the business model for this new function.
- 6.3. Generally, drainage issues can be resolved prior to a public inquiry, so there is a low likelihood that public inquiries will be required. However, resolving any drainage issues will require consultation with KCC, which has also been included in the business model.

## **7. Conclusions**

- 7.1. KCC has been made a new statutory consultee for surface water in major planning applications.
- 7.2. KCC has prepared a policy statement to set out the requirements for drainage in new major developments for developers and planners.

### **Recommendations:**

The Environment & Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to adopt the Drainage and Planning Policy as attached at Appendix A

### **Contact Details**

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TAKEN BY:**

**Matthew Balfour, Cabinet Member for Environment and Transport**

**DECISION NO:**

00/00000

**For publication**

**Key decision\***

*Affects more than 2 Electoral Divisions  
Expenditure or savings of > £1m*

**Subject: Adoption of Drainage and Local Flood Risk Policy**

**Decision:**

As Cabinet Member for Environment and Transport, I agree to:

Adopt the Drainage and Local Flood Risk Policy for Kent County Council in undertaking its role as statutory consultee for surface water in planning applications.

**Reason(s) for decision:**

KCC has a new statutory planning role for surface water in major planning applications. This policy sets out how we will undertake this role and how we will assess the drainage proposals for a new development before giving the planning authority our response.

**Cabinet Committee recommendations and other consultation:**

**Any alternatives considered:**

Not having a policy – this would limit our ability to influence drainage in the county and affect our role as Lead Local Flood Authority.

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

.....  
signed

.....  
date

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September 2015

Kent County Council

# Drainage and Planning Policy Statement

Local flood risk management strategy guidance



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## 1 Role of this Policy Statement

This policy statement sets out how Kent County Council, as Lead Local Flood Authority 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 Kent County Council has for sustainable drainage. It should be read in conjunction with:

- the National Planning Policy Framework and,
- any specific policy set out by the relevant Local Planning Authority in their Local Plan.

These documents promote sustainable drainage.

The aim of this policy document is to clarify and reinforce their requirements. It also includes references to other design considerations which impact sustainable drainage design and delivery.

This policy statement 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.



## 2 Introduction

### 2.1 Background

Kent County Council was made Lead Local Flood Authority for Kent by the Flood and Water Management Act 2010 (the Act). As Lead Local Flood Authority, Kent County Council 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 on new developments is a key factor in managing local flooding.

At the time of its enactment, the Act did not provide a formal role for Lead Local Flood Authorities within the planning process to influence how surface water was managed within new development. It was the Government's intention that Lead Local Flood Authorities have a role in the delivery of appropriate surface water management provisions within new development, and that they encourage an increase in the uptake of Sustainable Drainage Systems (SuDS), as recommended by the Pitt Review into the Summer 2007 floods.<sup>1</sup>

Since commencement of the Act in 2010, the Government has assessed various means of implementing the requirement for sustainable drainage systems. Following a consultation period, the Department for Communities and Local Government issued a Ministerial Statement on 18 December 2014 which outlined the intention to strengthen planning policy and clarified the Government's expectation for the provision of sustainable drainage systems in new developments through the planning process. Subsequent changes have been made to planning regulation to deliver this requirement.

As newly designated statutory consultees, Lead Local Flood Authorities are now required to provide the advice previously provided by the Environment Agency on the management of surface water within new development. Lead Local Flood Authorities have assumed this new role as they hold much of the most relevant information on the causes and consequences of Local Flooding and are therefore better placed to provide appropriate guidance.

### 2.2 Legislative Framework

As Lead Local Flood Authority within Kent, Kent County Council is required under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order

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<sup>1</sup> Schedule 3 of the Act established each LLFA as a Sustainable Drainage Approving Body. This section of the Act has not been commenced; therefore the requirements for adoption are not in place and are not mandatory.

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, Kent County Council 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.

## 2.3 Sustainable Drainage in Planning

Sustainable drainage systems are designed to control surface water as close to its source as possible. They should also aim to closely mimic the natural, pre-development drainage across a site, wherever possible. Well-designed sustainable drainage systems 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 Drainage Strategies

Development has the potential to change surface water and ground water flows, depending upon how the surface water is managed within the development proposal. 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 Kent County Council's 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 the Lead Local Flood Authority, Kent County Council 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 Authorities<sup>2</sup>. Kent County Council will provide advice and guidance on local flood risks and appropriate policy for them according to the plan area upon request.

Upon request, Kent County Council will provide information with respect to drainage and local flood risk for individuals and other organisations to utilise in preparation of planning documents.

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<sup>2</sup> National Planning Policy Guidance, Flood Risk and Resilience 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 will form the basis of Kent County Council's 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; it sets out the Government's planning policies for England and 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 itself 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.

In summary, the NPPF states that planning authorities should:

- direct development away from areas at highest flood risk;
- take the impacts of climate change into account;
- use opportunities offered by new development to reduce the causes and impacts of flooding;
- ensure flood risk is not increased elsewhere;
- give priority to the use of sustainable drainage systems;
- enhance the natural and local environment; and,
- prevent contributing to water pollution.

Paragraphs 100, 103 and 109 of the NPPF (Appendix A) have particular relevance to flooding and drainage.

The NPPF is supported by the **Planning Practice Guidance**<sup>3</sup> which provides further advice on how planning can take account of the risks associated with flooding in plan-making and the application process.

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<sup>3</sup> The Planning Practice Guidance is a web-based resources which can be accessed from the Planning Portal at: [http://planningguidance.planningportal.gov.uk/?s=Planning&post\\_type=guidance](http://planningguidance.planningportal.gov.uk/?s=Planning&post_type=guidance)

## 3.2 Non-statutory technical standards for sustainable drainage

To support the Lead Local Flood Authority's 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.<sup>4</sup>

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 statement are consistent with the Non-Statutory Technical Standards.

## 3.3 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.

### 3.3.1 Local 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. The Local Plans will address housing, 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.

Any drainage strategy should make reference to the relevant Local Plan policy and may also have to provide evidence which supports delivery of biodiversity, amenity and other benefits.

### 3.3.2 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, now and in the future, taking into account climate change and assesses the impact that land use changes and development in the area will have on flood risk. Each Local Planning

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<sup>4</sup> The Non-statutory Technical Standards are published at:  
<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

Authority within Kent has prepared and referenced a SFRA within their planning documents. These documents provide key information on sources of flooding and may provide information for specific site allocations.

### 3.4 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, Kent County Council 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 recommended that reference is made to:

#### 3.4.1 Water. People. Places – a guide for master planning sustainable drainage into developments

This guidance outlines the process for integrating sustainable drainage systems into the master planning of large and small developments<sup>5</sup>. This guidance should be used as part of the initial planning and design process for all types of development.

#### 3.4.2 Kent Design Guide: Making It Happen – Sustainability (drainage systems)

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 systems for that Kent County Council may be adopting.

#### 3.4.3 Surface Water Management Plans

Surface Water Management Plans (SWMPs) have been prepared by Kent County Council (in partnership with other relevant stakeholders) to identify specific local actions to manage local flooding. 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 in the locality of a SWMP should include consideration of any findings and recommendations. The areas

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<sup>5</sup> The document can be found at: <http://www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems>

covered by SWMPs are regularly being updated and can be found on the Kent County Council website<sup>6</sup>.

### 3.5 Other Guidance

In approaching or reviewing design, technical aspects may need clarification and specification in order to satisfy Kent County Council that it meets the required standard. Kent County Council will make reference to good practice presented within the following documents, and would recommend that any designer also refers to:

#### 3.5.1 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.

#### 3.5.2 BS 8585:2013 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.

### 3.6 Environmental Drivers

There is an opportunity to add value to a site through an integrated approach to policy goals. The manner in which drainage is delivered has a direct relationship to other policy goals and it presents an opportunity to add value to these areas. In particular water quality protection, biodiversity, open space provision, green infrastructure, amenity and landscape can be enhanced by good drainage design. Policy for these areas is delivered through a number of Acts and regulations as summarised in Figure 1.

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<sup>6</sup> 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>

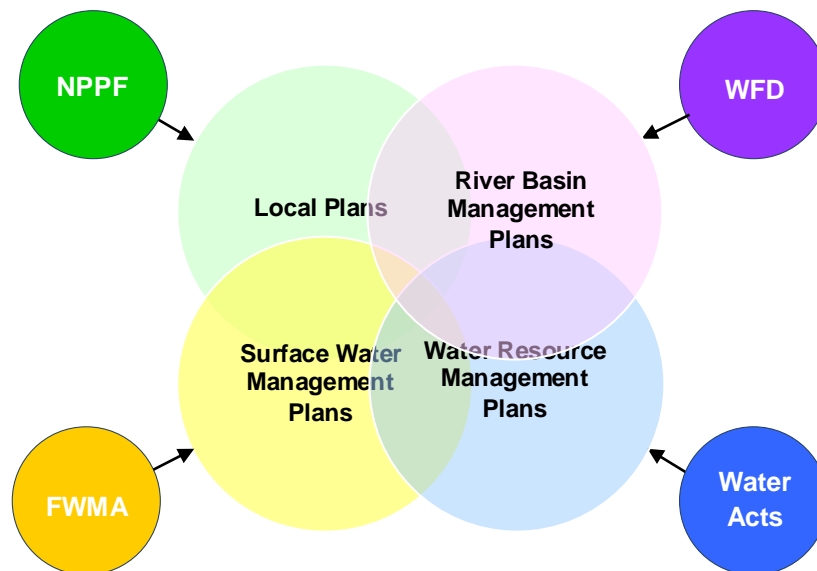


FIGURE 1: INTER-RELATIONSHIPS BETWEEN DIFFERENT AREAS OF WATER POLICY (PLANNING ADVICE FOR INTEGRATED WATER MANAGEMENT, CAMBRIDGE NATURAL CAPITAL LEADERS PLATFORM, 2014)

Through the assessment of drainage proposals, Kent County Council may wish to recognise and identify opportunities to strengthen these other policy goals. Although these opportunities may fall outside of Kent County Council’s immediate statutory remit, we have a duty to raise any issues that fall within these areas with the Local Planning Authority for their consideration in determining the planning application.

### 3.6.1 Water Framework Directive

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (SI 3242) (WFD) became UK law in December 2003.<sup>7</sup> The aim of the WFD is to provide the opportunity to plan and deliver a better water environment, focusing on ecology. The WFD aims 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 quality problems. Sustainable drainage principles are the major weapon in meeting the objectives of the WFD in its continuing cycles.

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<sup>7</sup> More information on the WFD Directive can be found at: [http://ec.europa.eu/environment/water/water-framework/index\\_en.html](http://ec.europa.eu/environment/water/water-framework/index_en.html)



### 3.6.2 Habitats Directive

The EU Habitats Directive was adopted in 1992 (formally known as 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora)<sup>8</sup>. It aims to provide protection to habitats and species which have been designated as being of European significance and sits alongside the EU Birds Directive adopted in 2009.

The sites where such habitats and species are legally protected due to their exceptional importance are known as Natura 2000 sites and 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.

### 3.6.3 Kent Environment Strategy

Kent County Council has produced a Kent Environment Strategy (KES) setting out how it is proposed to respond to the pressures facing Kent's environment, particularly as a result of carbon emissions and climate change.<sup>9</sup> This document is currently under revision with partners and will be going for consultation over summer 2015 with a final agreed Strategy in place December 2015. Kent County Council has invited the District Councils in Kent to adopt the strategy in order 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.

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<sup>8</sup> More information on the Habitats Directive can be found at:

[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>9</sup> 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>

## 4 Drainage Consultation

### 4.1 Introduction

A drainage strategy should be submitted to the relevant Local Planning Authority along with any planning application for any major development.

It is important that the consultation reflects the level of risk. Consequently consultation may also occur for development, other than major development in areas of higher local flood risk, as described in Section 4.2.

Whilst consultation is not undertaken with Kent County Council for minor development, all applicants should be aware that the NPPF priorities for sustainable drainage apply to all development. Developers for sites with minor development are encouraged to consider the policies outlined in this document with respect to site drainage design. Applicants for these smaller developments are directed to guidance on best practice to help minimise flood risk.

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 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.

A statutory consultation matrix for flood risk areas is shown in Table 1.

TABLE 1: STATUTORY CONSULTATION MATRIX FOR FLOOD RISK AREAS

	Flood Zone 1	Critical Drainage Area	Flood Zone 2	Flood Zone 3
Permitted development	Guidance notes from LLFA and EA			
Minor development	Guidance notes from LLFA	EA	Standing advice EA	EA
Major development	LLFA	EA	LLFA (surface water) EA (river & sea)	LLFA (surface water) EA (river & sea)

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.

## 4.2 Other local flood risks

As Lead Local Flood Authority, Kent County Council has a role to oversee local flood risk in the county. This role includes overseeing the risks arising from surface water and ordinary watercourses. Development at even a minor scale may have the potential to result in significant increases in flood risk associated with ordinary watercourses or in areas of existing drainage problems.

### 4.2.1 Critical Drainage Areas and Areas of High Local Flood Risk

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.

Kent County Council will work with the Local Planning Authorities to identify ‘Areas of High Local Flood Risk’ for their districts. These areas will be based upon the Surface Water Management Plans that Kent County Council has developed in partnership with other risk managing authorities. Where these areas are identified, all planning applications with potential surface water management implications will need to be submitted with a more rigorous justification of the chosen drainage system and an assessment of its associated impact.

Any drainage strategy submitted to accompany a planning application for major development should make full reference to the most recent available Surface Water Management plan for the area in which the development is planned. Kent County Council’s SWMPs can be found on the County’s website.<sup>10</sup>

### 4.2.2 Ordinary Watercourses

An ‘ordinary watercourse’ is defined as any channel capable of conveying water that is not part of a ‘main river’; it need not have a permanent water level. 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’.

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<sup>10</sup> Kent’s 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>

When considering the development/redevelopment of any site, existing ordinary watercourses should be identified and accommodated within any drainage strategy design. They should be preferably retained as an open feature within a designated corridor, and ideally as public open space.

It is recommended that any discharge to an ordinary watercourse or any modification to an ordinary watercourse be identified and agreed in principle with Kent County Council prior to 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.

For those watercourses where no flood mapping currently exists, developers should fully consider the potential flood risk arising from them. Where a risk from flooding has been identified, appropriate flood risk mitigation should be identified and agreed with the Local Planning Authority/Kent County Council; development should be avoided in any area likely to be affected by exceedance of the channel's capacity.

Under the terms of the Land Drainage Act 1991, any work or structure that has the potential to affect the flow within any ordinary watercourse requires consent. This will be either from Kent County Council or from an Internal Drainage Board, where they operate.

Culverting of open watercourses will not normally be permitted except where 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).

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.

## 4.3 Consultation Process

### 4.3.1 Overview

Consultation with Kent County Council will occur through the planning process. Kent County Council will be notified of the submission of a major planning application by the Local Planning Authorities within Kent (as defined in Section 1.2 above).

A substantive response to the LPA is legally required from Kent County Council within 21 days of consultation.

### 4.3.2 Pre-application Advice

Incorporating appropriate drainage is easier and more sustainable if it is planned and designed in from the start of a development. Kent County Council welcomes pre-planning consultation to ensure that the issues are appropriately addressed at an early stage.

If an application is submitted which does not comply with the Non-Statutory Technical Standards and/or NPPF, Kent County Council may object to the application. Pre-planning discussions are advocated to avoid this situation.

Relevant questions to ask during the pre-application discussion include:

- Has the means of outfall and location of the final discharge destination in relation to the hierarchy of discharge been considered?
- If the surface water infiltrates to the ground has infiltration testing been undertaken and discussions taken place with the EA and/or water company in relation to pollution risk to any underlying aquifers?
- If the surface water discharges to a water body, ordinary water course or main river, has advice been sought from the Environment Agency/relevant Consenting Authority over the requirement for an Environmental Permit and/or land drainage/flood defence consent?
- If the surface water discharge is to a sewer or highway drain, have discussions taken place with the appropriate sewerage undertaker and Highways Authority?
- Have any specific constraints which may have an impact on the drainage scheme been identified including but not limited to soil geology, topography, and ground water?
- Within the development has the connectivity of the drainage system been determined, for both the impermeable areas around the properties and outside of the properties?
- Are there any off site issues for the surface water discharge which must be considered within design, including but not limited to access across third party land, or offsite works to water bodies?
- As part of the development and the drainage scheme are there any environmental or ecological issues, such as water quality, biodiversity or landscape that need to be considered?
- Will the drainage scheme require phasing and what is the anticipated development programme for the site?
- Will the site require any substantial re-grading which will affect the existing drainage or drainage proposed ?
- Are there any temporary arrangements or interim works that need to be implemented to enable drainage through construction and phasing?
- Have matters surrounding accessibility and future maintenance needs been incorporated into the design?
- Will there be any flood risk features which will require designation under Schedule 1 of the Flood and Water Management Act?

#### 4.3.3 Planning application submission

The Local Planning Authority will confirm that a Drainage Strategy has been submitted with the planning application and pass it to Kent County Council for consultation. Kent County

Council 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.

In reviewing a drainage application, Kent County Council will, in the first instance, confirm compliance with this policy statement, 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, Kent County Council will consider adherence to wider environmental principles of the NPPF that may have a bearing on drainage design (for example, water quality, biodiversity and landscape).

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.

## **4.4 Drainage Strategy Development**

This section sets out the principles that should be considered when developing a drainage strategy. The drainage strategy will need to incorporate the policies set out in Section 4.

### **4.4.1 Design Philosophy**

Kent County Council recommends that sustainable drainage is considered from the inception of any scheme as an interconnected system that provides additional benefits, rather than as an individual, standalone drainage measure.

The drainage strategy should consider sustainable drainage techniques to manage surface water that work with the natural drainage of the site, retain surface water within the site and manage the risk of flooding during severe storms (both on and off site).

It is important to identify and consider constraints which may impact the manner in which drainage is provided on site. The drainage strategy should take account of existing flow routes, either by incorporating them into the drainage system or designing the layout appropriately.

During the assessment of any site, full reference should be made to any existing flood risk management information that may be available. Accordingly, evidence from both the Strategic Flood Risk Assessment and Kent County Council's Surface Water Management Plan for the area in which the development is being planned should be taken into consideration. If it has been previously identified that the site or its immediate surroundings are susceptible to flooding from any source, the site layout and drainage design should take the existing risk fully into account.

Similarly, if there are any constraints to the utilisation of infiltration (e.g. contaminated land, source protection zones or high groundwater), the drainage design should take these into account.

A recommended approach to masterplanning for sustainable drainage is included within *'Water. People. Places – a guide for master planning sustainable drainage into developments'* – a guidance document which was produced by the Southeast Lead Local Flood Authorities, of which Kent is a member (please refer to Section 3.4.1).

#### 4.4.2 Large sites

Large phased developments or sites with multiple developers may require the development of an overall Surface Water Management Strategy which sets out objectives and parameters for the whole site, but leaves aspects of detailed design for a later stage of planning.

In any such case, a Surface Water Management Strategy will be tied to a planning condition at the outline stage. Further definition would be provided within a detailed Drainage Strategy at each phase of development, which must remain consistent with the overall site strategy. This document may be reviewed as different phases are delivered.

Pre-application discussion is encouraged in the case of phased development to agree the level and detail of any Drainage Strategy to be submitted.

Large sites in close proximity within a locality or catchment are encouraged to cooperate or consult concurrently as there may be opportunities for combined solutions with mutual and greater benefit.

#### 4.4.3 Connection to a public sewer or other drainage system

The proposed point of connection and discharge rate to any destination must be agreed with the relevant owner or responsible body including internal drainage boards, highway authorities, sewerage undertakers, riparian owner, Environment Agency, Canals and River Trust and others. Any connection or discharge must be compliant with regulation or guidance governing the operation of the existing drainage system (e.g. IDB bye-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.

Infrastructure for new development should ensure that surface water is always drained and managed separately from foul water. 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 so as to facilitate future separation of the surface water from that combined system.

#### 4.4.4 Adoptable highways and drainage

Most major development would normally include some aspect of highway improvement, which may be adopted or require approval by Kent County Council as the Highway

Authority. The provision of drainage to adopted highways is normally subject to Section 38 Agreement, with approval and inspection by Kent County Council as the Highway Authority.

Surface water from a private drive or private land must not discharge onto the highway. It is usual that measures to prevent such discharge are required where vehicular accesses fall towards the highway. It is important to ensure that design criteria for provision of drainage do not conflict with highway objectives or significantly impact other highway arrangements (e.g. adoptable construction standards, proximity to junctions, access widths, visibility splays, pedestrian and vehicle visibility and parking).

These matters are best raised in pre-application discussion with Kent County Council 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.<sup>11</sup>

Highway matters may be reviewed within the consultation by Kent County Council as Lead Local Flood Authority. Kent County Council will endeavour to seek internal consultation on such matters; however, the detail provided within a planning submission may not be sufficient. The response from Kent County Council as Lead Local Flood Authority does not commit Kent County Council as Highways Authority for any particular highways arrangement or extent of adoption and should be confirmed with the Highways team at an appropriate time within the planning and design process.

#### 4.4.5 Flood Risk and Groundwater

The drainage strategy may be constrained if the site is located wholly or partly within Flood Zone 2 or 3 or if the drainage discharges to the ground via infiltration in a source protection zone or area of low permeability.

Consultation with the Environment Agency early in the planning process is recommended to identify any constraints or specific requirements in these areas.

#### 4.4.6 Adoption and Maintenance

Drainage systems may be adopted by the highways authority as part of a highway drainage system or by a sewerage undertaker as a 'public' sewer, provided the systems meet certain standards and specification. Systems may also be adopted by other parties including local councils and private management companies.<sup>12</sup>

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<sup>11</sup> <http://www.kent.gov.uk/waste-planning-and-land/planning-applications/planning-advice/highway-pre-application-advice>

<sup>12</sup> Adoption as outlined in Schedule 3 of the Flood and Coastal Management Act is not available within Kent.



The selection of adoption approach for the drainage system will impact the selection of drainage measures for inclusion within a drainage strategy and the layout of the drainage system. Early consideration of adoption extent is therefore recommended.

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. This must be demonstrated through appropriate site layout or noted through the need for further legal agreement for access arrangements.

The continued operation of any drainage system is dependent upon ongoing maintenance which may be undertaken by an adopting authority or management agent; it is therefore necessary that any drainage proposal indicates the intended adopting authority or agent and proposed maintenance requirements.

The management and control of erosion and sediment should be considered throughout design and construction, operation and maintenance.

The Local Planning Authority will be responsible for determining the acceptability and enforcing compliance with any maintenance schedule as required by relevant planning conditions.

#### 4.4.7 Building Regulations

Building Regulations exist to ensure the health, safety, welfare and convenience of people in and 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.

### 4.5 Consultation Submission Requirements

At a minimum, a drainage strategy must comprise:

- A site layout
- A drainage proposal schematic or sketch
- A description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)

The elements included within a drainage strategy are at the applicant's discretion but must be sufficient to enable an assessment of the drainage rationale to be undertaken.

The detail provided in the drainage strategy will reflect the type of planning application submitted, whether 'outline' or 'full'. Details which may require definition and explanation are listed in Table 2.

It is recommended that an applicant seeks confirmation of submission requirements if in doubt through pre-application discussion with Kent County Council. Kent County Council can be contacted via email at:

[suds@kent.gov.uk](mailto:suds@kent.gov.uk)

Kent County Council needs sufficient information to assess the drainage strategy in accordance with the appropriate policies. If insufficient information is submitted then this may delay return of a substantive comment to the planning authority or lead to an objection.

TABLE 2: CONSULTATION SUBMISSION

For outline planning application, details of:	For detailed planning application or discharge of conditions, those listed for an outline planning application as well as details of:
<ul style="list-style-type: none"> <li>• Impermeable area (pre- and post-development)</li> <li>• Discharge location</li> <li>• Infiltration capacity</li> <li>• Design calculations for peak flow, volume control and greenfield runoff, and/or brownfield runoff where appropriate</li> <li>• Inclusion of climate change &amp; future development allowances</li> <li>• Topographical survey of the site</li> <li>• Details of any adjacent water course</li> <li>• Areas of flood risk</li> <li>• Quantification of any surface water flows on-site from off-site locations</li> <li>• Exceedance routes</li> <li>• Offsite works</li> <li>• Consents</li> <li>• Any constraints which affect the proposed development</li> <li>• Locations of sensitive receptors, including groundwater protection zones, habitat designations or archaeological features</li> <li>• Principles of temporary drainage during construction</li> <li>• Proposed extent of adoption strategy</li> <li>• Phasing</li> <li>• Correspondence from any receiving authority or permitting authority</li> </ul>	<ul style="list-style-type: none"> <li>• Final design calculations</li> <li>• Plan of proposed SuDS with sub-catchment areas including impermeable areas and phasing</li> <li>• Existing and proposed site sections and site levels</li> <li>• Long sections and cross sections for the proposed drainage system</li> <li>• Details of connections to watercourses and sewers</li> <li>• Soil and groundwater conditions if discharging to ground, tested to the appropriate standard</li> <li>• Operational characteristics of any mechanical features</li> <li>• Access arrangements for all proposed drainage measures</li> <li>• Management plan for all non-adopted drainage with extents of responsibilities</li> <li>• Landscape planting scheme if proposing vegetated sustainable drainage measures</li> <li>• Plan for management of construction impacts including any diversions, erosion control, phasing and maintenance period (pre-adoption)</li> <li>• Correspondence from any receiving authority or permitting authority</li> </ul>

## 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, Kent County Council has defined:

- **Drainage Policies** (SuDS Policy 1 through 6) that set out the requirements for a drainage strategy to be compliant with the NPPF (Table 3) and guidance within the Non-Statutory Technical Standards for Sustainable Drainage (Table 4).
- **Wider Environment Policies** (SudS Policy 7 through 10) that set out expectations to be considered within a drainage strategy in response to environmental legislation and guidance that Kent County Council and the Local Planning Authorities have a duty to comply with.

These policies summarised in Table 5 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 compliance.

TABLE 5: KENT COUNTY COUNCIL SUDS POLICIES

Policy	Summary
SuDS Policy 1	Follow the drainage hierarchy
SuDS Policy 2	Manage Flood Risk Through Design
SuDS Policy 3	Mimic Natural Flows and Drainage Flow Paths
SuDS Policy 4	Seek to Reduce Existing Flood Risk
SuDS Policy 5	Maximise Resilience
SuDS Policy 6	Design to be Maintainable
SuDS Policy 7	Safeguard Water Quality
SuDS Policy 8	Design for Amenity and Multi-Functionality
SuDS Policy 9	Enhance Biodiversity
SuDS Policy 10	Link to Wider Landscape Objectives

## 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.

### SuDS Policy 1: Follow the drainage hierarchy

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 evidenced.

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 observed. 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 would need to be accompanied by evidence from appropriate authorities indicating the acceptability of a discharge location and consent to connect.

Other consents by regulation may be required in relation to the discharge location (e.g. Environmental Permit Flood Defence consent and Ordinary Watercourse consent). Kent County Council may recommend consultation with other authorities in these instances.

## SuDS Policy 2: Manage Flood Risk Through Design

It is essential that the drainage scheme proposed:

- protects people and property on the development site from flooding; and,
- does not create any additional flood risk outside of the development in any part of the catchment, either upstream or downstream.

Any drainage scheme must manage all sources of surface water, including exceedance flows and surface flows from offsite, provide for emergency ingress and egress and ensure adequate connectivity.

The drainage system must be 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. Sufficient steps are to be taken to ensure that any surface flows between the 1 in 30 and 1 in 100 year events are retained on site. 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.

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.

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.

The time required for the storage to accept further storm flows should be considered, especially if downstream flood levels can affect the outfall. Attenuation storage volume provided by any drainage area should half empty within 24 hours so that it can receive runoff from subsequent storms. If the drain down time (full to empty) is more than 24 hours, then long duration events should be assessed to ensure that drainage is not compromised by inundation (e.g. periods of wetting on vegetation or slope failure).

If the proposed system connects to an existing drainage system, whether it is a sewer, highway drain, water body or sustainable drainage system, consideration must be given to the operational capacity and functionality of the existing system to ensure that no adverse impacts result or flood risk is increased on or off site.

If a proposed development is to be delivered in phases, a commitment should be made for a site-wide SuDS scheme 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.

### SuDS Policy 3: Mimic Natural Flows and Drainage Flow Paths

Drainage schemes should be designed to match greenfield discharge rates and follow natural drainage routes as far as possible.

Runoff rates should match greenfield runoff rates, follow natural or existing drainage routes, utilise existing natural low-lying areas or conveyance pathways, and match infiltration rates and discharges as far as possible for all events up to and including the climate-change adjusted 1 in 100 year (1% AEP) design event.

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.

Redevelopment on 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. The discharge rate must also take account of climate change.

### SuDS Policy 4: Seek to Reduce 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.

Paragraph 100 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 Lead Local Flood Authority, Kent County Council will endeavour to ensure that this principle is applied across the County. When a Developer's Surface Water Management

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/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.

#### SuDS Policy 5: Maximise 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.

There is unequivocal evidence that the global climate is warming and a near scientific consensus that this is a result of human activities. In July 2009, the UK Climate Impacts Program (UKCIP) and DEFRA produced projections (UKCP09) for climate at national and regional levels for the years 2020, 2050 and 2080. These projections include increased average and maximum temperatures, increased seasonality of rainfall and a rise in sea levels (CiWEM, Multi-Functional Urban Green Infrastructure, 2010).

A Foresight report, investigating the potential impact of climate change on flooding, identified that changes were likely to be largest in urban areas with rainfall intensities rising by up to 40% by 2080 and the costs of defending the UK increasing by four or eight fold.

Design of drainage systems utilising a sustainable drainage design approach and reducing reliance on below grade systems in pipes and tanks, provides greater flexibility to accommodate change in the peak and volumes of surface runoff. 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 and maintained.

Vegetated measures may also mitigate increased temperatures and reduce the urban heat island effect within urban areas through shading and cooling. The ASCCUE Project<sup>25</sup> (Adaptation Strategies for Climate Change in the Urban Environment) by Manchester University found that an increase in green areas of 10% will keep temperatures at or below current temperatures up until the 2080s.

A recent trend in development has also been the 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). The consideration of urban creep should be assessed on a site by site basis but is limited to residential development only.



The appropriate allowance for the increase of impermeable area from urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out in Table 6 must be applied to the impermeable area within the property curtilage according to the proposed development density.

TABLE 6: 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

#### SuDS Policy 6: Design to be Maintainable

A drainage scheme maintenance plan should be prepared which demonstrates a schedule of activities, access points, outfalls and any biodiversity considerations.

The maintenance plan should also include an indication of the adopting or maintaining authority or organisation and may require inclusion within a register of drainage features.

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.

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.

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 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 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.

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. Where automatic systems form part of the operational functionality of a drainage system, then processes should be in place to allow immediate action in terms of restoration of performance.

As Lead Local Flood Authority, Kent County Council has a duty to maintain a register of structures or features which are likely 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.

### 5.3 Environmental Policies

These policies are driven by environmental legislation and guidance that Kent County Council and the Local Planning Authorities have a duty to comply with.

#### SuDS Policy 7: Safeguard Water Quality

When designing a surface water management scheme, full consideration should 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.

Paragraph 109 of the National Planning Policy Framework states that the planning system should contribute to/enhance the natural and local environment by preventing both new and existing development from contributing to (or being put at unacceptable risk from)

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.

Runoff from small rainfall events can pose a particular problem for water quality. The 'first flush' of runoff contains the initial flush 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 across the UK. 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 would mimic greenfield response characteristics in that small rainfall event do not generally produce any run-off.

Kent County Council 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 locations of any source protection zones should be confirmed.

### SuDS Policy 8: Design for Amenity and Multi-Functionality

Drainage design should in the first instance consider opportunities for inclusion of amenity and biodiversity objectives and thus provide multi-functional use of open space with appropriate design for drainage measures within the public realm.

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.

Large open spaces are most appropriate for sustainable drainage features which can offer a wider combined, multi-functional use; however, small spaces can be designed to offer multiple benefits and all opportunities should be considered, regardless of site-size.

Permeable paving in town squares can be used to improve the design quality of the space while increasing land permeability. Similarly, tree pits can improve amenity value while delivering flood mitigation opportunities.

In designing open spaces and appropriate drainage, a key driver may be that efficiently utilising the open space areas delivers drainage functions at the same time and therefore does not result in any further reduction of developable area. A second advantage which has been documented through residential surveys in Kent is the perceived increased value when sustainable drainage measures are incorporated into landscaped areas.

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. In the majority of situations these 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'.

### SuDS Policy 9: Enhance Biodiversity

Drainage design should in the first instance 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.

Biodiversity is defined as the variety of life on Earth. As a result of human impacts, 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 114). 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.

Kent County Council's '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.

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.

### SuDS Policy 10: Link to Wider Landscape Objectives

Drainage design should consider in the first instance opportunities to contribute to the wider landscape and ensure proposals are coherent with the surrounding landscape character area.

The landscape character of Kent is defined by its topography, flora and fauna, land use and cultural associations. Of particular importance are areas defined within Areas of Natural Beauty, Ramsar sites, National Nature Reserves, Sites of Special Specific Interest as well as local nature reserves, priority habitat and species areas, Kent Biodiversity Action Plan species and habitats, and other conservation areas.

The form of drainage provision with any new development within or adjacent to any of these areas has the potential to contribute or detract from the wider landscape. 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.

When assessing drainage design, particularly surface systems, it is important to consider the drainage scheme in the context of the surrounding landscape character area. Landscape Character Assessments are valuable in understanding how to create a landscape with its proposed sustainable drainage scheme for a development so it fits into the landscape and townscape of the area. Effective integration will also require carefully researched and selected plants, which work to improve the local green infrastructure.

## Glossary

Aquifer	A source of groundwater comprising water-bearing rock, sand or gravel capable of yielding significant quantities of water.	Flood risk	The combination of the flood probability and the magnitude of the potential consequences of the flood event.
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 Assessment	An appraisal of the flood risks that may affect development or increase flood risk elsewhere
		Flood Zones	Flood Zones provide a general indication of flood risk, mainly used for spatial planning.
Brownfield site	Any land or site that has been previously developed.	Floodplain	An area of land that would naturally flood from a watercourse, an estuary or the sea.
Catchment	The area contributing surface water flow to a point on a drainage or river system.	Freeboard	A vertical distance that allows for a margin of safety to account for uncertainties.
CIRIA	Construction Industry Research and Information Association. <a href="http://www.ciria.org">www.ciria.org</a>	Flood and Water Management Act	The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.
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	Flow control device	A device used to manage the movement of surface water into and out of an attenuation facility.
Culvert	A structure which fully contains a watercourse as it passes through an embankment or below ground.	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.
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.	Gravity drainage	Drainage which runs through pipework installed to a fall, and not therefore under pressure.
EA	Environment Agency. Government Agency responsible for flooding issues from main river, and strategic overview of flooding.	Greenfield	Undeveloped land.
Flood event	A flooding incident usually in response to severe weather or a combination of flood generating characteristics.		

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Greenfield runoff rate	The rate of runoff which would occur from a site that was undeveloped and undisturbed.	Overland Flow	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.
Groundwater	Water that exists beneath the ground in underground aquifers and streams.	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.
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.	Pitt Review	An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England.
Impermeable	Will not allow water to pass through it.	Rainwater harvesting	Collection and Re-use or recycling of rainwater for the purpose of garden irrigation, car washing, toilet flushing etc.
Impermeable surface	An artificial non-porous surface that generates a surface water runoff after rainfall.	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.
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.	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.
Local Flood Risk Management Strategy	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.	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
Main River	A watercourse designated on a statutory map of Main rivers, maintained by Department for Environment, Food and Rural Affairs (Defra).	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.
Mitigation measure	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.	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.
National Planning Policy Framework	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.	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)

100	<p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:</p> <ul style="list-style-type: none"> <li>• applying the Sequential Test;</li> <li>• if necessary, applying the Exception Test;</li> <li>• safeguarding land from development that is required for current and future flood management;</li> <li>• using opportunities offered by new development to reduce the causes and impacts of flooding; and</li> <li>• 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 facilitate the relocation of development, including housing, to more sustainable locations</li> </ul>
103	<p>When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>• 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; and</li> <li>• development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.</li> </ul>
109	<p>The planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>• protecting and enhancing valued landscapes, geological conservation interests and soils;</li> <li>• recognising the wider benefits of ecosystem services;</li> <li>• minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</li> <li>• preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and</li> <li>• remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</li> </ul>

**Appendix B. Non-Statutory Technical Standards for Sustainable Drainage**

<p><b>Flood risk outside the development</b></p>	<p><b>Flood risk within the development</b></p>
<p><b>S1</b> 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.</p>	<p><b>S7</b> 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.</p>
<p><b>Peak flow control</b></p>	<p><b>S8</b> 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.</p>
<p><b>S2</b> 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.</p>	<p><b>S9</b> 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.</p>
<p><b>S3</b> 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.</p>	<p><b>Structural Integrity</b></p>
<p><b>Volume control</b></p>	<p><b>S10</b> 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.</p>
<p><b>S4</b> 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.</p>	<p><b>S11</b> 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.</p>
<p><b>S5</b> 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.</p>	<p><b>Designing for maintenance considerations</b></p>
<p><b>S6</b> 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.</p>	<p><b>S12</b> 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.</p>
	<p><b>Construction</b></p>
	<p><b>S13</b> 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.</p>
	<p><b>S14</b> 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.</p>

# Sustainable Drainage Systems

## Non-statutory technical standards for sustainable drainage systems

March 2015

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# Introduction

This document sets out non-statutory technical standards for sustainable drainage systems. They should be used in conjunction with the [National Planning Policy Framework](#) and [Planning Practice Guidance](#).

## 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.

## Peak flow control

**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.

**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.

## Volume control

**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.

**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.

**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

**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.

**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.

**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

**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.

**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.

## 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 must 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.



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[suds@defra.gsi.gov.uk](mailto:suds@defra.gsi.gov.uk)

PB14308

## **Consultation Report – Drainage and Local Flood Risk Policy Statement**

### **1. Introduction**

As Lead Local Flood Authority within Kent, Kent County Council (KCC) became a statutory consultee on planning applications for surface water drainage in major development on 15 April.

Kent County Council has prepared a draft Policy statement for drainage in planning which sets out how we will review surface water management within major development applications in the county before providing a response to the planning authority. This draft policy statement was published for review and comment by the public and other key partners and other interested parties.

The responses received have been reviewed and, where appropriate, incorporated into the final draft of the policy statement prior to adoption by the county council.

### **2. Consultation process**

The draft Drainage and Planning Policy was published for public consultation as the “Drainage and Local Flood Risk Policy Statement” initially for six weeks from 12 June 2015 to 25 July 2015. This period was extended to 29 July 2015 in response to requests received from two respondents.

The consultation was hosted on Kent County Council’s consultation web page. Invitations were sent to 249 people registered with the Consultation Directory who had expressed an interest General interest, and Planning and planning applications consultation topics.

Notification of the consultation was also sent via email on 12 July 2015 to stakeholders for flood risk management including Internal Drainage Boards, Environment Agency, sewerage undertakers, house builders and developers and consultants working within the planning arena. Direct notifications were sent to 55 individuals from these authorities and agents on 12 July 2015. Local parish and town councils were contacted through the Kent Association of Local Councils, who distributed the notification.

Responses were received via Kent County Council’s website from 38 interested parties and stakeholders. Another eight organisations sent responses via the post directly to the Flood team.

An Equality Impact Assessment was undertaken in preparation for the consultation and published alongside the policy document as part of the consultation. The EqIA identified possible issues in relation to reading the material circulated and that this could be mitigated by provision of the document in alternative formats. No requests were received for alternative formats and no comments were received in relation to the EqIA.

### 3. Respondents

A total of 46 responses were received from 45 different organisations or individuals across the following groups:

- 3 local planning authorities
- 1 sewage undertaker
- 22 local town and parish councils
- 1 house builder
- 1 resident's association
- 1 internal drainage board
- 1 NGO
- 1 local flood group and
- 13 private individuals

### 4. Consultation responses

The consultation questionnaire included details of the responder (question 1), eight questions specific to the policy statement (questions 2 through 9) and final questions in relation to the Equality Impact Assessment. The consultation questionnaire is attached as Appendix A.

A summary of the responses to questions 3 through 9 is presented below with a summary of the revisions included in the final draft policy statement:

<b>Q2.</b> Do you agree the Policy Statement clearly defines Kent County Council's new role for surface water management within the planning application process? And details with respect to any specific information:	63% agreed or strongly agreed. 17% neither agreed nor disagreed 9% didn't know or did not answer  5 respondents disagreed. They made recommendations to clarify the statement in the following aspects: a) SuDS approval body b) Adoption of SuDS c) emergency response d) relationship with Ebbsfleet Development Corporation and NSIP
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Response to comments:

- a) Revisions have been made to the policy statement to clarify the status of Schedule 3 of the Flood and Water Management Act and the adoption of surface water systems by Kent County Council.
- b) Emergency planning and coordination for flood response are addressed through multi-agency flood plans and local flood plans.
- c) The planning process for Nationally Significant Infrastructure Projects (NSIPs), including Ebbsfleet, is operated by the Planning Inspectorate under the Localism Act



2011. The planning process for NSIPs is outside of the normal planning process to which this policy statement applies; however, the policy statement has been revised to clarify strategic consultation that will be provided. Given the nature of the policy statement, it is not appropriate to name specific organisations and councils.

<p><b>Q3.</b> Do you agree or disagree that the Policy Statement defines Kent County Council's other interests from a flooding perspective?</p> <p>If you disagree or strongly disagree, is there any specific information which should be included for clarity.</p>	<p>52% of respondents agree or strongly agree. 28% neither agree or disagree. 14% either Don't know or did not answer.</p> <p>7% (3 respondents) disagreed. Responses:</p> <ul style="list-style-type: none"> <li>a) reiterated previous comments</li> <li>b) List of Kent County Council's interest</li> </ul>
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Two respondents reiterated their responses to question 2 with respect to adoption and engagement with local councils.

"Interests" in the context of this question referred to responsibilities and duties Kent County Council may have in relation to ordinary watercourse consenting, highways and other environmental responsibilities. KCC as a statutory consultee does not have any formal agreements with the planning authorities and provides advice as required by the regulations.

<p><b>Q4.</b> 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.</p>	<p>Examples of other policies proposed by the respondents include:</p> <ul style="list-style-type: none"> <li>a) Community involvement</li> <li>b) Maintenance of ditches, culverts and gullies Sewage and water quality</li> <li>c) Consultation should be for one or more houses</li> <li>d) Adoption policy</li> <li>e) Document structure</li> </ul>
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Response to comments:

- a) Kent County Council's statutory consultee role does not provide any provision to engage the community. Community involvement and engagement is included in the Local Flood Risk Management Strategy and the development of local flood plans.
- b) Two respondents made reference to maintenance needs and clearance of ditches and land drainage. As this policy statement is addressing the interactions within the planning system and new development, these matters are only included in the policy statement as they apply to new development. These matters are addressed through SuDS Policy 2 which includes consideration of connections to an existing drainage

system and SuDS Policy 6 which seeks to ensure that proposed systems are maintainable.

- c) Water quality is included in SuDS Policy 7; however Kent County Council does not have a direct role in management of wastewater, the sewerage undertaker alone is responsible for commenting on foul sewage in new developments.
- d) Two respondents wished to widen the consultee role. Kent County Council is not able to significantly widen the role as under the changes to the Development Management Procedure Order 2015, Kent County Council is only statutorily required to provide consultation on major development. We agree that there are areas where minor development may have a significant impact on local flooding and we are seeking an efficient and feasible means of identifying potential issues for smaller development in areas with difficult drainage. Further consultation will be undertaken with district councils as the best means of managing development within “areas of high local flood risk” (see response to question 6).
- e) As Schedule 3 of the Flood and Water Management Act has not been commenced the LLFAs are not required to adopt drainage systems and have no powers to do so (beyond highway drainage). Kent County Council is working with the development industry and other stakeholders to progress the adoption of drainage with Government.
- f) One respondent provided comments in relation to the document structure. The document structure has been re-ordered to present a more readable document. Specific editorial comments were also recommended and revisions were made were appropriate.

<p><b>Q5.</b> Kent County Council proposes not to utilise a drainage application form or a template to require mandatory drainage information for submission.</p>	<p>28% either strongly agreed or agreed, 26% neither agreed nor disagreed, 33% either strongly disagreed or disagreed 13% didn't know or did not answer</p>
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The evenly spread response on this question indicated no specific preference for the use of a form or template for application submission. This will be dealt with on a case-by-case basis with each respective Local Planning Authority.

<p><b>Q6.</b> Kent County Council has proposed to work with local authorities to identify certain areas which may require more review due to local drainage conditions. Do you agree that this is important?</p>	<p>89% agreed this was important the remainder didn't know or did not answer.</p>
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Respondents made reference to flood plain areas, rapid response catchments, liaison with Internal Drainage Boards and local knowledge. No specific recommendations were made to definition of the areas that should be included in this provision. Kent County Council will work with district councils to determine an appropriate strategic approach to this matter.

<p><b>Q7.</b> Would it be beneficial if Kent County Council developed a Countywide Supplementary Planning Document for Sustainable Drainage which could be adopted by individual Local Planning Authorities?</p>	<p>80% agreed this was important The remainder neither agreed no disagreed, didn't know or did not answer</p>
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Given the wide support for this proposal, further discussions will be undertaken with Local Planning Authorities to assess the feasibility of a countywide document. Kent County Council will assist with the development of a Supplementary Planning Document, however, adoption of any planning document resides with each Local Planning Authority.

<p><b>Q8.</b> What types of additional services would you or your organisation find useful and be of value? Would you or your organisation be prepared to pay for these services?</p>	<p>A number of additional services were suggested. 7% stated that they or their authority would pay for additional services.</p>
---	--

Suggested additional services included:

- Communication with the public
- Intervention in areas of future flooding
- Advice on how to tackle road surface flooding
- Consult with the water authority regarding inadequate sewers
- Provide an overview of connections to foul and surface water sewers
- Act as liaison between developers and adopting authorities
- Workshops for local councils with respect to drainage

Responses to areas at risk of flooding and cooperation between communities and agencies are addressed through the Local Flood Risk Management Strategy, which will be reviewed in 2016. These matters will be considered within that review.

<p><b>Q9.</b> Do you have any other comments about the Policy Statement?</p>	<p>Various responses including: a) Maintenance of drainage b) Strategic consideration of flood risks c) Predetermined greenfield runoff rates d) Specific strategies for local areas e) Ephemeral watercourses f) Tree planting g) IDB bye-laws h) Engagement with parish councils</p>
--	--

The following responses were received which raised additional matters:

- a) Maintenance is recognised as a key concern but this is not a matter which can be addressed directly through this policy statement for existing maintenance issues. Questions were also raised in relation to how maintenance will be enforced with new development. This is also a key concern of Kent County Council but Government has chosen a specific path for implementation of the Flood and Water Management Act. It is not a matter which can be addressed through this policy statement.
- b) Strategic flood risk management and the issue of multiple sites coming forward in proximity has been included within Section 2.4 of the policy statement.
- c) The Greenfield runoff rate varies across the County and it would be problematic to provide a rate or rates at the county level. Specification of a value could be addressed through policies set by each district council. This will be a matter considered and discussed with the District Councils in the setting of any drainage policy.
- d) Assessments of surface water flooding have been undertaken for a number of localities across Kent and set out in Surface Water Management Plans. These Surface Water Management Plans provide a strategic look at flooding, mechanisms for flooding and provide recommendations to address flooding. These area specific documents are best placed to address these matters and are considerations when providing comments on planning applications.
- e) It was suggested that ephemeral (intermittent) streams should be registered as Critical Drainage Areas (CDAs). The definition of CDAs is the responsibility of the Environment Agency. Kent County Council will review “areas of high local flood risk” with each district council and it is expected that further consultation will be undertaken following this review.
- f) SuDS Policy 5 has been enhanced to reflect the importance of trees and woodlands.
- g) Given the strategic nature of the document, reference to liaison and approval of the appropriate consenting authority was agreed to be sufficient to ensure consideration is given to appropriate regulation.
- h) A number of respondents indicated that engagement with local town and parish councils should be extended and is needed to support their own decision-making and to provide local knowledge. The provision of this kind of information goes beyond the statutory consultee role. It is addressed through the Local Flood Risk Management Strategy and other measures Kent County Council is delivering.

## **5. Equality Impact Assessment**

No detailed responses were received in relation to the equality impact assessment.

## **6. Summary**

There was strong support for the policy statement. No specific comments were directed at wording of the policy statements themselves which indicates support for the direction Kent County Council proposes to adopt. Respondents welcomed the policy statement, believed it to be rationale, comprehensive, understandable and well considered.

Revisions have been included to provide clarification and an improved document structure.

The consultation demonstrated that there is interest for provision of maintenance, coordination with sewerage companies, with parish councils and other planning authorities.

Maintenance of highways drainage systems and ditches is mentioned as an important consideration. The importance of maintenance must be addressed through Highways.

The policy statement indicates where this consultation would be undertaken but specifics in relation to consultation are better addressed through Kent's Local Flood Risk Management Strategy.

## Appendix A – Consultation Questionnaire

## Drainage & Local Flood Risk Policy Statement

### Consultation Questionnaire

**Q1.** Are you completing this questionnaire on behalf of:

Please select **one** option.

- Yourself (as an individual)
- A Developer/House Builder
- A Consultant engaged in the development industry
- A District/Town/Parish Council
- Other, please specify:

**Q1a.** If you are responding on behalf of a *Council or Commercial organisation*, please tell us the name of the organisation:

**Q2.** Do you agree or disagree that the Policy Statement clearly defines Kent County Council's new role for surface water management within the planning application process?

- |                          |                          |                              |                          |                          |                          |
|--------------------------|--------------------------|------------------------------|--------------------------|--------------------------|--------------------------|
| Strongly agree           | Agree                    | Neither agree<br>or disagree | Disagree                 | Strongly<br>disagree     | Don't<br>know            |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q2a.** If you disagree or strongly disagree, is there any specific information which should be included for clarity:

**Q3.** Do you agree or disagree that the Policy Statement defines Kent County Council's other interests from a flooding perspective?

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3a.** If you disagree or strongly disagree, is there any specific information which should be included for clarity:

**Q4.** 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:

**Q5.** Kent County Council proposes not to utilise a drainage application form or a template to require mandatory drainage information for submission.

Do you agree or disagree?

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**Q6.** Kent County Council has proposed to work with local authorities to identify certain areas which may require more review due to local drainage conditions.

Do you agree that this is important?

Yes

No

Don't know

Other comments:

**Q7.** Local Planning Authorities may specify drainage discharge rates for local conditions as evidenced by Strategic Flood Risk Assessment and published within Supplementary Planning Documents. This has the potential to lead to a range of local approaches to sustainable drainage.

Would it be beneficial if Kent County Council developed a Countywide Supplementary Planning Document for Sustainable Drainage which could be adopted by individual Local Planning Authorities?

Strongly agree

Agree

Neither agree  
or disagree

Disagree

Strongly  
disagree

Don't  
know

**Q8.** Kent County Council may provide additional services in relation to flooding and drainage including pre-application advice on technical drainage matters.

What types of additional services would you or your organisation find useful and be of value?

**Q8a.** Would you or your organisation be prepared to pay for these services?

Yes

No

Don't know

**Q9.** Do you have any other comments about the Policy Statement?

**Q10.** We have completed an Equality Impact Assessment on the Drainage and Local Flood Risk Policy Statement. Do you have any comments on the Equality Impact Assessment?

If you are responding as an individual, please answer the following questions:

About You...

We want to make sure that everyone is treated fairly and equally, and that no one gets left out. That's why we're asking you these questions.

We won't share the information you give us with anyone else. We'll use it only to help us make decisions, and improve our services.

If you would rather not answer any of these questions, you don't have to.

Q11 **Are you.....?** Please select one box.

- Male  Female  I prefer not to say

Q12. Which of these age groups applies to you? Please select one box.

- 0 - 15  25-34  50-59  65-74  85+ over  
 16-24  35-49  60-64  75-84  I prefer not to say

Q13. What is your postcode?

Q14. To which of these ethnic groups do you feel you belong? (Source: 2011 census)

Please select one box.

- |  |   |
|--|---|
| <input type="checkbox"/> White English                   | <input type="checkbox"/> Asian or Asian British Indian      |
| <input type="checkbox"/> White Scottish                  | <input type="checkbox"/> Asian or Asian British Pakistani   |
| <input type="checkbox"/> White Welsh                     | <input type="checkbox"/> Asian or Asian British Bangladeshi |
| <input type="checkbox"/> White Northern Irish            | <input type="checkbox"/> Asian or Asian British other*      |
| <input type="checkbox"/> White Irish                     | <input type="checkbox"/> Black or Black British Caribbean   |
| <input type="checkbox"/> White Gypsy/Roma                | <input type="checkbox"/> Black or Black British African     |
| <input type="checkbox"/> White Irish Traveller           | <input type="checkbox"/> Black or Black British other*      |
| <input type="checkbox"/> White other*                    | <input type="checkbox"/> Arab                               |
| <input type="checkbox"/> Mixed White and Black Caribbean | <input type="checkbox"/> Chinese                            |
| <input type="checkbox"/> Mixed White and Black African   | <input type="checkbox"/> I prefer not to say                |
| <input type="checkbox"/> Mixed White and Asian           |   |
| <input type="checkbox"/> Mixed other*                    |   |
| <input type="checkbox"/> Other ethnic group*             |   |

\*If your ethnic group is not specified in the list, please describe it here:

The Equality Act 2010 describes a person as disabled if they have a longstanding physical or mental condition that has lasted, or is likely to last, at least 12 months; and this condition has a substantial adverse effect on their ability to carry out normal day-to-day activities. People with some conditions (cancer, multiple sclerosis and HIV/AIDS, for example) are considered to be disabled from the point that they are diagnosed.

Q15. Do you consider yourself to be disabled as set out in the Equality Act 2010?

Please select one box.

Yes

No

I prefer not to say

Q15a. **If you answered Yes to Q15, please tell us the type of impairment that applies to you.** You may have more than one type of impairment, so please select all that apply. If none of these applies to you, please select Other, and give brief details of the impairment you have.

Physical impairment.

Sensory impairment (hearing, sight or both).

Longstanding illness or health condition, such as cancer, HIV/AIDS, heart disease, diabetes or epilepsy.

Mental health condition.

Learning disability.

I prefer not to say.

Other\*

\*If **Other**, please specify:

Q16. Do you regard yourself as belonging to any particular religion or belief?

Please select one box.

Yes

No

I prefer not to say

Q16a. If you answered Yes to Q16, which one applies to you? Please select one box.

Christian

Hindu

Muslim

Any other religion, please specify:

Buddhist

Jewish

Sikh

Q17. **Are you...?** Please select one box.

Heterosexual/Straight

Gay woman/Lesbian

Other

Bi/Bisexual

Gay man

I prefer not to say

Thank you for taking the time to complete this questionnaire.

Please return your completed questionnaire to:

DLFR Policy Statement Consultation  
Environment, Planning and Enforcement,  
Invicta House  
1st Floor,  
County Hall,  
Maidstone,  
Kent, ME14 1XX

**Or email it to:** [suds@kent.gov.uk](mailto:suds@kent.gov.uk)

Please add 'DLFR Policy Statement Consultation' as the subject.

From: Matthew Balfour, Cabinet Member – Environment & Transport

David Beaver – Head of Commercial Services and Waste Services

To: Environment & Transport Cabinet Committee – 16 September 2015

Decision No: 15/00058

**Subject: Contracts for the provision of Reception, Bulking and Transport of Residual Waste (Canterbury and Thanet Area) for final disposal at the Allington Waste to Energy Facility or other nominated facilities**

Key decision – Requires expenditure greater than £1m

Classification: Unrestricted

Past Pathway of Paper: Procurement Board 23 June 2015

Future Pathway of Paper: For Cabinet Member decision

Electoral Division: Divisions falling within the Canterbury City Council boundary, and the Thanet District Council boundary.

**Summary:**

KCC has a statutory duty to provide tipping facilities for Waste Collection Authorities in its area, and to arrange for the disposal of the household waste that they collect.

It is proposed to let two Contracts for the bulking and transportation of residual waste to Allington Waste to Energy Facility and bulky waste, to Authority Waste Outlets.

There are two lots, individually serving Canterbury City Council and Thanet District Council. The new contractual arrangements will commence 5 November 2015.

These contracts facilitate the final disposal of residual (i.e. non-recyclable) household waste.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport to delegate the award of contracts for the Bulking, Transportation of residual Waste, and any subsequent extensions, to serve Canterbury City Council, and Thanet District Council.

**1. Introduction**

1.1 Waste Management is tendering two contracts: Lot 1 – to serve Canterbury City Council (CCC), and Lot 2 – to serve Thanet District Council (TDC).

- 1.2 These contracts enable KCC to fulfil its statutory duty, as Waste Disposal Authority for Kent, to provide facilities for Waste Collection Authorities (WCA) to deposit their municipal waste for subsequent treatment or disposal by KCC.
- 1.3 Whereas in most parts of the County, KCC owns or leases its own waste transfer facilities to enable WCAs to deposit residual waste within or close to their own boundaries, KCC has no such facilities within the Canterbury and Thanet administrative areas and therefore relies upon third parties to provide such facilities under contract. Recyclable and Compostable waste facilities are provided under a separate contractual arrangement, and are not covered by this report.
- 1.4 At present, a single third party operates both contracts for reception, bulking and transport of residual waste for CCC and TDC. These contracts operate from a site within Thanet District Council's boundary.
- 1.5 KCC is obliged to pay so-called "tipping away" payments where WCAs are required to tip beyond their own boundary. Such payments are currently made to Canterbury City Council in respect of its requirement to take its waste across its boundary into Thanet. The costs of potential tipping away payments, as they relate to any bids forthcoming in the tendering process, will be taken into account in the tender evaluation methodology.
- 1.6 Through the analysis phase of the commissioning process, it was determined that the optimal arrangement for the tendering process was to let both contracts at the same time to enable greater competition of the local supply chain. It was also agreed at the Procurement Board to offer a Lot 3 option. This will allow a single supplier to bid for both Lots provided this is evaluated as economically more advantageous.
- 1.7 In order to bid for Lot 3, a bidder must also at least tender for either Lot 1 or Lot 2.

## **2. Financial Implications**

- 2.1 The estimated cumulative value of these contracts is £5m, and this falls within the existing revenue budget of the Waste Management service
- 2.2 Through having a competitive process it is anticipated that the most advantageous prices possible will be achieved as part of this procurement. By continuing to separate the service into two lots, one for each district, there is potential to negate the requirement to pay "tipping away" charges to either WCA, unless these are part of a package of costs which provides overall best value to the Authority.

## **3. Policy Framework**

- 3.1 The proposed decision is required in order to ensure that KCC is in full compliance with its statutory duty as Waste Disposal Authority, as set out in the Environmental protection Act 1990.

- 3.2 By ensuring the proper disposal of waste, the decision also meets supporting outcomes in the Commissioning Framework to protect Kent's physical and natural environment for Kent residents and visitors.

#### **4. Detail**

- 4.1 KCC does not have its own waste transfer facilities within the administrative boundaries of Canterbury City Council or Thanet District Council, and is therefore reliant upon contractual arrangements with third parties for the provision of such facilities.
- 4.2 The existing contract to provide such facilities for Thanet District Council has reached its contract end date. This contract had no provision for extensions. The initial term of the contract for Canterbury City Council's residual waste is due to finish in November 2015. This contract does have provision to be extended.
- 4.3 Rather than continue with two entirely separate procurement process for these services, it has been determined that letting both contracts at the same time is both more efficient, and allows for greater market interest, creating as it does an opportunity for a potential supplier to enable greater economies of scale by bidding for Lot 3
- 4.4 Both Canterbury City Council and Thanet District Council have been consulted on the core requirements of the contract in order to ensure it meets their needs.
- 4.5 The quality aspects of the contract are embedded within the core requirements. This is to ensure that the successful tender will meet quality standards in full. Those tenders meeting the quality requirements will be considered on a lowest whole life cost basis, including consideration of any necessary tipping away charges.
- 4.6 The contracts will be for an initial term of 2 years, with scope for two 12-month extension periods, subject to satisfactory performance and on-going value for money.

#### **5. Equalities and Consultation**

- 5.1 An initial screening of an Equalities Impact Assessment has determined there are no Protected Characteristics that will be impacted upon either positively or negatively.
- 5.2 As these are not public facing services, and there is no associated change in policy, no public consultation process has been required as part of this process.

#### **6. Conclusions**

- 6.1 The award of this contract is required in order to enable KCC to continue to fulfil its statutory obligations as Waste Disposal Authority

6.2 Tenders will be received and evaluated in September 2015, with the new services commencing on 5 November 2015.

6.3 It is proposed that The Director of Highways, Transportation and Waste is delegated to issue third and fourth year contract extensions based upon performance and demonstration of value for money

## **7. Recommendations;**

The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport to delegate the award of contracts for the Bulking, Transportation of residual Waste, and any subsequent extensions, to serve Canterbury City Council, and Thanet District Council.

## **8. Appendices**

8.1 Equalities Impact Assessment – Appendix A

8.2 Proposed Record of Decision – Appendix B

## **9. Background documents**

None

## **10. Contact details**

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Director, Highways, Transportation and Waste

03000 413479

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# **EQUALITY IMPACT ASSESSMENT**

## **WASTE MANAGEMENT**

### **Reception, Bulking and Transport of Residual Waste for Thanet and Canterbury to Allington Energy to Waste Facility**

**June 2015**



**KENT COUNTY COUNCIL**  
**EQUALITY IMPACT ASSESSMENT**

**Directorate: Growth, Environment and Transport**

**Name of policy, procedure, project or service**

Reception, bulking and transport of residual waste

**Type**

This EqIA focuses on the implementation of a contract for waste reception, bulking and transport of residual waste from Thanet and Canterbury District Council

**Responsible Owner/ Senior Officer**

Kay Groves, Waste Services Manager

**Date of Screenings:**

**A: Initial screening:** 03 June 2015

Pages 6 - 7

**B: Interim screening:**

**C: Final screening:**

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
1	Kay Groves	03/06/2015	
2			
3			

Appendix A

**EIA screening conducted at start of the procurement for a provision of Reception, Bulking and Transport of Residual Waste**

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 reception, bulking and transport of residual waste 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 EqIAs 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.

Appendix A

<b>Pregnancy and maternity</b>	No	No	<b>NONE</b>	<b>NONE</b>	As above.
<b>Marriage and civil partnership</b>	No	No	<b>NONE</b>	<b>NONE</b>	As above.

## **Part 1: INITIAL SCREENING (November 2013)**

### **Context**

Kent County Council is procuring to provide a contract which involves the receipt, bulking and transportation of residual waste from Thanet and Canterbury District councils.

### **Aims and Objectives**

From November 2015, Kent County Council will:

- Secure a Provider(s) to provide a reception, bulking and transportation service for Thanet and Canterbury residual waste.

### **Beneficiaries**

The intended beneficiaries are householders in Kent as recipients of the district council domestic collection services.

### **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 bulk waste service to Thanet and Canterbury districts.

There are no Protected Characteristics that will be impacted upon either positively or negatively.

The screening table (page 3-4) details the initial assessment.



## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TAKEN BY:**

**Cabinet Member for Environment & Transport**

**DECISION NO:**

15/00058

**For publication**
**Key decision\***

*Affects more than 2 Electoral Divisions  
Expenditure more than £1m*

**Subject: Title of Decision**

Contracts for the provision of Reception, Bulking and Transport of Residual Waste (Canterbury and Thanet Area) for final disposal at the Allington Waste to Energy Facility or other nominated facilities.

**Decision:**

As Cabinet Member for Environment & Transport I agree to delegate to officers the award of contracts for the Bulking, Transportation of residual Waste, and any subsequent extensions, to serve Canterbury City Council, and Thanet District Council.

As Cabinet Member for Environment & Transport I agree to the award of contracts for the Bulking and Transportation of Residual Waste to serve Canterbury City Council and Thanet District Council in line with the specifications and expectations set out in the report and tender document, and delegate to the Director of Highways, Transportation & Waste on completion of the evaluation of tenders, the decision to award in consultation with myself.

I delegate to the Director of Highways, Transportation & Waste the decision to extend the contracts by 12 months subject to criteria set out in the report and in consultation with the relevant Cabinet Member at that time.

**Reason(s) for decision:**

KCC has a statutory duty to provide tipping facilities for Waste Collection Authorities in its area, and to arrange for the disposal of the household waste that they collect.

**Cabinet Committee recommendations and other consultation:**
**Any alternatives considered:**

Contracts will be awarded through a competitive procurement process

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

None

.....  
signed

.....  
date

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From: Mathew Balfour, Cabinet Member – Environment & Transport  
Barbara Cooper, Corporate Director – Growth, Environment & Transport

To: Environment & Transport Cabinet Committee – 16 September 2015

Decision No: 15/00070

**Subject: A28/A291 Sturry Link Road, Canterbury**

Key decision: Major Scheme with costs over £1m and which affects more than two Electoral Divisions

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: **Herne & Sturry, Canterbury City North East and Canterbury West**

**Summary:**

This report seeks approval to take the A28/A291 Sturry Link Road highway improvement scheme through the next stages of development and delivery including authority to progress statutory approvals and to enter into land and funding agreements and construction contracts.

**Recommendation(s):**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision and indicated on the proposed decision sheet attached at Appendix A as follows

- i) give approval to the concept design scheme for A28/A291 Sturry Link Road for development control and land charge disclosures shown in principle on Drg. No. 4300299/000/17;
- ii) give approval to progress the A28/A291 Sturry Link Road shown as a concept design on Drg. No. 4300299/000/017 including any ancillary work such as drainage and environmental mitigation;
- iii) give approval to submit a planning application for the scheme when a preferred scheme has been identified, following completion of the outline design process and public consultation, and approved by the Cabinet Member for Environment & Transport;

- iv) give approval for all steps necessary to be taken to obtain and implement Statutory Orders to realise the scheme, including any ancillary works such as drainage and environmental mitigation;
- v) give approval for Legal Services to enter into land and funding Agreements associated with the developments contributing to the Link Road;
- vi) give approval to enter into Agreements with Network Rail to allow the County Council to design and deliver a scheme on Network Rail infrastructure;
- vii) give approval to enter into Local Growth funding, developer funding and other such funding Agreements subject to the approval of the Corporate Director of Finance & Procurement;
- viii) give approval to enter into construction contracts as necessary for the delivery of the scheme, subject to the approval of the Procurement Board to the recommended procurement strategy.

## **1. Introduction**

- 1.1 The A28 Sturry/Island Road is a principal road corridor between Canterbury and Thanet that also serves residents and businesses to the north east of Canterbury and Sturry. At Sturry, the A291 Sturry Hill provides a link to Herne Bay.
- 1.2 The section of A28 through Sturry is particularly difficult because of the level crossing of the Canterbury to Thanet railway line and the inevitable interruption to traffic and queuing through the centre of the community.
- 1.3 Canterbury City Council's District Local Plan - Publication Draft 2014, has identified land at Sturry and Broad Oak which lies north of the railway and west of the A28/A291, as a suitable allocation for 1,000 homes with accompanying infrastructure improvements. The key element would include a Sturry Link Road to relieve the level crossing and access the new housing together with station access improvements. Other land use allocations towards Herne Bay will also be related, in part, to the Sturry Link Road.
- 1.4 A bid to the South East Local Enterprise Partnership (SE LEP) for funding has been approved in principle which together with contributions from the development of Broad Oak, Sturry and other development sites gives the opportunity to deliver the Sturry Link Road.
- 1.5 This report provides an overview of the project and recommendations for the required decisions to allow the scheme to be progressed through the next stages of development.

## **2. Scheme Description**

- 2.1 The Link Road would run to the north and west of the A28 and A291. (See Figure 1 attached). It would commence at a new junction on the A28 and head northwards across two arms of the Great Stour and over the railway line. (See

A-B on Figure 1). Route alignment is highly constrained and is the most challenging in engineering terms. With poor ground conditions and close proximity of the Great Stour to the railway a combined viaduct solution is likely rather than individual bridges.

- 2.2 From the railway the route would turn eastwards to connect back to the A291 at points (C) and (D). The alignment here is less constrained and will in part be influenced by the layout of the proposed housing development. At this initial stage the idea is for a junction in the area of (E) that would allow separate connections to be made to the A291 and A28.
- 2.3 The Link Road would allow all through traffic to avoid the Sturry level crossing although it would need to be retained for local movements and for buses. It would open up further opportunities for improvements to the station including a car park (F) and closure of a pedestrian crossing of the railway - Milner Crossing (G) - if a new pedestrian footbridge was provided as part of a station upgrade.
- 2.4 The alignment of the Link Road brings it close to another level crossing at Broad Oak (H). This is a busy route and the road alignment is poor on both the Broad Oak Road and Shalloak Road approaches to the crossing. The Link Road would open up the opportunity to close the crossing if a suitable connection to the Link Road could be achieved. Network Rail would be keen as part of their wider national policy to close or reduce the safety risk of level crossings. Achieving a connection to the Link Road because of its height over the railway would be expensive but this will be discussed with Network Rail as part of the overall discussions with them.

### **3. Scheme Delivery**

- 3.1 The scheme is at a very early stage and there is no more than a concept plan for the Link Road and the Broad Oak, Sturry and other housing allocations will not be confirmed until after Canterbury City Council have adopted their Local Plan which is currently being Examined in Public before an independent planning Inspector. However, discussions have been held with the City Council and the Broad Oak and Sturry developers on a possible delivery model. The Local Plan Inspector has recently asked Canterbury City Council to include the developers of the other sites associated with the Link Road within this delivery model.
- 3.2 The current proposal is that KCC develops outline design options, holds public consultation and identifies a preferred route. This would then be progressed in more detail, an application for planning permission made and then Statutory Orders promoted including a Compulsory Purchase Order if land cannot be secured by voluntary acquisition.
- 3.3 KCC would then deliver the section of the Link Road from the A28 over the Great Stour and railway. The Broad Oak and Sturry developers would deliver the remainder of the Link Road as part of their developments. The works would be programmed to ensure that the whole of the Sturry Link Road would be opened on completion of the KCC element of the works.

## **4. Financial Implications**

- 4.1 Initial feasibility work has commenced to allow the formal business case for the release of the Local Growth Funding to be prepared. This work also includes discussions with Network Rail and data acquisition such as topographical and seasonally influenced environmental surveys. The Broad Oak and Sturry developers have provided the initial surveys and are undertaking the traffic modelling required for the business case for the Local Growth Funding.
- 4.2 Future costs will be covered by developer contributions and/or the Local Growth Fund (LGF) funding. Heads of Terms were being discussed with the Broad Oak and Sturry developers with the intent of entering into S278 Agreements, as they had options on much of the land required for the Sturry Link Road. However, following the recent comments of the Local Plan Inspector, contributions will be required from other development sites. A developer funding model is being prepared to incorporate all the interested parties and formal Agreements will be required with each of these developers. Approval to Plan was given following a report to the Project Approval Group in September 2014.
- 4.3 Funding Agreements will ensure that all the County Council's costs are met including the provision of a robust allowance for risk and inflation and the provision of Bonds by the developers.
- 4.4 The overall estimated scheme cost is £28.6m. The 'in principle' allocation from the Local Growth Fund is £5.9m. The major scheme business case will be submitted to the SE LEP in November 2015 seeking confirmation of funding and release of funds from April 2016. The remaining £22.7m is to be provided via developer contributions.

## **5. Policy Framework**

- 5.1 The Link Road supports the Strategic Statement '*Increasing Opportunities, Improving Outcomes*' and the strategic statement of '*Kent Communities feel the benefits of economic growth*'. The scheme will reduce congestion, improve safety and help mitigate associated air quality concerns. By providing capacity, it will unlock development potential for many new homes and jobs in north east Canterbury. The benefits will broaden out to Herne Bay and Thanet.

## **6. Legal and Equalities Implications**

- 6.1 There are no immediate legal implications. The purpose of the report and recommendations are to secure appropriate legal authorities to develop and progress the scheme. An initial Equalities Impact Assessment has been prepared and approved and this will be regularly reviewed as the scheme develops and design is progressed.

## **7. Conclusions**

- 7.1 The A28 through Sturry and the issues with the level crossing have long been a concern. The potential of development at Broad Oak and Sturry and at other sites to contribute to the City Council's housing needs and the award in principle of LGF funding gives the opportunity to deliver the Link Road. This will achieve

both direct benefits and the opportunity to facilitate wider benefits. 2019/20 is the earliest date envisaged for construction but that will be significantly influenced by satisfactory progress through planning and Statutory Order stages, and on funding Agreements.

- 7.2 The scheme is at an early stage and much work needs to be done with the developers, Network Rail, the river authority and landowners to develop an outline design to take forward. The purpose of this report and recommendations is to provide the relevant authorities to allow the scheme to progress. With a project of this nature and time frame, further specific authorities will be necessary and the Cabinet Member will be invited to take those decisions with reversion to this Committee on matters of significance.

#### **8. Recommendation(s):**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision and indicated on the proposed decision sheet attached at Appendix A as follows

- i) give approval to the concept design scheme for A28/A291 Sturry Link Road for development control and land charge disclosures shown in principle on Drg. No. 4300299/000/17;
- ii) give approval to progress the A28/A291 Sturry Link Road shown as a concept design on Drg. No. 4300299/000/017 including any ancillary work such as drainage and environmental mitigation;
- iii) give approval to submit a planning application for the scheme when a preferred scheme has been identified, following completion of the outline design process and public consultation, and approved by the Cabinet Member for Environment & Transport;
- iv) give approval for all steps necessary to be taken to obtain and implement Statutory Orders to realise the scheme, including any ancillary works such as drainage and environmental mitigation;
- v) give approval for Legal Services to enter into land and funding Agreements associated with the developments contributing to the Link Road;
- vi) give approval to enter into Agreements with Network Rail to allow the County Council to design and deliver a scheme on Network Rail infrastructure;
- vii) give approval to enter into Local Growth funding, developer funding and other such funding Agreements subject to the approval of the Corporate Director of Finance & Procurement;
- viii) give approval to enter into construction contracts as necessary for the delivery of the scheme, subject to the approval of the Procurement Board to the recommended procurement strategy.

## **9. Background Documents**

Equalities Impact Assessment dated 14/8/2015

<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=Sturry%20Link%20Road%20-%202015&ID=4349&RPID=7970648&sch=doc&cat=13566&path=13566>

## **10. Appendices**

Appendix A - Proposed Record of Decision

### **10. Contact details**

Lead Officer:

Mary Gillett - Major Projects Planning Manager

07540 675423

mary.gillett@kent.gov.uk

Lead Director:

Roger Wilkin - Interim Director of Highways, Transportation & Waste

03000 413479

roger.wilkin@kent.gov.uk

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TAKEN BY:**

**Matthew Balfour, Cabinet Member for Environment & Transport**

**DECISION NO:**

15/00070

**For publication****Key decision Yes**

*Affects more than 2 Electoral Divisions  
Expenditure or savings of > £1m*

**Subject: A28/A291 Sturry Link Road, Canterbury**

**Decision:**

As Cabinet Member for Environment & Transport, I agree to:

- i) give approval to the concept design scheme for A28/A291 Sturry Link Road for development control and land charge disclosures shown in principle on Drg. No. 4300299/000/17;
- ii) give approval to progress the A28/A291 Sturry Link Road shown as a concept design on Drg. No. 4300299/000/17 including any ancillary work such as drainage and environmental mitigation;
- iii) give approval to submit a planning application for the scheme when a preferred scheme has been identified, following completion of the outline design process and public consultation, and approved by the Cabinet Member for Environment & Transport;
- iv) give approval for all steps necessary to be taken to obtain and implement statutory Orders to realise the scheme, including any ancillary works such as drainage and environmental mitigation;
- v) give approval for Legal Services to enter into land and funding Agreements associated with the Broad Oak and Sturry developments and any other developments contributing towards the Link Road;
- vi) give approval to enter into Agreements with Network Rail to allow the County Council to design and deliver a scheme on Network Rail infrastructure;
- vii) give approval to enter into Local Growth funding, developer funding and other such funding Agreements subject to the approval of the Corporate Director of Finance & Procurement;
- viii) give approval to enter into construction contracts as necessary for the delivery of the scheme, subject to the approval of the Procurement Board to the recommended procurement strategy.

**Reason(s) for decision:**

To provide a range of authorities necessary to allow the Sturry Link Road to be progressed

**Cabinet Committee recommendations and other consultation:**

*To be included as necessary after E&T Cabinet Committee 16 September 2015*

**Any alternatives considered:**

N/A

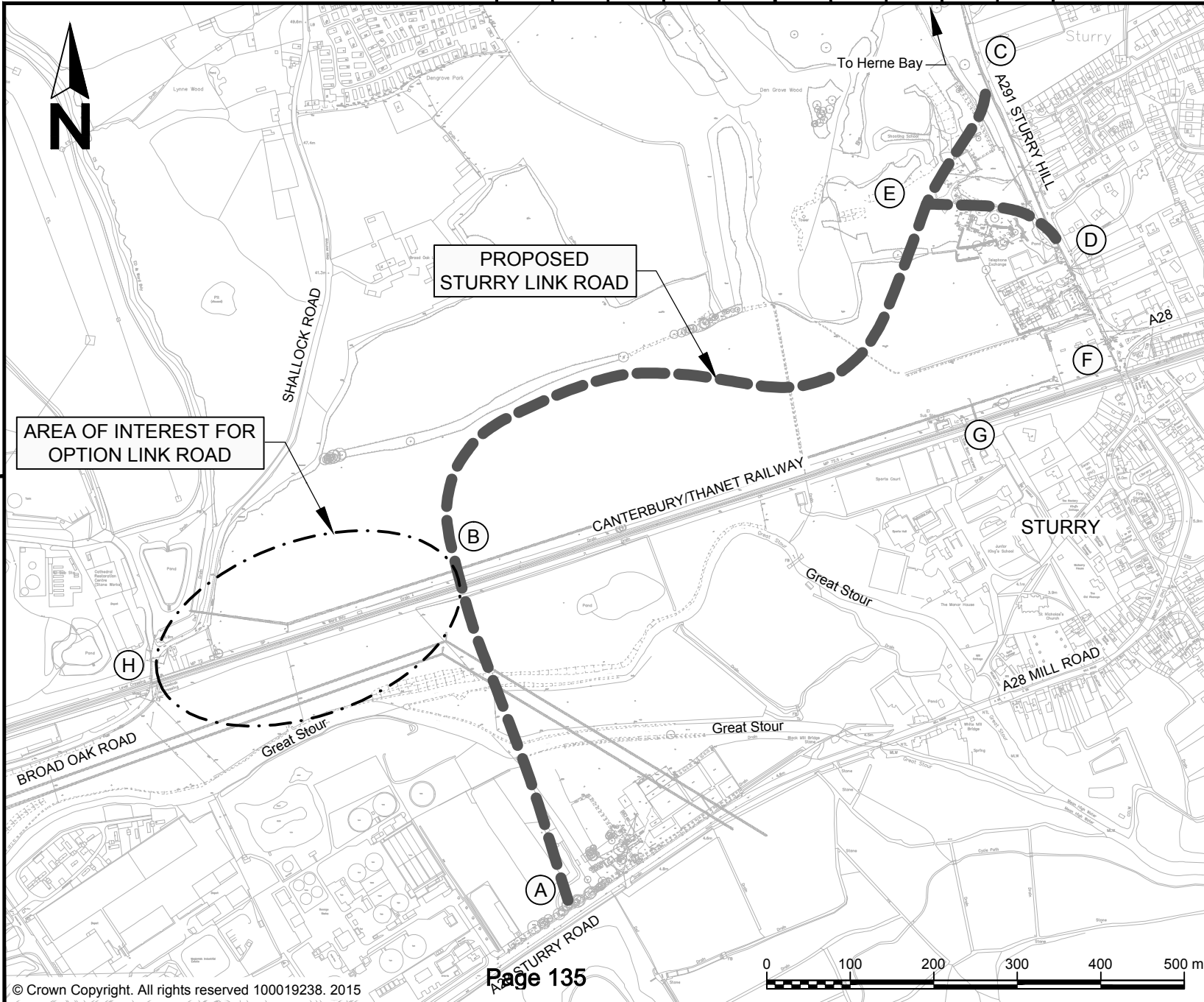
**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None

.....  
signed

.....  
date





**KEY**

— — — — — Indicative Alignment

Rev	Revision details	Chkd	Appd	Date

Drawn: TMW	Preliminary
Design: -	For comment
Chkd: MIM	For tender
Appd: DW	For construction
Date: 18 Aug 2015	As constructed
	Other <input checked="" type="checkbox"/>



Client

Project Name  
**A28/A291  
 STURRY LINK ROAD**

Drawing Title  
**FIGURE 1**

Original Drg Size : A4	Dimensions : m
Scale : Not to Scale	Copyright © Amey

Drawing No <b>4300299/000/17</b>	Rev <b>0</b>
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From: Matthew Balfour, Cabinet Member – Environment & Transport  
Barbara Cooper, Corporate Director – Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 16 September

Decision No: 15/00073

Subject: **Tender and Award of a Contract for the Maintenance of Traffic Signals**

Key decision – Affects the whole of Kent, with expenditure greater than £1m

Classification: **Unrestricted**

Past Pathway of Paper: Procurement Board 31<sup>st</sup> March 2015

Future Pathway of Paper: For Cabinet Member decision

Electoral Division: All

**Summary:**

As the current Traffic Signals maintenance contract is to expire in March 2016, this report seeks approval to procure and award a new contract to maintain traffic systems commencing 1 April 2016.

The service operates and maintains a wide variety of equipment, primarily traffic signals. The existing contract includes: traffic lights, vehicle detection systems, speed and hazard warning signs, roadside message signs, over-height vehicle detection and rising bollard equipment.

**Recommendation(s):**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to agree the award and issue of the Traffic Signals Maintenance contract for an initial period of five years and, subject to performance and demonstration of value for money, delegate authority to officers to issue a five-year extension.

## **1. Introduction**

1.1 The contract is required in order to provide maintenance for the Traffic Systems asset on the Kent Highway Network. The Authority has to ensure informed, reliable journeys for Kent citizens by managing traffic flows, looking after transport systems and providing real-time traffic and travel updates which is derived from the following Statutory Obligations:

- Highways Act 1980 (Section 41)
- Traffic Management Act 2004 Part 2 (Section 16)
- TD 24/97 Inspection and maintenance of traffic signals and associated equipment
- Electricity at Work Regulations 1989

1.2 Through the commissioning process it was decided to proceed with a term maintenance contract for Traffic Systems Asset Maintenance adopting:

- a lump sum for routine work and rates for non-routine works (NEC Option A);
- availability based to measure contract performance to ensure the asset remains operational and faults are fixed first time; and
- the contract to be an initial five year term with a maximum extension of a further five years, in increments of not less than two years.

## **2. Financial Implications**

2.1 The value of this contract is £18m over the maximum 10 year period and is within the existing budget allocation.

2.2 The contract anticipates average annual budgeted expenditure of £900k of revenue funding and capital investment in the asset of approximately £500k per year.

## **3. Policy Framework**

3.1 As the traffic systems and associated assets create an efficient transport network, which is essential to support sustainable housing and employment growth, the decision supports objectives within “Increasing Opportunities, Improving Outcomes” for Kent communities to feel the benefits of economic growth.

3.2 The decision also supports priorities to:

- improve commissioning of services;
- shape skills provision around the needs of the Kent economy;
- deliver the Kent Environment strategy; and
- deliver “Growth without Gridlock”.

3.3 The contract is specifically referred to in the Highways Transport & Waste Business Plan and the Medium Term Financial Plan.

#### **4. Detail**

4.1 The existing Traffic Signals Maintenance contract was extended up to its maximum permitted term with Telent and expires on 31<sup>st</sup> March 2016.

4.2 Due to the specialist nature of Intelligent Traffic Systems works, there are only a limited number of providers delivering this type of work. Following engagement with a number of local authorities and service providers, it has been established that the best approach is to create a contract that deals with routine and non-routine works.

4.3 The Intelligent Traffic Systems asset comprises the following:

- 690 traffic signal sites (junctions and pedestrian crossings);
- 340 interactive warning signs;
- 90 roadside message signs; and
- access control systems (rising bollard and over-height vehicle detection).

4.4 Tender submissions will be assessed on the basis of most economically advantageous tender. 75% of marks will be awarded for price and 25% for quality.

#### **5. Equality and Legal Implications**

5.1 There are no equality implications; the contract will operate under similar terms and conditions as the current arrangements. All traffic systems assets are designed to improve road safety for all users and specifically provide features to help the young, the elderly and those with sight and mobility impairments.

5.2 Legal have been consulted regarding any TUPE issues and have provided appropriate clauses for the contract documentation. It is expected that TUPE applies, although no staff are, or have been, employed in Local Government.

#### **6. Conclusions**

6.1 This contract award enables KCC to continue to fulfil its statutory obligations of the Highways Act 1980.

6.2 Evaluation of the tenders will take place in October, The Award Report will be signed off during December, and the contract awarded January. Contract mobilisation will begin February to enable the contract to start on 1<sup>st</sup> April 2016.

6.3 It is the intention for authority to be delegated to officers to issue the 5 year extension based upon performance and demonstration of value for money.

## **6. Recommendation(s):**

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to agree the award and issue of the Traffic Signals Maintenance contract for an initial period of five years and subject to performance and demonstration of value for money, delegate authority to officers to issue a five-year extension.

## **7. Appendices**

7.1 Equality Impact Assessment (EqIA) Screening – Appendix A

7.2 Proposed Record of Decision – Appendix B

## **8. Contact details**

Report Author:

Toby Butler

Intelligent Transport Systems Manager

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Relevant Director:

Roger Wilkin

Director, Highways, Transportation and Waste

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## Kent County Council Equality Analysis / Impact Assessment (EqIA)

You need to start your Equality Analysis and data collection when you start to create or change any policy, procedure project or service

When developing high-level strategies under which other policies will sit, if those policies are jointly owned by KCC and partner organisations, they will need to take the partnership approach to EqIAs,

Please read the EqIA Guidance and the EqIA Flow Chart available on KNet.

<b>Directorate</b>	Growth, Environment & Transport
<b>Name of policy/procedure/project/service</b>	Provision of maintenance contract for existing traffic systems on the highway network.
<b>What is being assessed?</b>	The contract allows the contractor to maintain, repair and improve existing and new traffic systems equipment, including traffic lights.
<b>Responsible Owner/ Senior Officer</b>	Toby Butler, ITS Manager Highways, Transportation & Waste
<b>Date of Initial Screening</b>	20 August 2015
<b>Date of Full EqIA</b>	Not progressed

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
1	Toby Butler	20 August 2015	Initial version

## Appendix A

### EqlA 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 <b>High/Medium</b> <b>Low</b> or None <b>Unknown</b>		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
<b>Age</b>	Yes	<b>Medium</b>	None	All traffic lights with controlled crossing facilities for pedestrians include features to assist the young and elderly.	Yes – provide safe crossing opportunities for young and elderly pedestrians
<b>Disability</b>	Yes	<b>Medium</b>	None	All traffic lights with controlled crossing facilities for pedestrians include features to those with mobility impairments.	Yes – provide visual and tactile indications of safe crossing opportunities with wheelchair friendly dropped kerbs
<b>Gender</b>	No	None	None		No
<b>Gender identity</b>	No	None	None		No
<b>Race</b>	No	None	None		No
<b>Religion or belief</b>	No	None	None		No
<b>Sexual orientation</b>	No	None	None		No
<b>Pregnancy and maternity</b>	No	None	None		No
<b>Marriage and Civil Partnerships</b>	No	None	None		No
<b>Carer's responsibilities</b>	No	None	None		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

Based on judgements for the Risk Assessment Matrix impact and likelihood, this is a LOW risk project of limited relevance to the protected characteristics. There are some benefits to the young, elderly and those with sight and mobility impairments, although this is a direct replacement of an existing service.

#### **Context**

There is a need to procure a replacement maintenance contract for traffic systems equipment in order to provide the current level of service. The Authority has a statutory duty to look after highway assets provided at public expense and an obligation to ensure informed, reliable journeys for Kent Citizens by managing traffic flows, looking after transport systems and providing real time traffic and travel updates.

#### **Aims and Objectives**

The aim of the contract is to maintain existing traffic systems on the highway network.

#### **Beneficiaries**

The beneficiaries of the contract are the highway users in Kent using such traffic systems on a daily basis. To improve road safety and provide safe opportunities for pedestrians to cross highly trafficked roads. Every controlled crossing facility is equipped with:

- Dropped, flush kerbs with tactile paving to indicate the crossing location and direction.
- Rotating cones beneath the push button unit to allow those with visual impairments to use the crossing safely.
- Red/green man indicators to provide a visual reference.
- Additionally, some crossings monitor the pedestrians and adjust the timings to benefit those less mobile users.

#### **Information and Data**

This is an existing service and the contract will continue to maintain and operate the traffic system assets on the highway network.

#### **Involvement and Engagement**

No consultation has been undertaken as this project will maintain the current provision for essential service.

#### **Adverse Impact**

There are no adverse impacts for any of the protected characteristics.

#### **Positive Impact**

There are some benefits to the young, elderly and those with sight and mobility impairments, although this is a direct replacement of an existing service.

## Judgement

**Option 1 – Screening Sufficient**                      **YES**

Following this initial screening our judgement is that no further action is required. This is a direct replacement of a current service which already delivers benefits for the young, elderly and disabled.

**Option 2 – Internal Action Required**                      **NO**

**Option 3 – Full Impact Assessment**                      **NO**

## Action Plan

No specific actions have been identified for any of the protected characteristics. The contract will maintain the existing levels of service provision which aim to improve road safety and minimise congestion for all highway users.

## Monitoring and Review

The contract will include performance measures which will be reported to senior management on a monthly basis. These will identify any weaknesses in the service provision and allow remedial actions to be taken. Monthly contract meetings will also be held to ensure the needs of KCC and the public continue to be met.

## 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:	Toby Butler	Name:	Toby Butler
Job Title:	ITS Manager	Date:	20 August 2015

### **DMT Member**

Signed:	Name:
Job Title:	Date:

## Appendix A

### Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Age	None	Maintain functionality of existing equipment	Continuity of service	Toby Butler	Start date is 1 April 2016 for minimum of 5 years	Existing revenue and capital budgets
Disability	None	Maintain functionality of existing equipment	Continuity of service	Toby Butler	Start date is 1 April 2016 for minimum of 5 years	Existing revenue and capital budgets

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## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TAKEN BY:**

**Cabinet Member for Environment & Transport**

**DECISION NO:**

15/00073

**For publication**
**Key decision\***

*Affects more than 2 Electoral Divisions  
Expenditure or savings more than £1m*

**Subject:**

**Tender and award of a contract for the maintenance of traffic system assets on the Highway Network**

**Decision:**

As Cabinet Member for Environment & Transport I agree to procure, award and issue a Traffic Signals Maintenance contract for an initial period of five years and, subject to performance and demonstration of value for money, delegate authority to officers to issue a five-year extension.

**Reason(s) for decision:**

KCC has a statutory responsibility to maintain the assets on the highway network. The current contract for the maintenance of Traffic Signals expires in March 2016.

**Cabinet Committee recommendations and other consultation:**
**Any alternatives considered:**

There are no other options than to procure a maintenance contract, Traffic Systems and associated assets are highly technical which require specialist maintenance programmes.

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

None

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signed

.....  
date

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From: Matthew Balfour, Cabinet Member – Environment & Transport  
David Beaver – Head of Commercial Management & Waste Services

To: Environment & Transport Cabinet Committee – 16 September 2015

Decision No: 14/00142

**Subject: Proposed extension to the Highways Term Maintenance Contract currently let to Enterprise AOL (now Amey)**

Key decision – Affects the whole of Kent, with expenditure greater than £1m

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: For Cabinet Member decision

Electoral Division: All

**Summary:**

It is proposed by Highways, Transportation & Waste to extend the current Highway Term Maintenance Contract by two years from September 2016 to September 2018

This contract was awarded to Enterprise AOL in September 2011. The initial term is for five years with an option to extend by up to a further five years. Enterprise AOL was acquired by Amey in April 2013 however Enterprise AOL remains a trading entity.

Maintenance activities covered by this contract are the maintenance and improvements of Carriageway and pavements, Streetlights, Drainage, Winter Service, Ridges and other Structures and Emergency Works. It does not include major resurfacing and reconstruction or Traffic Signal Maintenance.

**Recommendation:**

The Environment & Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member to agree the proposed two year extension to the Highways Term Maintenance Contract currently let to Enterprise AOL from September 2016 – 2018 to allow Highways, Transportation & Waste to undertake a full review in line with the recently published Commissioning Framework.

**1. Introduction**

- 1.1 The Term Maintenance Contract was tendered and let in 2011 at the time of the economic downturn. KCC secured prices that were 20% cheaper than the market. It secured strong contractual terms that still favour KCC today and a performance framework that penalises the Contractor for poor performance.
- 1.2 The Contract was let to Enterprise AOL. In April 2013 this company was acquired by Amey. Performance had been largely stable and unchanged from

the outset until November 2014, when Amey introduced new standard operational procedures. These included new IT systems, a new organisational structure and supply chain arrangements. Undertaking such key changes, which are normally put in place at the start of the contract, has negatively affected operational performance.

- 1.3 Highways, Transportation & Waste (HT&W) has worked very hard with Amey to address these performance issues before considering recommending a contract extension. Performance has largely stabilised, however officers believe it is in KCC's commercial interest to continue to drive operational improvements rather than re-procure this contract.
- 1.4 Performance failures have, in part, been due to Amey's organisational and operational changes. There have also been issues of supplier and sub-contractor management. The operational penalties imposed over the last year by KCC have totalled £272k. This has been re-invested back into the service.
- 1.5 Performance failures must be balanced with public perceptions. Whilst KCC has been concerned with Amey's performance, customer complaints and satisfaction has not reflected this. There have been good and improved levels of performance around general highway maintenance activities and winter service.
- 1.6 However, performance improvement action plans remain in place for scheduled gully cleaning and street lighting column replacement, and robust contract management has been put in place to ensure that these improvements are sustainable.
- 1.7 It is proposed the Street Lighting service, including maintenance of the stock, will transfer to the successful provider of LED conversion as this contract is implemented.
- 1.8 As required by the client contract management team, Amey has recently changed the leadership responsible for the Kent contract, and this is already demonstrating some performance improvements.
- 1.9 Extensions of up to five years in total are permitted within the original OJEU notice and terms of contract.

## **2. Financial Implications**

- 2.1 Analysis undertaken against a number of comparable contracts indicate that Kent has attractive rates initially negotiated with Enterprise AOL when compared to Amey Term Maintenance contracts.
- 2.2 Amey has offered two commercial offers to Kent. They are contractually bound to do this however, both offers deliver against the Medium Term Financial Plan (MTFP).
- 2.3 Should an extension not be approved, KCC would need to fund a re-procurement exercise which costs about £600k. Further to this it is highly likely that a very similar contract model would lead to higher prices.



### **3. Policy Framework**

- 3.1 As the statutory Highway Authority for Kent, KCC has legal obligations to ensure that the highway is maintained to a safe standard for highway users.
- 3.2 Maintaining a safe highway network also supports KCC's strategic outcome for Kent communities to feel the benefits of economic growth.

### **4 Detail**

- 4.1 Amey has submitted an application for a contract extension which is detailed in the exempt appendix to this report. Amey has always taken responsibility for their performance and are determined to improve aspects of performance identified. It is acknowledged that elements of the service are performing to satisfaction or very well.
- 4.2 It is recommended to extend the contract by two years, commencing September 2016. Performance will be closely monitored for improvement and officers will embark upon a commissioning process that will consider all options.
- 4.3 It is not recommended at this time to extend the contract by a full five year term. Whilst Amey has asserted their fullest commitment in their extension applications, and some performance improvement is apparent, any such improvement must be demonstrably sustainable before any contractual commitment beyond a two year extension is agreed.
- 4.4 It should be noted that regardless of the extension awarded, KCC does have the contractual flexibility to remove years of agreed extension or remove services from the contract.
- 4.5 A short-term (two-year) extension is recommended in favour of a re-procurement as the current market has created unfavourable conditions for re-tendering this contract at this juncture. These include the following:
  - 4.5.1 Many of the SE7 Authorities are tendering in the next two years. This market activity is likely to reduce bidders in the South East region because tendering contracts is an expensive activity and therefore bidders will only tender against selected authorities where they feel they have the greatest opportunity of success.
  - 4.5.2 Highways England has an extensive national resurfacing program, and major contractors are finding this more attractive as the profit margins for road construction are higher than for local authority maintenance contracts.
  - 4.5.3 Maintenance and scheme prices have risen, particularly with the growth in civil works in London and generally through the economic upturn. KCC is likely to struggle to secure attractive prices, which might compromise MTFP savings targets.
  - 4.5.4 In the time available, any re-procured contract would likely be very similar to the existing contract. It would be preferable to devote more

time to run a detailed commission process in order to enable a more outcome focussed contract for the future.

- 4.6 Overall, it is considered preferable to work to improve the existing contract, albeit for a reduced extension period of two years; existing contractual performance mechanisms still incentivise performance, and it is unlikely KCC would secure such attractive terms if it went out to tender.

## **5 Conclusions**

- 5.1 Amey has made proposals for a contract extension. (See exempt appendix to this report). They assert commitment and service improvement with added commercial and social value.
- 5.2 It is proposed that officers continue to invest management effort into ensuring the continual improvement of performance, rather than focussing on a new procurement process where the risk of a new supplier arrangement would be disrupted by contract mobilisation and higher costs.
- 5.3 Market conditions and cost pressures do not lend themselves to recommending a re-procurement at this time.
- 5.4 If a two year extension is awarded, HT&W will commence a full and detailed commissioning process, which will analyse in detail options for the future, and will engage with Members in order to further develop these into a truly outcome focussed service for the future.
- 5.5 An initial screening of an Equalities Impact Assessment has determined there are no Protected Characteristics that will be impacted upon either positively or negatively

## **6. Recommendation:**

- 6.1 The Environment & Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member to agree the proposed two year extension to the Highways Term Maintenance Contract currently let to Enterprise AOL from September 2016 – 2018 to allow Highways, Transportation and Waste to undertake a full review in line with the recently published Commissioning Framework.

## **7. Background Documents**

- 7.1 None

## **8. Appendices**

Proposed Record of Decision – Appendix A  
Equality Impact Assessment – Appendix B

## **9. Contact details**

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## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TAKEN BY:**

**Cabinet Member for Environment and Transport**

**DECISION NO:**

14/00142

**For publication**
**Key decision\***

*Affects more than 2 Electoral Divisions  
Expenditure of > £1m*

**Subject: Title of Decision**

Proposed two-year extension to the Highways Term Maintenance Contract currently let to Enterprise AOL (now Amey)

**Decision:**

As Cabinet Member for Environment & Transport, I agree to the proposed two year extension to the Highways Term Maintenance Contract currently let to Enterprise AOL from September 2016 – 2018 to allow Highways, Transportation& Waste to undertake a full review in line with the recently published Commissioning Framework.

**Reason(s) for decision:**

This contract was awarded to in September 2011 for an initial term of five years with an option to extend by up to a further five years. Though there has been some performance issues, these are being addressed and there has an improvement in operational performance.

Extending the contract by two years, will allow Highways, Transportation& Waste to undertake a full review in line with the recently published Commissioning Framework.

**Cabinet Committee recommendations and other consultation:**
**Any alternatives considered:**

A full re-procurement exercise was considered but market conditions and cost pressures do not lend themselves to recommending this at this time.

If a two year extension is awarded, HT&W will commence a full and detailed commissioning process, which will analyse in detail options for the future, and will engage with Members in order to further develop these into a truly outcome focussed service for the future.

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

None

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signed

.....  
date

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# **EQUALITY IMPACT ASSESSMENT**

**HIGHWAYS, TRANSPORTATION AND WASTE**

**Extension to the Highways Term Maintenance  
Contract**

**August 2015**



**KENT COUNTY COUNCIL**  
**EQUALITY IMPACT ASSESSMENT**

**Directorate: Growth, Environment and Transport**

**Name of policy, procedure, project or service**

Contract extension from September 2016,  
Highway's Term Maintenance Contract

**Type**

This EqIA focuses on the continuation of a contract for two years for the provision of highway term maintenance. The contract allows the term maintenance contract to maintain, repair and improve existing and new infrastructure.

**Responsible Owner/ Senior Officer**

David Beaver, Head of Commercial Management and Waste Services

**Date of Screenings:**

**A: Initial screening:** 4<sup>th</sup> August 2015

Pages 6 - 7

**B: Interim screening:**

**C: Final screening:**

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
1	David Beaver	04/08/2015	
2			
3			



**EIA screening conducted at start of the procurement for a provision of Reception, Bulking and Transport of Residual Waste**

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 contract extension does not in itself constitute a policy, procedure, project or service.  It is the responsibility of County Officers to order the provision of service that accords with the delivery of policy, procedure, project or service  Individual policy, procedure, projects or service has EqIAs completed as required.
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.

<b>Marriage and civil partnership</b>	No	No	<b>NONE</b>	<b>NONE</b>	As above.
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## **Part 1: INITIAL SCREENING (August 2015)**

### **Context**

Kent County Council is seeking to provide a contract which allows the existing term maintenance contractor to maintain, repair and improve existing and new infrastructure.

### **Aims and Objectives**

From September 2016, Kent County Council will:

Secure a two year extension from Amey / Enterprise to continue to maintain, repair and improve existing and new infrastructure. This will accord with Spending the Councils Money.

### **Beneficiaries**

The intended beneficiaries are the travelling public in Kent as the highway infrastructure is maintained to safe and improved to acceptable standards.

Social value proposal also benefit wider community groups and / or individuals.

### **Data**

As the Highway Authority, Kent County Council is responsible for ensuring that the network is maintained to a safe and acceptable standard. Inspection and maintenance data is retained through a Client works asset management system. All Customer communications are managed and recorded by County Officers with services ordered through the Term Maintenance Contract by in accordance with agreed policy and standards.

### **Potential Impact**

This Equality Impact Assessment is a screening to indicate potential areas of impact, both positively and negatively, to the diverse population of Kent, which could result from the award of an extension to the term maintenance contract.

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: Matthew Balfour, Cabinet Member for Environment and Transport**  
**Barbara Cooper, Corporate Director for Growth, Environment and Transport**

**To: Environment and Transport Cabinet Committee- 16 September 2015**

**Subject: Solutions to Operation Stack: Freight Fluidity for the UK's Gateway to Europe**

**Classification: Unrestricted**

**Past Pathway of Paper: N/A**

**Future Pathway of Paper: N/A**

**Electoral Divisions: All**

## **Summary**

Operation Stack has been in force for 32 days in 2015 for a number of reasons including French industrial action, migrant issues at the Channel Tunnel and operational factors with the Tunnel.

The European Gateway Strategic Delivery Group, chaired by the Cabinet Member for Environment and Transport, Matthew Balfour, has been working over a number of months to identify and agree a package of on and off highway measures to minimise the impact of Operation Stack.

The recent escalation in number of instances and volume of HGVs involved in Operation Stack during June and July has however, finally brought this matter to the attention of national government. This report provides an update on the current position.

## **Recommendation:**

The Environment and Transport Cabinet Committee is asked to receive and note this report.

## **1 Background**

- 1.1 Following the instance of Operation Stack in January 2015 as a result of a fire in the Channel Tunnel, a multi-agency task force was set up to identify both immediate short term solutions to alleviate the impacts of congestion around

Dover arising from Port bound HGV traffic, as well as longer term solutions to reduce the instances of Stack and the severity of its impact when it is called.

1.2 This group, the European Gateway Strategic Delivery Group, oversaw the implementation of the Dover TAP – a traffic management measure to hold HGV traffic outside Dover which is then released as port capacity becomes available. Work also progressed to consider longer term measures for on and off highway solutions. This work included consideration of:

- Smart Motorway Implementation on the M20;
- 2 way contraflow on the M20 London-bound carriageway;
- Additional lane on M20 coast-bound carriageway to queue HGVs;
- More effective use of Variable Message signing across the network
- Improved communication between partners and with public
- Options for lorry park holding areas close to M20
- Use of Intelligent Transport Systems for managing “virtual” Operation Stack queue

1.3 The overall objective of the group was to deliver a report to Government detailing an agreed solution in the Autumn. The concentration of Operation Stack instances during June and July with 521 hours since 23 June however, has clearly elevated this to a national issue. The involvement of Government via various Departments as well as communication with COBR, has given the European Gateway Strategic Delivery Group and the Strategic Co-ordination Group responsible for the immediate response to Operation Stack when it is called, the opportunity to accelerate this work to put definitive solutions to Government. These solutions cover both short term immediate actions to better manage Operation Stack as well as a preferred solution that would more effectively manage Operation Stack in future.

## **2. Current Position**

2.1 The relevant agencies through the Strategic Co-ordination Group have agreed with Government a revised means of dealing with Operation Stack should it be called over the coming weeks. This will entail calling Stage 1 of Operation Stack (M20 J8-9) for all traffic. When it becomes apparent that Stage 2 will be needed (M20 J9-11) at that point Dover bound HGVs will be diverted to, and parked at, the former Manston Airport site in Thanet.

2.2 This site can accommodate approximately 3,500 vehicles. HGVs will be routed along the A299 Thanet Way to the former airport and as the port has capacity, HGVs would be released in small convoys (approximately 20 vehicles at a time) and routed along the A256 to Dover. The agreement between Government and the owners of the former Manston Airport site is for the period of 3 months. Beyond that the use of this site for Operation Stack parking will be reviewed.

2.3 Channel tunnel traffic would be parked on the M20 between Junction 8 and 11 depending on the volume of the Stack. The advantage of this proposal is that the need to close the London bound M20 will be removed meaning the worst of the impact on movement around Kent as experienced in the most recent instances of Operation Stack should be avoided.

2.4 In addition to the above, COBR, the Government crisis response committee, requested that a preferred solution to Operation Stack be put to their meeting of 21 August 2015. Highways England and Kent County Council, working in collaboration with all relevant agencies, therefore commissioned further work to meet these timescales in identifying the optimum package of measures. The package of on and off highway measures, including preliminary costings and delivery timescales, presented to COBR comprised:

- Strengthening the hard shoulder M20 J8-10 coastbound and amendments to central reserve J10-11a to improve resilience and flexibility of use of link
- Potential improvements to A20 in and around Dover to increase capacity and remove bottlenecks
- Increased use of traffic technology to improve communications and management of Operation Stack
- Potential lorry park close to the M20 capable of catering for approximately 4,000 HGVs.
- Potential extension of STOP24 lorry park site capable of catering for up to 1,000 HGVs.

2.5 The above on and off highway measures, if delivered, could potentially cater for around 5,500-6,500 HGVS. 1,500 of these would be held on carriageway. The preliminary cost for this package is £468m. The key issues identified around implementation concern certainty of funding, who will deliver, and timescales for delivery. Early work is being undertaken to work through these issues and devise detailed project plans, however it is likely that considering planning and construction timescales, while some measures could be delivered in the short term, for others the timescales could be over the next 2-3 years.

### **3. Financial Implications**

3.1 There are no direct costs attributable to Kent County Council arising from the recommendations in this report. The most recent work carried out to identify a preferred solution as requested by Government has largely been funded by Highways England. Where KCC has incurred some costs e.g. investigating land titles and holding early discussions with landowners, it is intended that recompense is sought for this from Government. KCC has provisionally secured £3 million Local Growth Funding towards the cost of delivering additional overnight lorry parking. Subject to Local Enterprise Partnership agreement, it is feasible this funding could be put towards the delivery of an off highway Operation Stack lorry park.

### **4. Legal implications**

4.1 There are no legal implications arising from the recommendations in this report.

### **5. Equalities implications**

5.1 There are no equalities implications arising from the recommendations in this report.

## 6. Other corporate implications

6.1 There are no other corporate implications arising from the recommendations in this report.

## 7. Governance

7.1 A Steering Group is in the process of being established to oversee the delivery and progress of this work. It is likely to involve representatives of KCC, Highways England, Shepway DC, Dover DC, Ashford DC, Port of Dover, Eurotunnel, Kent Police, Kent Fire and Rescue and the Department of Transport. A Planning Sub-group is also being established to specifically consider the planning process to support delivery of the off highway lorry park sites.

## 8. Conclusions

8.1 In the aftermath of the Operation Stack events of January and then summer 2015, substantial work has been undertaken by Kent County Council and its partners to identify a more efficient immediate response to Operation Stack as well as a more permanent solution to reduce the impact Stack has on Kent. This report updates on the latest work in this regard.

### Recommendation:

The Environment and Transport Cabinet Committee is asked to receive and note this report.

## Background Documents

N/A

## Contact details

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From: Matthew Balfour, Cabinet Member – Environment & Transport  
Roger Wilkin, Interim Director – Highways, Transportation and Waste

To: Environment & Transport Cabinet Committee – 16 September 2015

Subject: **Waste Strategy**

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: Environment & Transport Cabinet Committee March 2016

Electoral Division: All

**Summary:**

KCC, as the Waste Disposal Authority, requires a Waste Strategy to underpin future service design, ensuring intelligent and coordinated delivery which meets financial, environmental and customer needs.

**Recommendation:**

The Cabinet Committee is asked to approve the approach to developing a Waste Strategy and support the setting up of a Waste Strategy Task and Finish Group to inform strategy development.

**1. Introduction**

- 1.1 Kent County Council's (KCC) Waste Management operates in a two-tier system. KCC is the statutory Waste Disposal Authority<sup>1</sup> (WDA), responsible for the receipt and onward processing/disposal of Kent's household waste which is collected by the district and borough councils as the Waste Collection Authorities (WCAs). KCC also has statutory responsibility to provide a Household Waste Recycling Centre service to residents. KCC's annual expenditure to meet current responsibilities is in excess of £66m.
- 1.2 With continued budget pressures, coupled with an anticipated increase in waste volumes and fluctuations in market value for recyclate, local authorities must consider innovative ways to deliver services. A new waste strategy for KCC will provide clear direction with regard to priority outcomes set against financial, corporate and government drivers. It should be noted that the statutory and discretionary services provided by a WCA are not within scope of this strategy.
- 1.3 Following a period of strategy development, including data analysis, desk research, modelling and stakeholder engagement, a subsequent report with key strategic recommendations for decision will be presented to this Cabinet Committee in March 2016. A Public consultation will be undertaken in summer 2016, with results and final strategic recommendations presented to this Cabinet Committee late in 2016, prior to implementation.

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<sup>1</sup> As defined in legislation: <http://www.legislation.gov.uk/ukpga/1990/43/contents>

## **2. Objectives**

2.1 The key objectives for the strategy will be to:

- make a significant contribution to the Council's Outcomes Framework;
- protect statutory service delivery;
- identify further saving efficiencies through commissioning, partnership working and challenging existing practices;
- maximise synergies between internal and external partners;
- build greater flexibility with regard to quantity, composition and quality of waste streams to accommodate and enable economic growth;
- ensure KCC meets its environmental compliance and public protection functions;
- help future proof service delivery for customers including WCAs;
- provide equitable access to services for Kent residents and compliance with the Equality Act 2010 and
- equip KCC to succeed in meeting local and national targets.

## **3. Financial Implications**

3.1 Costs associated with strategy development will be met by existing budgets.

3.2 The financial requirements / implications of strategic options will be identified to ensure viability.

## **4. Legal implications**

4.1 There are statutory obligations required of a Waste Disposal Authority which must be met and recommendations must be legally compliant and as such KCC Legal is supporting the strategy development.

## **5. Equalities implications**

5.1 Equality Impact Assessments (EqIAs) exist and are regularly reviewed for current service delivery. New EqIAs will be conducted to understand positive and negative impacts upon customers as options are being developed.

5.2 Where public consultation is required, a separate EqIA will be prepared to inform the consultation approach and engagement across our customer and stakeholder base.

## **6. Other corporate implications**

6.1 The Waste Strategy will embed the principles and objectives of the following corporate and partnership strategies:

- KCC's Supporting Independence and Opportunity: Corporate Outcomes Framework 2015-19;
- KCC Commissioning Framework;
- Kent Environment Strategy;
- KCC Minerals and Waste Local Plan 2013 - 2030;;

- KCC's Customer Service Policy 2015-17;
- Relevant waste legislation;
- KCC's Growth & Infrastructure Framework and
- Kent Joint Municipal Waste Strategy

## **7. Governance**

- 7.1 It is proposed that a small cross party Waste Strategy Task and Finish Group is established to support an officer strategy steering group, which in turn is accountable to the Growth, Environment and Transport Portfolio Board and ultimately through to this Cabinet Committee.
- 7.2 When the KCC policy on Household Waste Recycling Centres was successfully introduced in 2012, one of the great strengths of the process was the detailed and significant contribution of elected members through an Informal Members Group.
- 7.3 The Waste Strategy Task and Finish Group will guide the strategy development and consider approaches and draft recommendations to be made to this Cabinet Committee. By using the Waste Strategy Task and Finish Group, Members will be able to have confidence that the final strategy document will fully take into account issues of interest and concern for the communities they represent. Draft terms of reference will be provided to the Waste Strategy Task and Finish Group for consideration at the initial meeting.

## **8. Conclusions**

- 8.1 A new WDA Strategy will provide KCC with clear direction to equip it to achieve the desired outcomes set against financial, corporate and government drivers.
- 8.2 Whilst this paper provides an overview of the need for a Waste Strategy for KCC, a subsequent report with key strategic recommendations for decision will be presented to this Cabinet Committee in March 2016, prior to any public consultation.
- 8.3 It is proposed that a Waste Strategy Task and Finish Group is established to support development of the strategy.

## **9. Recommendation:**

The Cabinet Committee is asked to approve the approach to developing a Waste Strategy and support the setting up of a Waste Strategy Task and Finish Group to inform strategy development.

## **10. Background Documents**

None

**11. Contact details**

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From: Matthew Balfour, Cabinet Member – Environment & Transport  
Roger Wilkin, Interim Director – Highways, Transportation & Waste

To: Environment & Transport Cabinet Committee – 16 September 2015

Subject: **Waste Regulations 2011 assessment**

Non-Key decision

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: To be included with future Waste Strategy reporting.

Electoral Division: All (as this applies to the Household Waste Recycling Centre service).

**Summary:** This paper provides an overview of a Technically Environmentally and Economically Practicable (TEEP) assessment required for legal compliance under Waste Regulations 2011 (amended 2012).

**Recommendation:**

The Cabinet Committee is asked to note and comment upon KCC's level of compliance with Waste Regulations 2011 (amended 2012) TEEP Assessment requirement, and note that further service enhancements will be considered through the waste strategy development (see further paper on this Cabinet Committee).

**1. Introduction**

- 1.1 This report has been produced to inform Cabinet Committee of KCC's obligation and current position with regards to certain waste legislation and required assessments.
- 1.2 The report details key elements and recommendations including risks following an assessment of KCC's legislative compliance with the Waste Regulations 2011 (amended 2012).
- 1.3 There is a specific requirement under Waste Regulation 13 to collect glass, paper, metal and plastic separately from each other and other wastes, to increase the quantity of waste for recycling and quality of recycled material (by lowering the level of contamination).
- 1.4 Local authority recycling activities must be assessed as being Technically Environmentally and Economically Practicable (TEEP). In a local authority context TEEP is primarily applicable to Waste Collection Authorities (district councils), however, KCC considers it best practice to undertake its own TEEP assessment in relation to material collection at Household Waste Recycling Centres (HWRCs).

- 1.5 TEEP has become the all-encompassing term referring to actions required to comply with several pieces of EU and UK waste legislation.
- 1.6 TEEP represents low risk to KCC as many materials are already separated across the Kent HWRC network.
- 1.7 The assessment undertaken considered the implications of Waste Regulation 13 with respect to KCC's collection operations at its 18 HWRCs and concluded KCC's TEEP position is strong with regard to compliance with waste legislation.

## 2. Detail

- 2.1 The assessment applied the best practice approach set out in Waste Resources Action Programme's (WRAP's) Waste Regulations Route Map, in order to assess whether separate collections of the four materials are likely to be necessary and practicable at KCC's HWRC's, and therefore required under Regulation 13.
- 2.2 KCC's TEEP assessment supported by external support has found that its current position is considered compliant with the waste legislation, however several relatively modest actions for consideration were identified in the report to facilitate maximum compliance with TEEP.

*It should be noted that materials identified for further investigation (namely sheet glass, dense plastic and newspaper), are all subcategories of the primary materials and the Regulations do not specifically state these should be separated.*

- 2.3 The table below lists actions for further consideration and each has been RAG rated:

### Key:

**Red:** Ideally these materials would be further separated, however site by site assessments and research are required to decide if it is TEEP to do so.

**Amber:** Current services are considered compliant but could be maximised further.

**Green:** Current services are compliant.

HWRC Material Type	Sub category	Is further separation at HWRCs 'necessary' to comply with legislation?	Is it TEEP to do a separate collection?	Proposed action for KCC to consider
Plastic	Hard plastics (toys etc.)	Yes – not currently collected as a recycling stream	Yes	Hard plastics are the highest priority and may gain net income as landfill costs are avoided, subject to finding suitable outlet(s).  Plastic bottles and packaging do not need to be
	Plastic bottles* & packaging  *Not currently collected at HWRCs	Yes	No. High costs and low quantities due to kerbside collections	

HWRC Material Type	Sub category	Is further separation at HWRCs 'necessary' to comply with legislation?	Is it TEEP to do a separate collection?	Proposed action for KCC to consider
				collected at HWRCs. <i>See 2.4 below</i>
<b>Paper</b>	Newspaper/ magazines	Yes – currently collected as mixed paper and card and not a discreet waste stream	Possibly at some HWRCs  No - environmentally	Look at practicality of separating paper from card at some HWRCs. There may be a small net financial benefit. The need for 'paper' to be separate from 'card' is not absolute in legislation. <i>See 2.4 below</i>
	Mixed paper & card	Already collected – card forms the majority of the paper/card mix	Yes – economically.  No – environmentally  Practicability to be further assessed	
<b>Metal</b>	Food and drinks cans	No – further separation would not improve recovery		There may be scope to move higher amounts of metal items up the waste hierarchy to re-use rather than recycling. Further assessment required <i>See 2.4 below</i>
	Mixed metal	No – already collected and sent for high quality recycling		
	Items for re-use	Bicycles are currently collected at some sites. There may be scope to include other items		
<b>Glass</b>	Bottles	No – already collected separately		Look at practicability of separating sheet glass with HWRC contractors <i>See 2.4 below</i>
	Sheet Glass	Yes	Possibly – economically, environmentally, practicability to be assessed further	

2.4 It is Waste Management's intention to assess further the viability of these suggestions on a site by site basis as part of the forthcoming Waste Strategy development

2.5 District Council services will be taken into consideration as part of this thinking, as many of the specified materials are already collected at the kerbside, which are also subject to TEEP assessments.

2.6 At the present time metal, paper and glass are collected separately at each of the 18 HWRC's. Material ownership for 12 of the sites lies with KCC's provider Biffa Municipal and KCC will work with them to support TEEP requirements and ensure a continuous dialogue is maintained.

- 2.7 It is a requirement of the regulations for local authorities to regularly review their TEEP position. KCC will develop a process for re-evaluation to ensure continuing compliance. Progress will be assessed on an annual basis, whilst being proactive to possible opportunities such as new procurements, changes to outlets, legislation or government issued guidance etc. TEEP will also be included in the evaluation of tender submissions for new HWRC contracts.

### 3. Financial Implications

- 3.1 Where there may be some scope for potential cost efficiencies for some of the proposed actions, a holistic assessment must be conducted to include environmental and logistical impacts, e.g. vehicle movements.
- 3.2 The Environment Agency is responsible for enforcing these regulations and has powers to issue a £5k fine to any local authority failing to comply with the law.
- 3.3 KCC is in a strong compliant position and therefore risk of this fine and non-compliance with the law is low.

### 4. Legal implications

- 4.1 KCC has a statutory duty to provide HWRCs in accordance with the Environmental Protection Act 1990 (EPA), and therefore a duty to comply with all relevant subsequent legislation.
- 4.2 Key Waste Legislation is noted below:

Year	Legislation & Guides
2008	Revised EU Waste Development Framework Directive 2008/98/EC
2011	Waste Regulations England and Wales 2011
2012 (Oct)	Waste Regulations England and Wales (amendment)
2013	Judicial review of DEFRA and Welsh assembly
2014 (Feb)	MRF Regulations (Materials Recycling Facility)
2014 (Dec)	Environment Agency Briefing Note (Separate collections)
2015 (Jan)	Start date quoted in the above regulations

### 5. Equalities implications

- 5.1 As part of the waste strategy development, any changes to services will be subject to a full Equalities Impact Assessment (EqIA) including considerations noted in table 2.3 above.

### 6. Other corporate implications

- 6.1 At the current time, no impacts have been identified.

### 7. Conclusions

- 7.1 KCC's management of HWRC's is currently operating to a high standard in accordance with TEEP and is compliant.



- 7.2 It should be noted that the materials identified for further investigation, namely sheet glass, other dense plastic and newspaper, are all subcategories of the primary materials listed in the Regulations. Material subcategories are not required to be separated, however, if separation could improve or facilitate additional recovery then this may be considered.

#### **8. Recommendation(s):**

- 8.1 The Cabinet Committee is asked to note and comment upon KCC's level of compliance with Waste Regulations 2011(amended 2012) TEEP Assessment requirement, and note that further service enhancements to be considered through the waste strategy development (see further paper on this agenda).

#### **9. Background Documents**

- 9.1 KCC TEEP Assessment Executive Summary (The main assessment is commercially confidential).

#### **10. Contact details**

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**By: Matthew Balfour – Cabinet Member for Environment and Transport**

**Mark Dance – Cabinet Member for Economic Development**

**Barbara Cooper – Corporate Director, Growth Environment and Transport**

**To: Environment and Transport Cabinet Committee – 16 September 2015**

**Subject: Ashford District Deal**

**Classification: Unrestricted**

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**Summary:**

This report sets out an overview of the proposed District Deal model for continuing improved working between the County and Districts, as well as the proposed Ashford District Deal as a pilot. The Deal sets out both the shared priorities for the two councils, and a proposed set of new ways of working that will better enable the authorities to achieve these shared priorities.

**Recommendations:**

The Cabinet Committee is recommended to:

- a) CONSIDER and COMMENT on this report and the District Deal model and potential programme;
  - b) CONSIDER and COMMENT on the proposed pilot District Deal with Ashford Borough Council;
  - c) RECOMMEND that the Leader of the Council, and relevant Cabinet Members sign the District Deal with ABC once finalised.
- 

**1. Background**

1.1. As presented to the Growth Economic Development and Communities Cabinet Committee (GEDCCC) in September 2014, District Deals are a concept proposed to promote further improved working between the County and districts within Kent. The proposed Deals will be agreements between Kent County Council and each

of the twelve Kent Districts, with the aim of improving service delivery and reducing costs through a clearer approach to joint working.

- 1.2. District Deals will provide the opportunity for the Districts and the County to achieve potentially exciting results by using the two-tier system as an advantage. The scope for Deals could be quite broad, taking in anything from shared regeneration objectives, to new approaches to collaborative working in social care and public health services.
- 1.3. Each deal will be tailored to the priorities of the local district. In some cases, as in the Ashford pilot District Deal (see below), there is likely to be a strong interest in the economic development agenda, and an opportunity with District Deals to identify clear, shared regeneration objectives and a shared approach to more effectively and efficiently achieving these objectives.
- 1.4. Where there is an appetite for improved working in agendas beyond regeneration, the Deals would provide an opportunity for further joined up engagement with our communities (e.g. the troubled families programme), using existing local networks (public and third sector) to better coordinate services and support to customers within the districts, including the most hard to reach. Through this improved local engagement, the Deals offer a platform for a strengthened prevention agenda, thereby contributing to overall reduction in demand and thus savings to the public purse.
- 1.5. In this way, the Deal offers an opportunity for potential efficiencies and savings against a backdrop of increasingly challenging budget conditions for both tiers of Government. Achieving these savings whilst maintaining and potentially improving the quality of service for our shared customers – i.e. the residents and businesses of Kent – will require fundamentally new ways of working. Whilst the savings ultimately may be modest compared with the financial challenges faced by KCC's large volume services, the District Deals offer an opportunity to start to explore more fundamental changes.
- 1.6. Critically, the District Deal approach reflects the Government's continued pursuit of joint working and devolution across the public sector. In this way, District Deals have the potential to provide a strong model for joint working across the local government "family" in Kent, at a time when Government is looking for credible and robust local governance to which to devolve powers and funding.

## **2. A District Deal for Ashford**

- 2.1. At the original GEDCCC discussion on District Deals in September 2014, the Chief Executive for Ashford Borough Council presented a programme of priority projects, which it was proposed could form the basis of a District Deal between the two authorities.

- 2.2. In response to this initial interest in the District Deal approach from ABC, KCC have progressed a pilot District Deal with Ashford. The draft Deal has been coordinated by KCC's Economic Development Team and is provided in **Appendix 1**.
- 2.3. Building on positive working between KCC and ABC to date, the Deal is designed to more effectively and efficiently enable the authorities to achieve a set of shared outcomes, including KCC's corporate outcomes. The Deal identifies the "**Big 8**" – eight strategic projects that, combined, have the **potential to unlock 13,650 jobs and over 13,600 homes for Ashford**. These projects include major town centre regeneration projects as well as the delivery of strategic infrastructure.
- 2.4. In order to help deliver the ambition of the Big 8 shared outcomes, the Deal also identifies a series of **new ways of working** which offer fresh approaches to how we work between County and District on some of our most critical agendas – from health and social care to delivering infrastructure.
- 2.5. The Deal will be a living document, and be refreshed on an annual basis. The delivery of the Deal will be monitored against a Delivery Plan which will set measurable targets and milestones.
- 2.6. The Deal will be overseen by a District Deal Board, which will include both Council Leaders and senior officers from both authorities, whilst a Strategic Delivery Board will oversee delivery of specific outcomes. Officers from both authorities will meet on a more regular basis through a Strategic Coordination Group, which will enable more effective joint working.
- 2.7. Following input from the Cabinet Committees for Growth Economic Development and Communities and Environment and Transport in September, the Deal will be revised with final input from the Leaders, Cabinet Members and relevant officers from within the two authorities. The Deal will be signed by the two Council Leaders in October following similar member consultation in Ashford.

### **3. Looking forward – the District Deal programme**

- 3.1. The Ashford District Deal is intended to be the first of a series of Deals to be agreed with all Districts. Each Deal will be tailored to the priorities of the area, and learning from each of the Deals will be shared across Districts.
- 3.2. A discussion on the proposed District Deal programme will be taken to Kent Leaders and Chiefs in September, and a programme developed with the districts to develop further Deals. The details of further Deals will be shared with the Cabinet Committee as they are developed.

## **4. Recommendation**

4.1. The Cabinet Committee is recommended to:

- a) CONSIDER and COMMENT on this report and the District Deal model and potential programme;
- b) CONSIDER and COMMENT on the proposed pilot District Deal with Ashford Borough Council; and
- c) RECOMMEND that the Leader of the Council, and relevant Cabinet Members sign the District Deal with ABC once finalised.

### **Author Contact Details:**

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**Background Documents:** None

## **THE ASHFORD BOROUGH COUNCIL (ABC) – KENT COUNTY COUNCIL (KCC) DISTRICT DELIVERY DEAL – DRAFT**

### **1. OVERVIEW**

The **Ashford Borough Council – Kent County Council Delivery Deal** is an agreement to work together to deliver better outcomes for residents and business of the borough for the district and, by extension, Kent.

The Deal has two main parts:

- **A commitment to focus the combined efforts of both councils on delivering key strategic projects – the ‘Big 8’ - that will help to deliver Ashford’s significant potential**
- **An agreement to improve the way the Councils work together to make sure that we deliver the best quality outcomes possible for residents and businesses**

The Delivery Deal will enable an innovative and pragmatic approach to joint working between the Councils that will best benefit those we serve.

### **2. CONTEXT**

The Deal is set within the context of increased budget pressures for local authorities on the one hand, but also increased opportunities for devolution of funding and responsibilities to local authorities via Local Enterprise Partnerships (LEPs) and the Government’s wider localism agenda. Such opportunities demand an increasingly mature and sophisticated response from local government at county and district level.

The Deal is an opportunity for Ashford and Kent to build a new and even stronger relationship to deliver an ambitious programme of quality, sustainable economic growth. The Deal will play to the strengths of both the district – with its local knowledge and strong focus on delivery – and the county – with the critical mass and strategic influence it offers by bringing together the 12 districts. In so doing, the Deal will demonstrate the strengths of two-tier government.

As such, the Deal will better enable Ashford to realise its key role in the economic future of Kent. The town’s population grew 23% in the ten years to 2011, and jobs growth over the same period was significantly faster than the UK, south-east or Kent average. Ashford’s role will continue to grow as an important and vibrant commercial centre between London and the continent, with a range of facilities and attractions that reflect that status. Ashford is in many ways the gateway to East Kent and its strongest engine for growth.

The Deal sets out a shared commitment between KCC and ABC to not only economic growth, but a better quality of life for the residents of Ashford.

### 3. THE DEAL

The principles underpinning the Deal are:

- **Shared objectives and accountability:** the members and officers within ABC and KCC will share a common set of objectives and agenda, as well as the responsibility for delivery of the Deal outcomes.
- **Quality:** the Borough Council's agenda is to deliver quality places, jobs and services both to benefit local residents and businesses and to encourage confidence and further investment in the Borough.
- **Innovation and creativity:** old problems need new and creative solutions – the two Councils need to innovate and learn together if they are to deliver the best outcomes for the area, and best practice that can be used more widely around Kent.
- **Pragmatism:** the Deal is intended to give members and officers an opportunity to take decisions in as pragmatic a way as possible and to reduce bureaucracy where possible.

This Deal is intended to be a living document. The outcomes will be regularly monitored and the Plan refreshed on an annual basis.

The Deal will operate on two levels:

- a. **Delivery of key strategic projects** – using the new way of working to achieving a short but deliverable set of actions/projects defined and reviewed on an annual basis
- b. **Better ways of working together to deliver shared priorities** – including more streamlined governance; improved service delivery; and the space for innovation

### 4. STRATEGIC DELIVERY OF KEY STRATEGIC PROJECTS: A DELIVERY DEAL

The authorities are already working closely to deliver major projects of shared importance; however, there is scope for improvement and there is a strong desire by both authorities to strengthen a shared single-minded focus on delivery. This needs



the clear commitment of members and officers and a process that provides the accountability needed so that projects are delivered.

**The “Big 8” priorities are eight strategic projects with the greatest potential to unlock the borough’s potential to play this role and thus contribute to the future of Kent and Medway more generally.**

Combined, the Big 8 have **the potential to unlock an estimated 13,650 jobs and over 13,600 homes** over the life of the projects.

These “**Big 8**” shared priorities are detailed below.

	<b>Delivery Priority</b>
<b>DD1.</b>	<b>Delivery of Chilmington Green</b> – including completion of legal agreements; delivery of A28 improvements; agreement of Design Code; phase 1 masterplanning and establishment of Community Management Organisation
<b>DD2.</b>	<b>Construction of Ashford College</b> – including completion of land assembly; build programme; input into curriculum planning and opening
<b>DD3.</b>	<b>Ashford International Station Spurs Project</b> – including completing the design work needed; finalising the funding package and working with all partners to secure delivery with minimum disruption to services
<b>DD4.</b>	<b>Enabling the Jasmin Vardimon Dance Academy</b> – working with the Company and funding partners to scope and then deliver the project
<b>DD5.</b>	<b>Creation of leisure and commercial scheme for Elwick Place</b> – including completion of land transfers; helping securing commitment from leisure operators and an acceptable scheme design; putting public realm management arrangements in place and delivery of associated town centre parking
<b>DD6.</b>	<b>Potential expansion of the Designer Outlet</b> – full consideration of scheme and its relationship with the town centre; if permission is granted work with partners to deliver project, including environmental enhancements en route to the town centre and town centre projects
<b>DD7.</b>	<b>Construction of J10a of M20</b> – work to achieve acceptable design; finalise funding arrangements; co-ordinate with consideration of related development and work with partners – especially Highways England - to deliver scheme
<b>DD8.</b>	<b>Development of the Commercial Quarter into a commercial centre for Kent</b> – complete public realm works; bring forward phase 1 office development and associated land transfers; work to fund and create starter space for new users in existing and expanded buildings of interest

The authorities will be building on existing joint working, including collaboration through the Kent Environment Strategy, new ways of delivering waste services through Mid-Kent Waste

Partnership, in order to further build new ways of working. In order to better achieve these shared priorities, the authorities will put in place new ways of working including the following:

<b>Operational Priorities – better ways of working</b>	
<b>THEME 1: MORE EFFECTIVE DELIVERY OF INFRASTRUCTURE FOR GROWTH</b>	
<b>OD1.</b>	A <b>streamlined, evidence-based strategic infrastructure framework</b> (the Kent and Medway Growth and Infrastructure Framework) that aligns with and supports the emerging Ashford Local Plan.
<b>OD2.</b>	A <b>stronger emphasis on Design Quality in all new public buildings</b> which will include refreshing and recommitting to the <b>Design Protocol for Ashford</b> which sets a benchmark for ABC/KCC commissioned public building projects, whilst providing value for the public purse. In addition, the authorities will explore the scope for ABC to use its urban design skills and experience of design review and public involvement in design workshops to assist KCC in providing a county-wide support service at the early stages of KCC capital project delivery.
<b>OD3.</b>	A <b>clear and robust CIL and s106 strategy</b> with early agreement on the level of contributions required to enable social and physical infrastructure required to be delivered, without undermining scheme viability or reduced build costs that would lead to poor design quality.
<b>OD4.</b>	Strategic coordination of Council property management as a <b>pilot for “One Public Estate” programme</b> and an agreed approach to the transfer of land owned by each Council on an existing use value basis where there are wider, strategic public benefits of regeneration, transport improvement etc. to be achieved.
<b>OD5.</b>	<b>Reciprocal consultation on strategic planning applications</b> and other strategic planning matters that impact on both authorities that fall within the district
<b>OD6.</b>	<b>Coordinated commissioning of health and social care infrastructure</b> , working together from the earliest stages of developments to deliver quality health and social care infrastructure -including regular consultation between commissioning teams in delivering outcomes and an emphasis on working together to design in health care to projects from the outset.
<b>OD7.</b>	<b>Jointly identifying ways to deliver the quality, diversity and scale of housing required</b> to meet the needs of current and future residents, integrating commissioning plans for supporting infrastructure, and exploring recently developed models, such as the private rented sector (PRS) model, to provide a step change in housing delivery.
<b>THEME 2: A MORE EFFECTIVE APPROACH TO HIGHWAYS TRANSPORT AND WASTE</b>	
<b>OD8.</b>	A <b>joint approach to street maintenance, highway verge and roundabout maintenance</b> with scope to review the frequency and quality of maintenance, including development and maintenance of gateway approaches as well as management of town centre spaces.
<b>OD9.</b>	<b>More coordinated enforcement of lorry parking and minor incidents</b> to provide

	more effective responses to keeping streets in Ashford safe.
<b>OD10.</b>	Exploring <b>roll-out of the KCC caretaker scheme to the Ashford Town Centre Action Team</b> to explore building on the delegated model in place for town centre maintenance of soft landscape, including regular joint, on-site town centre reviews to monitor progress.
<b>OD11.</b>	<b>Strategic coordination and regular review of recycling and waste management</b> to work with both KCC Waste Management and the Kent Resource Partnership to explore the potential for new recycling markets, increasing the number of materials that can be recycled at the kerbside.
<b>THEME 3: DELIVERING QUALITY OF PLACE</b>	
<b>OD12.</b>	<b>Joint commitment to playing a leading role in promoting health and well-being</b> – continuing to focus and strengthen the Ashford Health and Well-being Board, with the appropriate dedicated support on both the part of the County and District. The Board has a crucial role co-ordinating the provision of facilities and the commissioning of services to ‘join up’ our approach to creating a healthier Borough.
<b>OD13.</b>	<b>Coordinated approach and campaign to encouraging outdoor leisure and active travel</b> , including promoting Ashford as a cycling town to help promote the benefits of cycling; complete missing parts of the cycling and pedestrian network; and encourage green transport and healthy lifestyles.
<b>OD14.</b>	<b>A jointly prepared and agreed strategic framework for cultural and creative industries in Ashford</b> that confirms the Borough’s role in the wider Kent picture. This work will ensure that the Kent and Medway Cultural Strategy 2015-2023 reflects and supports delivery of the Ashford Cultural Strategy.
<b>OD15.</b>	Exploration of a <b>more collaborative approach to use of intelligence in delivering trading standards</b> , including an improved service for the delivery of licensing

## 5. DELIVERY

There will be a **District Deal Board** which brings together the Leader and Chief Executive of the District Council, as well as the Leader and Corporate Director for KCC. The Board will meet on a biannual basis to drive delivery of the District Deal and make sure that detailed outcomes are being achieved.

The **Strategic Delivery Board** is made up of a wider group of organisations operating in Ashford with the specific role of managing delivery of the strategic projects – the ‘Big 8’ – and will meet on a quarterly basis.

Supporting these Boards will be a **Strategic Officer Coordination Group**, which will call on relevant officers from each Council. The Group will be responsible for coordinating implementation of the Deal. The Group will meet on a bi-monthly basis, and it will include officers covering the following agendas:

- Economic development and regeneration

- Housing
- Strategic Planning
- Environment
- Property and asset management
- Highways, transport and waste
- Arts and culture
- Town centre management
- Health and well-being

**Figure 1: Governance of the ABC District Deal**



An action plan will be produced, and the Deal will be monitored according to outputs specified by theme and outcomes. Regular progress reports will be provided to the District Deal Board.

Within each authority, there will be a senior responsible officer (SRO) identified and whom will be accountable for ensuring that their authority is delivering against commitments made in this Deal. The nominated SROs are:

- Katie Stewart (KCC)
- Richard Alderton (ABC)

Each authority will take responsibility for ensuring that sufficient staff capacity is dedicated to the objectives agreed in this Deal. Any further resource requirements will be proposed to and agreed by the District Deal Board.

The authorities will work closely to promote progress against their wider joint strategic objectives and to communicate the benefits achieved through this District Deal.

## **6. SIGNED**

Leader, Ashford Borough Council

Leader and/or Relevant Cabinet Members, Kent County Council

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From: Peter Sass, Head of Democratic Services  
To: Environment and Transport Cabinet Committee – 21 July 2015  
Subject: Work Programme 2015  
Classification: Unrestricted

**Summary:** This report gives details of the proposed work programme for the Environment & Transport Cabinet Committee.

**Recommendation:** The Environment & Transport Cabinet Committee is asked to consider and agree its work programme for 2015 as set out in Appendix 1 of this report.

## 1. Introduction

(1) The proposed Work Programme has been compiled from items on the Forthcoming Executive Decision List; from actions arising from previous meetings, and from topics identified at agenda setting meetings, held 6 weeks before each Cabinet Committee meeting in accordance with the Constitution by the Chairman, Mrs Stockell, and the Vice-Chairman, Mr Pearman as well as the 3 Group Spokesman Mr Baldock, Mr Caller and Mr Chittenden.

(2) Whilst the Chairman, in consultation with the Cabinet Members, is responsible for the final selection of items for the agenda, this item gives all Members of the Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

## 2. Work Programme 2015

(1) An agenda setting meeting was held on 28 July 2015 and items for this meeting's agenda were agreed. The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in Appendix 1 to this report, and to suggest any additional topics that they wish to be considered for inclusion to the agenda of future meetings.

(2) When selecting future items the Cabinet Committee should give consideration to the contents of performance monitoring reports. Any 'for information' or briefing items will be sent to Members of the Cabinet Committee separately to the agenda or separate member briefings will be arranged where appropriate.

(3) The schedule of commissioning activity 2015-16 to 2017-18 that 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 allows Members to have oversight of significant services delivery decisions in advance. The next agenda setting meeting is scheduled to be held on 21 October 2015.

### **3. Conclusion**

It is vital for the Cabinet Committee process that the Committee takes ownership of its work programme to help the Cabinet Member 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.

### **4. Recommendation**

The Environment and Transport Cabinet Committee is asked to consider and agree its work programme for 2015 as set out in Appendix A to this report.

### **5. Background Documents**

None

### **6. Appendix**

Work Programme – Appendix A

### **7. Contact details**

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**WORK PROGRAMME –2015**  
**Environment and Transport Cabinet Committee**

Agenda Section	Items
<b>16 September 2015</b>	
<b>A – Committee Business</b>	<ul style="list-style-type: none"> <li>• Declarations of interest</li> <li>• Minutes</li> <li>• Verbal Updates</li> </ul>
<b>B - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>• Extension to Highways Term Maintenance Contract (also in E items)</li> <li>• Drainage and local flood risk policy statement</li> <li>• Procurement of waste transfer facilities for Canterbury City Council and Thanet District Council</li> <li>• Sturry Link Road, Canterbury</li> <li>• Award of Traffic Signals Maintenance Contract</li> <li>• Petition - "Give Canterbury it's Buses back"</li> </ul>
<b>C - Other Items for comment/ recommendation</b>	<ul style="list-style-type: none"> <li>• Operation Stack - report</li> <li>• Waste Strategy</li> <li>• Waste Regulations 2011 assessment</li> <li>• Work Programme 2015</li> </ul>
<b>D - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>• Performance Dashboards</li> <li>• Annual Equality and Diversity Report</li> </ul>
<b>E items - Exempt</b>	<ul style="list-style-type: none"> <li>• Decision concerning a proposed extension of the Highway Term Maintenance Contract</li> </ul>
<b>4 December 2015</b>	
<b>A – Committee Business</b>	<ul style="list-style-type: none"> <li>• Declarations of interest</li> <li>• Minutes</li> <li>• Meeting dates for 2016</li> <li>• Verbal Updates</li> </ul>
<b>B - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>• Kent Environment Strategy</li> <li>• Tunbridge Wells Transport Strategy</li> <li>• Active Travel Strategy</li> </ul>
<b>C - Other Items for comment/ recommendation</b>	<ul style="list-style-type: none"> <li>• Allington EFT – update following member visit</li> <li>• Co-location of Community Safety Partnership</li> <li>• Pilot Community Warden Support Officers Scheme</li> <li>• Work programme 2015</li> <li>• Littering on Kent's highways</li> </ul>
<b>D - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>• Performance Dashboard</li> </ul>
<b>January 2016</b>	
<b>A – Committee Business</b>	<ul style="list-style-type: none"> <li>• Declarations of interest</li> <li>• Minutes</li> <li>• Verbal Updates</li> </ul>
<b>B - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>• Final Draft Budget</li> </ul>
<b>C – Other Items for comment / recommendation</b>	<ul style="list-style-type: none"> <li>• Work Programme 2015</li> </ul>
<b>D - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>• Performance Dashboard</li> </ul>
<b>E - Exempt</b>	<ul style="list-style-type: none"> <li>•</li> </ul>

<b>Early Spring 2016</b>	
<b>A – Committee Business</b>	<ul style="list-style-type: none"> <li>• <b>Declarations of interest</b></li> <li>• <b>Minutes</b></li> <li>• <b>Meeting dates for 2016</b></li> <li>• <b>Verbal Updates</b></li> </ul>
<b>B - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>C – Other Items for comment / recommendation</b>	<ul style="list-style-type: none"> <li>• <b>Work Programme 2015</b></li> </ul>
<b>D - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>• <b>Performance Dashboard</b></li> </ul>
<b>E - Exempt</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Late Spring 2016</b>	
<b>A – Committee Business</b>	<ul style="list-style-type: none"> <li>• <b>Declarations of interest</b></li> <li>• <b>Minutes</b></li> <li>• <b>Meeting dates for 2016</b></li> <li>• <b>Verbal Updates</b></li> </ul>
<b>B - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>C – Other Items for comment / recommendation</b>	<ul style="list-style-type: none"> <li>• <b>Work Programme 2015</b></li> </ul>
<b>D - Performance Monitoring</b>	<ul style="list-style-type: none"> <li>• <b>Performance Dashboard</b></li> </ul>
<b>E - Exempt</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Items for Consideration that have not yet been allocated to a meeting</b>	
<b>B - Key or Significant Decisions for Recommendation or Endorsement</b>	<ul style="list-style-type: none"> <li>• <b>Growth without Gridlock – Local Transport Plan 4</b></li> <li>• <b>Local Transport Strategies – Approval-Variou</b></li> <li>• <b>Socially necessary bus services – ?</b></li> <li>• <b>LED lighting policy</b></li> </ul>
<b>C – Other Items for comment / recommendation</b>	<ul style="list-style-type: none"> <li>• <b>Aviation/Gatwick report</b></li> <li>• <b>Active Travel Strategy</b></li> </ul>
<b>E - Exempt</b>	<ul style="list-style-type: none"> <li>• <b>Waste Strategy</b></li> </ul>

From: Matthew Balfour, Cabinet Member for Transport and Environment,  
Bryan Sweetland, Cabinet Member for Commercial and Traded  
Services,  
Mike Hill, Cabinet Member for Community Services,  
Barbara Cooper, Corporate Director for Growth, Environment and  
Transport

To: Environment and Transport Cabinet Committee – 16 September  
2015

Subject: Performance Dashboard

Classification: Unrestricted

**Summary:**

The Environment and Transport Performance Dashboard shows progress made against targets set for Key Performance Indicators.

**Recommendation:**

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.
- 1.2. To support his role Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the first report for this financial year to this Committee.

**2. Performance Dashboard**

- 2.1. The current Environment and Transport Performance Dashboard is attached at Appendix 1.
- 2.2. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) included in this year's Directorate Business Plan.
- 2.3. The current Dashboard provides results up to the end of July.
- 2.4. The Dashboard also includes a range of activity indicators which help give context to the Key Performance Indicators.
- 2.5. Key Performance Indicators 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.

- 2.6. Current performance is good and largely improving for Highways Maintenance KPIs, with work in progress low.
- 2.7. For Waste Management county recycling levels have fallen slightly in the results for the most recent quarter. Recycling at Household Waste Recycling Centres continues to show decline following the significant increase last year in the level of recycling available at the kerbside provided by district council partners. Overall diversion of waste from landfill, the headline KPI is currently on Target.
- 2.8. There are a mix of indicators ahead of target and behind target for the various services included within the Environment, Planning and Enforcement Division. Country Parks' income is ahead of the year to date target, but volunteer hours is behind based on provisional returns. KCC's Carbon Emissions are reducing ahead of target. Trading Standards are slightly behind target for all indicators on a year to date basis, however activity is never evenly spread over the year and is likely to increase significantly in the period leading up to Christmas. Kent Scientific Services had above target income in July but is behind on the year to date position due to low trading levels during May and June.

### **3. Recommendation:**

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

### **4. Background Documents**

The Council's Business Plans:

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/business-plans>

### **5. Contact details**

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# **Growth, Environment and Transport Performance Dashboard**

## **Financial Year 2015/16**

### **Results up to July 2015**

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**Produced by Strategic Business Development and Intelligence**

**Publication Date: 28<sup>th</sup> August 2015**



## 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

<b>GREEN</b>	Performance has met or exceeded the current target
<b>AMBER</b>	Performance is below the target but above the floor standard
<b>RED</b>	Performance is below the floor standard

Floor standards are pre-defined minimum standards set in Directorate Business Plans and represent levels of performance where management action should be taken.

### DOT (Direction of Travel)

↑	Performance has improved in the latest month/quarter
↓	Performance has fallen in the latest month/quarter
↔	Performance is unchanged this month/quarter

### 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**.

Service Area	Director	Cabinet Member
Highways & Transportation	Roger Wilkin	Matthew Balfour

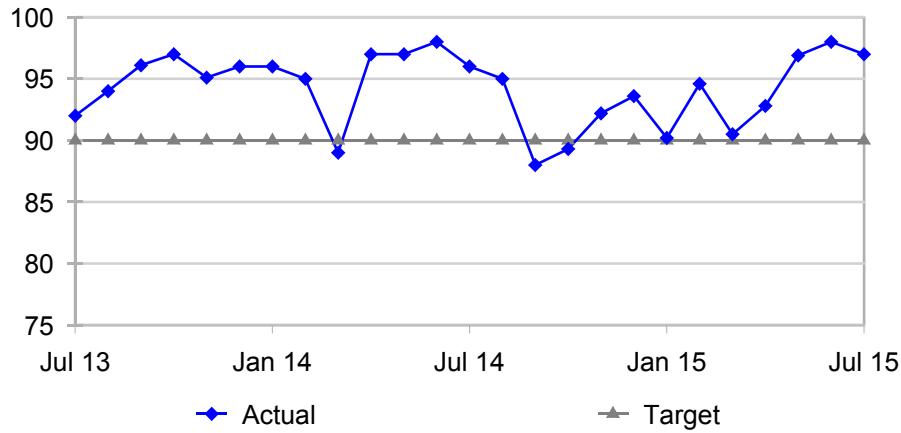
Results are up to July 2015.

Ref	Performance Indicators	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target	Floor	Previous Year
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	97%	GREEN	↓	96%	GREEN	90%	80%	94%
HT02	Faults reported by the public completed in 28 calendar days	95%	GREEN	↑	93%	GREEN	90%	80%	88%
HT03	Streetlights repaired in 28 calendar days	96%	GREEN	↑	93%	GREEN	90%	80%	88%
HT04	Customer satisfaction with service delivery (100 Call Back)	89%	GREEN	↑	87%	GREEN	75%	60%	84%
HT05	Resident satisfaction with Highways schemes	87%	GREEN	↓	87%	GREEN	75%	60%	80%

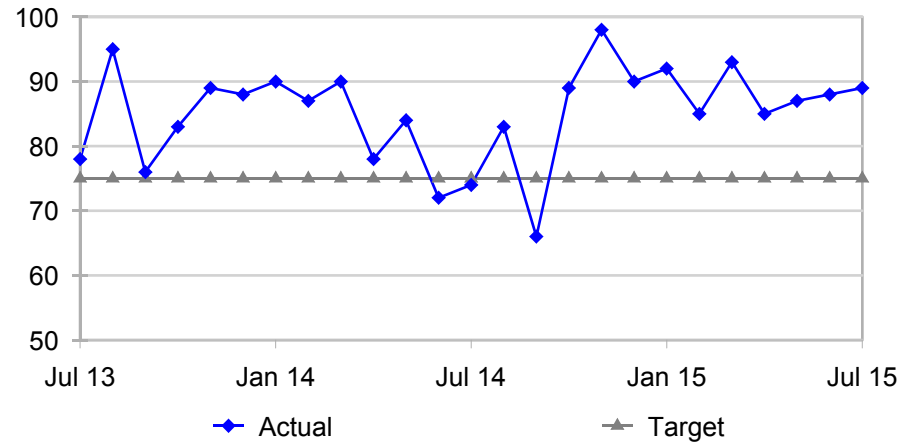
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Ref	Activity Indicators	Year to date	In expected range?	Expected Range		Prev. Yr YTD
				Upper	Lower	
HT07	Number of new enquiries requiring further action	30,528	Yes	34,668	28,000	35,704
HT08	Work in Progress	5,826	Below	8,000	6,000	7,551
HT01d	Potholes repaired (as routine works and not programmed)	4,122	Below	6,330	4,680	5,496
HT02d	Routine faults reported by the public completed	16,979	Yes	19,890	14,700	20,826
HT03d	Streetlights repaired	4,430	Below	9,690	7,160	8,706

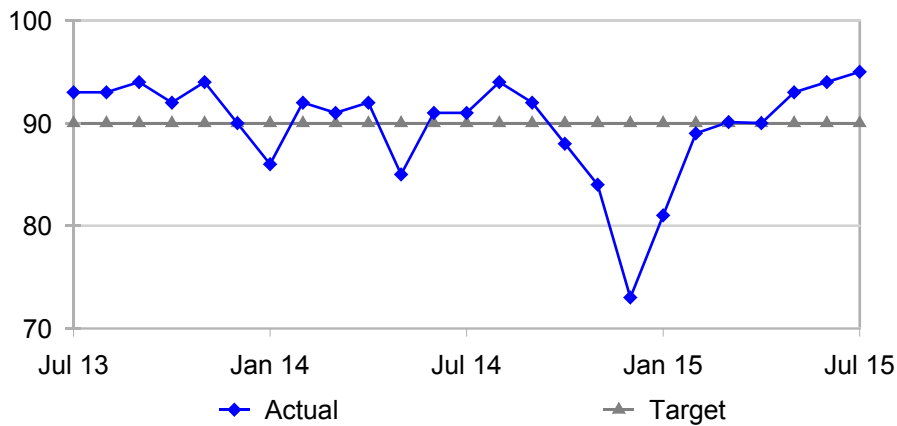
HT01 - Percentage of potholes repaired in 28 calendar days



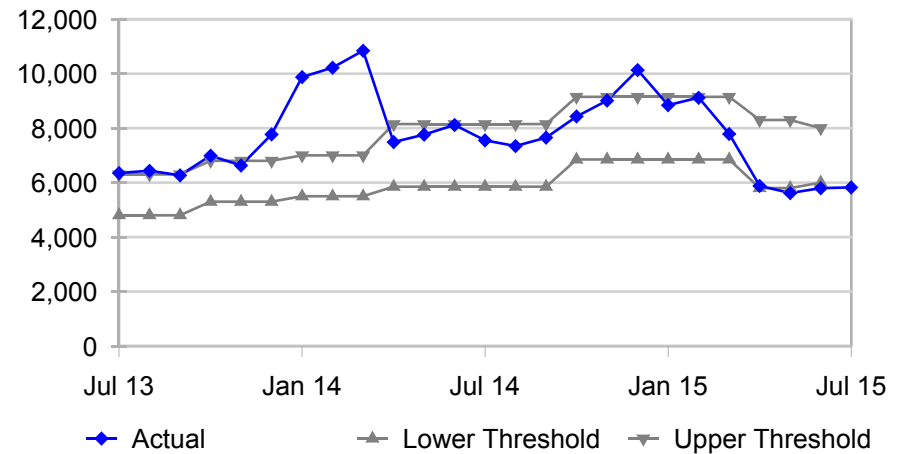
HT04 - Customer satisfaction with service delivery (100 Call Back)



HT02 - Percentage of faults reported by the public completed in 28 calendar days



HT07 - Work in Progress





Service Area	Director	Cabinet Member
Waste Management	Roger Wilkin	Matthew Balfour

Results estimated for the rolling 12 months to June 2015.

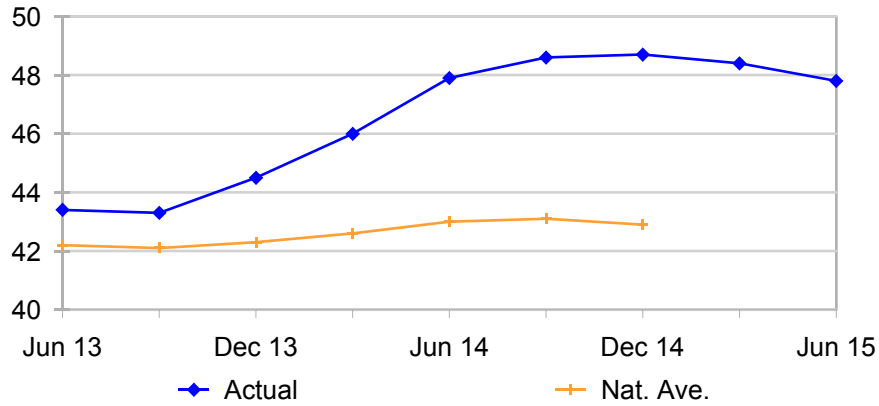
Ref	Performance Indicators	Latest Quarter	RAG	DOT	Previous Quarter	Target	Floor	Previous Year
WM01	Municipal waste recycled and composted	47.8%	AMBER	↓	48.4%	48.7%	43.3%	48.4%
WM02	Municipal waste converted to energy	41.8%	GREEN	↑	40.7%	40.9%	36.2%	40.7%
01+02	Municipal waste diverted from landfill	89.6%	GREEN	↑	89.0%	89.6%	84.2%	89.1%
WM03	Waste recycled and composted at HWRCs	69.6%	AMBER	↓	70.6%	69.9%	67.9%	70.6%

WM03 – Increases in kerbside collections by district councils have led to reductions in recycling materials being received at HWRCs. Targets for current year have been amended to reflect this change.

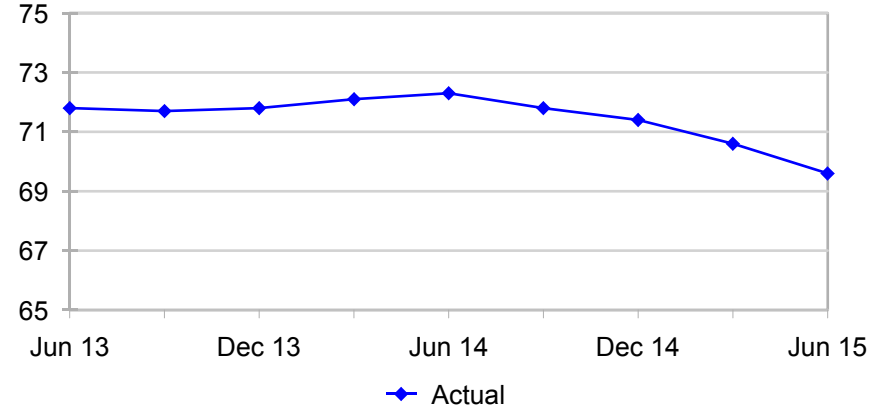
Ref	Activity Indicators	Year to date	In expected range?	Expected Range		Previous Year
				Upper	Lower	
WM05	Waste tonnage collected by District Councils	540,100	Above	540,000	510,000	541,000
WM06	Waste tonnage collected at HWRCs	171,000	Yes	175,000	155,000	172,000
05+06	Total waste tonnage collected	710,600	Above	705,000	675,000	713,000

Waste tonnage arisings are slightly down on last year but above the business plan target levels.

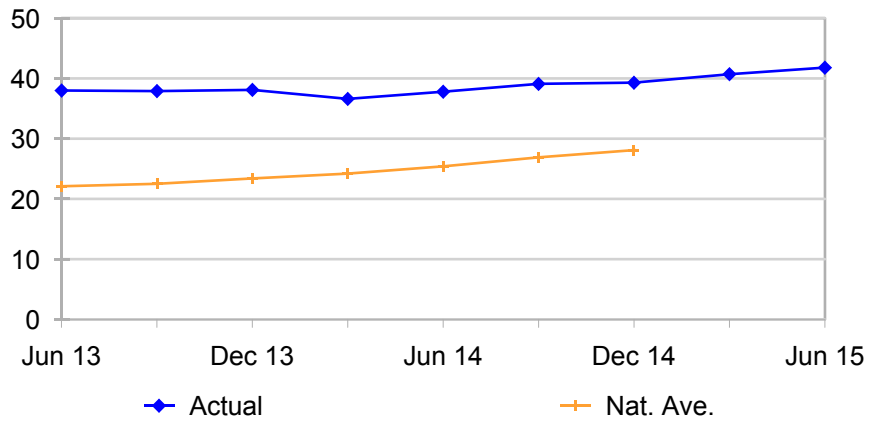
**WM01 - Percentage of municipal waste recycled and composted (Rolling 12 months)**



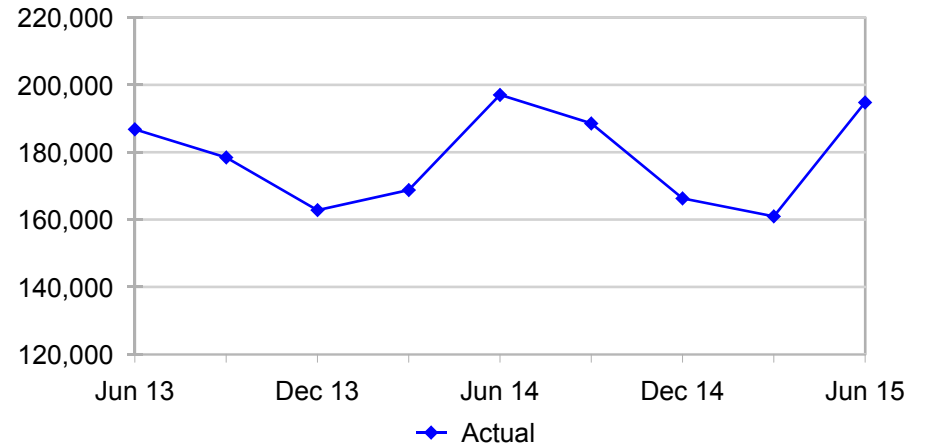
**WM03 - Percentage of waste recycled and composted at HWRCs (Rolling 12 months)**



**WM02 - Percentage of municipal waste converted to energy (Rolling 12 months)**



**WM05+06 - Total waste tonnage collected (Quarterly totals)**



Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Matthew Balfour

Results are up to July 2015.

Ref	Performance Indicators	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE05	PROW – median number of days to resolve faults (rolling 12 months)	77	AMBER	↓	77	AMBER	60	90	Revised Indicator
EPE07	Country Parks - Income generated (£000s)	96.6	RED	↓	396.6	GREEN	345	337	325.0
EPE08	Country Parks - Volunteer hours	631	RED	↑	3,103	AMBER	3,666	2,999	7,208

EPE07 - The income figure for July reflects some delays in invoicing for Education activities and these should be reflected in August's figure.

EPE08 - The ending of the Randall Manor archaeological project at Shorne Woods has impacted on this year's figures, and the July figure includes provisional returns from some Parks and is likely to be revised upwards.

Results below are for the rolling 12 months to March 15.

Ref	Performance Indicators	Latest Quarter	RAG	DOT	Previous Quarter	Target	Floor	Previous Year
EPE13	CO2 emissions from KCC estate (excluding schools) in tonnes	46,936	GREEN	↑	48,251	49,037	50,346	52,734

Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Mike Hill

Results are up to July 2015.

Ref	Performance Indicators	Year to Date	YTD RAG	YTD Target	YTD Floor	Pr. Yr. YTD
EPE02	Trading Standards - Rogue traders disrupted	7	AMBER	10	7	8
EPE03	Trading Standards – Dangerous / hazardous products removed from market	2,542	AMBER	3,333	2,000	5,049
EPE04	Trading Standards - Businesses provided with advice/support	423	AMBER	500	282	592

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Division	Interim Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Bryan Sweetland

Results are up to July 2015

Ref	Performance Indicators	Latest Month	Month RAG	Year to Date	YTD RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE06	Kent Scientific Services - External income (£000s)	63.0	GREEN	224.5	AMBER	230	155	207

From: Mike Hill Cabinet Member for Community Services  
Matthew Balfour, Cabinet Member for Environment and Transport  
Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 16 September 2015

Subject: **Annual Equality and Diversity Report**

Classification: Unrestricted

Past Pathway of Paper: Growth, Economic Development and Communities Cabinet Committee - 15 September 2015

Future Pathway of Paper: N/A

Electoral Division: All

**Summary:** This report sets out a position statement for services within the Growth, Environment and Transport (GET) Directorate regarding equality and diversity work and progress on KCC Equality objectives for 2014/15.

**Recommendation(s):**

The Cabinet Committee is asked to note current performance and agree to receive this report annually in order to comply with the Public Sector Equality Duty.

**1. Introduction**

1.1 Publication of equality information is compulsory in England for all public authorities. Proactive publication of equality information ensures not only compliance with the legal requirements, but transparency for the public in how this Directorate ensures Equality and Diversity considerations are part of every stage of our programmes and projects.

**2. Financial Implications**

2.1 There are no financial implications in producing an annual report.

**3. Policy Framework**

3.1 Advancing equality and reducing socio-economic inequalities in Kent contribute towards the Council's three overarching strategic outcomes; children and young people in Kent to get the best start in life; Kent communities feel the benefits of economic growth by being in work, healthy and enjoying a good quality of life; and older and vulnerable residents are safe and supported with choices to live independently.

3.2 The council published its equality objectives in 2011/12, which were then revised in 2014/15. Each service was asked to provide equality information and to demonstrate how they complied with equality legislation between 1 April 2014 and 31 March 2015, and what performance measures they have in place to achieve the KCC Equality Objectives.

#### 4. Key Achievements and Lessons Learned

4.1 Appendix A provides a comprehensive assessment of GET's performance against KCC's Corporate Equality and Diversity objectives. Below are some of the key achievements and lessons learnt from this review

4.2 In 14/15 we launched a major **Customer Service Review** with the aim of delivering consistent customer service aligned to the principles in the Corporate Customer Service Policy. In-depth analyses have been taking place across the Directorate in the following areas; Speed Awareness, Coroners Service, Highways fault reporting, Online licences and the GET Priority Response Enquiries. The purpose is to gather evidence of how we currently deliver customer service with a view to highlighting areas for improvement and sharing best practice. Equality and Diversity considerations are an intrinsic element of this work.

4.3 In **Libraries, Registration and Archives**, the 'Touch a New World' scheme has loaned iPads to homebound customers, enabling these customers to have the same digital opportunities as residents who can physically access our libraries. The service has provided support on how to use the iPads and understand their full potential. The project was launched in September 2013 and to date, 26 housebound customers had completed the training, with five customers receiving training and five more waiting to start. Doris, a 95 year old service user said "I can't get out much so this is a very convenient way of keeping in touch with my family and friends. I don't feel so isolated, the world can come into my life. Now that I am 95 I can't do what I did. I used to love travelling but with the iPad I can explore the world from my armchair. Doris also plays games like Sudoku and Scrabble against other on-line users. She says, "It keeps your mind active, it has given me my independence. I can share pictures and keep in touch with my great grandchildren."

4.4 Over the last year, **Highways and Transportation** (HT&W) has begun to gather better information about the equality aspects of complaints and compliments. HT&W is also working closely with Corporate Communications to better target those customers who prefer not to use digital channels, through differently designed media campaigns, as well as seeing how vulnerable customers, such as the elderly, can be reached by asking their friends, family and neighbours to assist them in reporting highway issues that might be affecting them.

4.5 In the last year, **waste management** has engaged with equality and diversity groups across Kent on potential barriers or improvements that could be made at Household Waste and Recycling Centres. The work produced a set of recommendations on future improvements which will now be implemented in a phased approach.

- 4.6 Lessons have been learned from HTW's Safe and Sensible Street Lighting Project and the Division has committed to improve the EqIA process for the new LED Procurement Project, working even more closely with the corporate equalities team to ensure that all requirements are being met.
- 4.7 **Environment, Planning and Enforcement's** Sport and Physical Activity Service has co-developed and co-led Project 500; a campaign to address the imbalance of male to female sports coaches, creating a more diverse workforce to drive the growth of female participation in sport. This project won the County Sports Network's National Impact Award for 2014.

## **5. Governance**

- 5.1 Following an internal audit in 2012 governance arrangements across the authority were agreed to ensure compliance with the Public Sector Equality Duty. Governance is based on decisions having an EqIA at both Departmental Management Team and Member levels. If decisions are taken without full equality analysis the authority is open to potential Judicial Review.
- 5.2 The Directorate has an overarching Equality and Diversity Group, chaired by the Director of Environment, Planning and Enforcement. This group has moved to meeting every six weeks in 2015/16, with a clear focus on:
- ensuring equality and diversity are embedded into every stage of the commissioning cycle – analyse, plan, do, review
  - overseeing evidenced Equality Impact Assessments are undertaken for all priority programmes and projects as laid out in the 15/16 Business Plan, including service redesign and transformation
  - maintaining appropriately trained staff to ensure the Directorate meets our Equalities duties efficiently and effectively

Details of the above approach are included in Appendix B of this report.

## **6. Recommendation(s):**

The Cabinet Committee is asked to note current performance and agree to receive this report annually in order to comply with the Public Sector Equality Duty.

## **7. Background Documents**

None

## **8. Appendices**

Appendix A – Performance against key questions / areas

Appendix B – GET Approach to Equality and Diversity for 2015/16

## **9. Contact details**

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**Growth, Environment and Transport (GET)**  
**Performance against key questions / areas 2014-15**

Key Question/Area	Corporate Objective
1. What evidence do we have of working with key partners to jointly address areas of inequality	Working with all our partners to define and jointly address areas of inequality.
<p><b>Performance Assessment:</b></p> <p><b>Highways, Transportation and Waste (HTW)</b></p> <p>HTW has continued work with the Highway Term Maintenance Contractor Amey to run an apprenticeship scheme which saw a total of 11 apprentices out of a total staff of 258 (4.3%). In addition, under a separate consultancy contract with Amey (TESC), 8% of all hours worked were provided by apprentices and trainees.</p> <p>As part of the Quality Bus Partnerships, officers work with local bus operators to ensure that they provide excellent facilities for those with additional needs (raised kerbs and buses with ramp access for the elderly, those with wheelchairs and families with pushchairs).</p> <p>We work closely with Kent Police as part of the Casualty Reduction Partnership to specifically target young drivers (who statistically have been shown to be particularly at risk of Serious Accident and Injury) to help educate and reduce the risk to them. The Driver Diversion courses (run by KCC as a provider to Kent Police) are available to all and any disabilities or special needs are taken into account and any reasonable adjustments are made at the venues or as part of the training where required.</p> <p>Waste Management work with the Waste Collection Authorities (Kent District, Borough and City Councils) to provide a variety of options for householders to dispose of their waste - including specialist collections ('assisted collections' for elderly residents or those with a physical disability) and disposal services (e.g. clinical waste collections).</p> <p>In 2014, Waste Management procured Biffa Municipal Limited to operate and manage 12 of our 18 Household Waste Recycling Centres (HWRCs). Officers work with Biffa and our other HWRC contractors to ensure equitable access to the sites both physically and through customer service, with clear mitigation, monitoring and evaluation. In addition, there are a number of contract requirements placed on Biffa relating to equalities and the delivery of the HWRC service to customers. The procedures that have been put in place to ensure compliance to these requirements are detailed in section 11 of this appendix.</p> <p><b>Libraries, Registration and Archives (LRA)</b></p> <p>This Division has undertaken extensive work in 2014/15 targeting health inequalities, and has been piloting a number of wellbeing programmes within its sites across the county.</p> <p>The Division has also undertaken targeted work on supporting those with long standing illnesses that then become a disability for the individuals, and their families, concerned. In partnership with the Alzheimer's Society, Dementia UK, and Age</p>	

Concern, LRA offers Read Aloud and Pictures to Share sessions across Kent which involves using books and pictures, stories and poetry to stimulate memories, enjoyment and build connections between the people living with dementia and their carers or family members. 34 sessions were held across the county last year, involving 370 adults.

LRA has additionally worked with Beyond Words, a Community Interest Company, to enable over 80 adults with learning disabilities with little or no literacy skills to become involved in Beyond Words book groups in 10 libraries across the county, with three more in the planning stage for 2015. Four of the groups: Dover, Deal, Sittingbourne and New Romney are run in partnership with Skillnet, a Community Interest Company supporting people with and without learning difficulties to work together to make differences.

### **Economic Development (ED)**

The Division has undertaken extensive and evidenced work to target socio-economic inequalities, deprivation and disadvantaged groups across the county.

The work of the Development Investment Team has demonstrated a close working relationship with district councils and developers in securing a minimum of 1% lifetime homes on new residential developments as part of the district councils' Affordable Homes provision. The Development Investment Team has also ensured larger developments that are delivering community centres on-site incorporating dementia friendly design, adjustable worktops and changing place facilities accessible for wheelchair users in order to provide a community space that can be used by all service users.

The Division has also been working with the Cyclopark Trust to provide tailored provision for a number of the protected characteristics including promoting the sensory garden and facilities for individuals with learning and physical difficulties. Data on progress outcomes for these groups is collated by the Trust and shared with KCC and national funding partners.

Additionally, during August 2014 to March 2015, the Division's Broadband Team participated in the first round of the Government's BDUK Women and Broadband Project. This had a particular focus on women returning to the workplace, start-up businesses or women running small companies. This is important to Kent as the number of women engaged in entrepreneurial activity in Kent and Medway is significantly lower than men. In 2014, 6.8% of women were self-employed compared with 10.5% of men. The legacy of the Women and Broadband project has seen the Business Support Network continue despite the funding for the project coming to an end. This is of particular importance as Business Support Networks for entrepreneurial and self-employed women are often poor. The success of the Women and Broadband project has led to a second phase being commissioned which aims to build on the achievements and further address the gap in self-employment between men and women.

### **Environment, Planning and Enforcement (EPE)**

As with the other Divisions, EPE has undertaken extensive and evidenced work to target deprivation, health inequalities, vulnerable and disadvantaged groups across

the county. Relevant examples of activity targeted at specific protected groups include:

- EPE's Heritage Conservation service which through its Lottery Community Archaeology project has worked with a wide range of volunteers of all ages and developed a range of visually impaired resources (including tactile resources) for Visually Impaired groups.
- Also the Gypsy and Traveller Team continued work with district partners, among others, to ensure the needs of the Gypsy and Traveller community across Kent are met, by providing maintained and managed sites as well as focused support around access to education and healthcare provision.
- The Sport and Physical Activity Service throughout 2014/15 delivered ongoing work with partners to deliver the Kent Sport Equality Action Plan 2014-2016. This has included:
  - Promotion of women's and girls' football events linked to International Women's Day
  - Promotion of Kent Football Association's LGBT Charter
  - Co-ordination and delivery of the Project 500 campaign to address the imbalance of male to female sports coaches, creating a more diverse workforce to drive the growth of female participation in sport.
  - Promotion of the "This Girl Can" campaign and development of case studies to encourage and inspire females to try activities and become more active.
- This same Service, through the Kent Connected programme, delivered equality workshops across the county including "Equity in your Coaching" and "Active Kids for All Inclusive Community Training"; provided ongoing project delivery of the Kent School Games, Run Kent and Sportivate, where priority is given to projects targeting young people aged 17 and under, women and disabled young people. This Service also developed a Safeguarding Vulnerable Adults in Sport Policy.

Key Question/Area	Corporate Objective
2. How have <b>we improved</b> the collecting of /used the 'About You' service information?	Improving the quality, collection, monitoring and use of equality data as part of the evidence base to inform service design, delivery and policy decisions.

#### **Performance Assessment:**

##### **Highways, Transportation and Waste**

This Division now reports on the number of complaints and compliments related to equality issues. Nine Highways and Transportation complaints were received 2014/15 out of 1,201 complaints received in total.

Highways and Transportation capture customers' postcodes when they report faults using the online fault reporting tool or when they phone in, and this information is fed in to a half yearly mosaic report which is produced by the KCC Research Team.

As a result of the last Mosaic report (October 2014 – March 2015), the HT&W Business team is now working with Corporate Communications to see how it might better target those customers who prefer not to use digital channels, through differently designed media campaigns, as well as seeing how the service can reach vulnerable customers including the elderly by asking their friends, family and neighbours to assist them in reporting highway issues that might be affecting them.

In late 2014/ early 2015, Waste Management procured a surveying company to undertake customer satisfaction surveys at all 18 HWRCs on behalf of the Council. Surveys are undertaken on a yearly basis at 2 seasonal sample points in April and October. Data collection includes Protected Characteristic information on age, gender, ethnicity and disability from customers who wish to disclose: The customer satisfaction survey also collects respondents' postcodes. This data is not externally published. Customers are informed that they cannot be identified and will not be contacted based on this information. Postcode data is used to gain a better understanding of our customers through customer profiling software analysis to support intelligent audience segmentation. From there the service is better able to design services.

### **Libraries, Registration and Archives**

LRA has now been able to collect data over a two year period and can use this to highlight evidence trends, gaps and needs.

The Division's library database captures information on all customers attending events organised/supported by LRA staff for gender, adult/ child and disabilities including: learning, physical sensory and mental health issues. Using this data, LRA identified a 13% drop in the number of people who have declared mental health problems attending events in libraries. With partners, LRA is now developing an action plan to develop ways of re-engaging with this group of people as well as ensuring that we continue to improve data collection.

Analysis of the Active Borrowers' Database indicates that only 0.23% adults declared themselves with a disability when joining the library. This has highlighted the need for training to encourage staff to feel confident and also understand the importance of asking the disability question when registering or updating library records and to make sure people with a disability are receiving the support of the Exempt Card<sup>1</sup> as soon as they start using LRA services. A webinar on disability, reasonable adjustments and the Exempt Card will be delivered in 15/16 to address this with staff.

After looking at the age distribution in 2013 for Time2Give Volunteers, LRA identified the low take up of volunteering by the under- sixteen age group. The Division therefore used the Summer Reading Challenge campaign to promote this role to young volunteers. In 2014 LRA successfully recruited 86 young volunteers, an increase of 3% on the previous year. The youngest volunteer is eight, with a number of under 11s. The Division is pushing forward on this in 15/16 as it has been a

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<sup>1</sup> The Exempt Card allows books borrowed for 3 weeks with no late fines, audio books borrowed free of charge, free reservations for books and audio books, use of a computer for 2 hours every day for free with accessibility software to support planning, reading and writing and free black and white printing and photocopying (up to 20 pages)

positive experience for both the volunteers and the service.

### **Economic Development**

ED services are not primarily public facing and therefore do not use the “About You” service. However, the Division does use data from KCC Research and Intelligence to support strategy and project development. Additionally a new beneficiary data collection process has been included within the reporting requirements for the delivery organisations participating in our European funded projects.

### **Environment, Planning and Enforcement**

As with ED, many of the EPE services are not public facing, and therefore do not use the 'About You' service. Those services that are public facing capture customer data, including on the nine characteristics, in approaches and systems unique and appropriate to each service, including About You on many occasions, for example the Community Wardens consultation and in Transport Strategy consultations.

In future, we will also collect About You data from recipients of the Warm Homes scheme to determine if the engagement and communications strategy is effective in reaching target groups or whether there is under representation compared to demographic data.

Key Question/Area	Corporate Objective
<p>3. Information and data on access to services and/or participation rates for people with different protected characteristics</p>	<p>Understanding and responding to the impacts on People when KCC is doing its work by:</p> <ul style="list-style-type: none"> <li>• Ensuring we understand the impact of all our decision through knowing our communities and their need</li> <li>• Ensuring that we understand and monitor the cumulative impacts on people of the decisions that are taken within the Council</li> <li>• Ensuring we have a fair decision making process for making good decisions that take the needs of people into account.</li> </ul>

### **Performance Assessment:**

#### **Highways, Transportation and Waste**

H&T use Kent Population and Mosaic data to understand customer demographics and design services with the local customer in mind. For example, new roads and shared space areas in a new community are designed based on the type of residents that are likely to live there and any special requirements that they might have.

The H&T services have worked extensively with Digital Services to ensure that the H&T online fault reporting tool is fit for use by the majority of customers and that it is not only customer friendly but also that it can be used across a variety of technology platforms such as mobiles, tablets and different internet explorers. H&T offer map

based location finding for customers that are used to these kinds of systems as well as regular (non-map based) address lookups for those who might have sight impairments.

In addition, service information is made accessible to customers through a range of formats e.g. EasyRead, Braille and alternative languages, where requested, and H&T staff work closely with Digital Services to ensure that all of the website information meets the current digital standards and is written in plain English so that it is widely accessible to as many customers as possible.

Waste Management's 'About You' data collected from the customer satisfaction surveys can be compared with the Kent population to understand the use of HWRCs by people with protected characteristics. Using this data source, compared to the Kent population, HWRC customers are more likely to be male than female (64% of HWRC customers are male compared with 51% of the Kent population<sup>2</sup>).

In regards to age, children under 16 are not permitted on site and must remain in a vehicle. As a result, Waste Management does not have customers under this age. However, compared to the Kent population<sup>3</sup>, there are fewer HWRC customers aged between 17 and 25, likely to be due to adults this age living at home with parents/guardians that will use the HWRCs to dispose of their household waste.

In regards to ethnicity, 89% of the Kent population<sup>4</sup> describe themselves as English, Welsh, Northern Irish or British compared with 96% of HWRC customers that responded to the survey. When considering all other ethnic groups, there is not one specific group where the HWRC customer base are particularly under-represented, all groups are just less than 1% different, with the exception of 'Other White' which represents 3.6% of the Kent population and 1.0% of the HWRC customer base and 'Indian' which represents 1.2% of the Kent population and 0.2% of the HWRC customer base. It should be noted that the above data is only based on the data collected from over 3,000 surveys collected in April 2015.

It is difficult to compare the percentage of the HWRC customer base who consider themselves to have a disability with the Kent population due to different questions being asked within the HWRC customer satisfaction surveys and through national data surveys. The Department for Work and Pensions (DWP) data states that 7% of the Kent population claim Disability Living Allowance, whereas 4% of the HWRC customer base state that they have a disability. Clearly, these two data sets cannot be easily compared as an individual may have a disability but not claim Disability Living Allowance.

KCC recognises customers visiting HWRCs have differing needs and some may require physical assistance to lift and carry waste safely for disposal, which is a requirement of the KCC contractors. In addition, service information is made accessible to customers through a range of formats e.g. EasyRead, Braille, alternative languages, where requested.

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<sup>2</sup> Source: 2013 Mid Year ONS Estimates

<sup>3</sup> Source: As above

<sup>4</sup> Source: As above

### **Libraries, Registration and Archives**

LRA routinely collect and analyse the following data on active borrowers, adult attending events and volunteers. Comparing 2013/14 with 2014/15 the data shows:

#### **Active Borrowers:**

- A percentage decrease of both female and male active borrowers between 2013/14 and 2014/15. This, however, is due to more a significant increase in the number of borrowers not declaring their gender.
- No discernible shift in active borrower age cohorts Young borrowers (0 -10) and older borrowers (over 60) account for 50% of active borrowers.
- The percentage of disabled borrowers is 0.23%. There has been no discernible shift from the 2013/14 figure which was 0.20%. This is significantly below the 2011 census which captured 17.6% of Kent's population declaring themselves to have a disability. The Service is in part addressing this through proactive and innovative engagement with Public Health campaigns and outcomes.
- 62.6% of borrowers do not state ethnicity. The majority of borrowers who do state their ethnicity are White British. Again, there has been little percentage change between 2013/14 and 2014/15.

#### **Adults attending events in libraries**

102,566 adults attending events in 14/15 were without/not declared a disability. This is an increase of 8,119 compared to 2013/14. Of those adults declaring a disability, 1,824 declared a learning disability, 493 a sensory disability, 210 mobility problems and 118 mental health problems. These figures are all lower than in 2013/14 with the exception of learning disabilities which saw a rise in number of 295 (16%).

#### **Time2Give Volunteers**

- There has been no change in the number of male and female volunteers, or in those declaring a disability.
- The percentage number of young volunteers (under 16) has risen from 5% to 8%. The percentage number of volunteers aged between 41 – 60 has reduced from 23% to 19%
- There has been a slight (1%) percentage increase in the number of volunteers who have stated their ethnicity as BME

Key Question/Area	Corporate Objective
4. Performance information (by any relevant protected characteristics) for functions which are relevant to the aims of the general equality duty, especially around service outcomes (e.g. education attainment, recovery rates, apprentices)	Promoting fair employment practices and creating an organisation that is aware of and committed to equality and diversity and delivers its Public Sector Equality Duty.

#### **Performance Assessment:**

##### **Highways, Transportation and Waste**

HTW have built in a 3% requirement for apprenticeships in the Amey contract and this is reported on a monthly basis and has a commercial risk associated with it. 11

Apprentices were taken on by Amey in 2014/15 and this actually equated to 4.3% of their workforce. Furthermore, the KCC element of Highways and Transportation employed 7 apprentices in the 2014-15 period.

In line with KCC's aim to promote and support apprenticeship take up within the County, part of Waste Management's procurement for the operation of a number of KCC's HWRCs asked tenderers to provide a strategy detailing any activities they undertake to support apprenticeships and trainees. Kent County Council will work with their contractor over the next 6 months to explore the opportunity of an apprenticeship scheme at the HWRCs as part of the joint contract board meetings.

Furthermore, within Waste Management itself, recruitment for an apprentice was undertaken in January however there were no successful applicants. As a result, following the advice from the KCC Apprenticeship Team, a new recruitment process will be undertaken in summer 2015 after the KCC Apprenticeship Team have carried out a pilot in two or three local schools with the aim of raising awareness of the KCC apprenticeship scheme, including advice on creating a CV and completing application forms. Additionally, Waste Management had a stand at 'Kent Choices For You', which is an annual career's fair and includes representation from the job centre. As a result, it is hoped that the recruitment for a Waste Management apprentice in summer 2015 will be more successful.

### **Libraries, Registration and Archives**

LRA undertake a number of services to assist people with protected characteristics access services including:

- **Physical and Sensory Disability**

The Home Library Service serves 2,004 customers. They include people who are homebound by ill-health, disability or caring responsibilities. Last year, 122,276 loans were made through the service.

The Service is committed to the national Six Steps pledge to ensure that services are accessible to the blind and partially sighted. Our *Talking Book* service has 1,317 blind and partially sighted customers in Kent and Medway and made 43,328 loans in 2013-14. In 2014-15 there have been 493 visits by blind and partially sighted people to events held in libraries across the county. We have also supported 8 monthly audio book groups.

We also support the RNIB's annual "Make a noise in Libraries" (MANIL) fortnight, making contact with local blind and partially sighted groups and Kent Association for the Blind Centres to promote our services for these customers. 216 members of the public including 147 blind and partially sighted attended 13 MANIL events across the county.

In consultation with Hi Kent and Action for Hearing Loss, we have developed an Offer and Best Practice service for people who are deaf or hard of hearing. We have reviewed the location of portable hearing loops and have purchased 72 portable loops across the county together with 12 testers. An audit and testing programme has been implemented. Also in partnership with Hi Kent, eight libraries hold regular Hearing Clinics and set up a hard of hearing book club at Ashford Gateway Plus.



- Learning Disability

Last year, adults with learning disabilities have made 3,648 visits to libraries to attend activities such as Talk Times, author events, Knit and Natter session, Time2Give volunteering, IT sessions and the Six Book Challenge. 143 adults with learning disabilities took part in this challenge in 2014 with over 100 receiving a certificate.

Tailored activities include Bag Book story sharing for adults with learning disabilities and adults with profound and multiple disabilities. Regular sessions are held at Hythe, Birchington and Tonbridge libraries. Activities have also been held at Ashford Gateway Plus and Kent History and Library Centre. This has resulted in an increase of Bag Books Multi-Sensory book issues from 79 in 2013-14 to 162 in 2014-15.

- Age

LRA provides age appropriate stock and services at all service centres. Regular activities include Baby Rhyme times, Storytimes, Summer Reading Challenges and Homework Clubs for children and Talk Times, Knit and Natter and Reading Groups for older people. Highlights for 2014 include the:

- Summer reading Challenge aimed at primary school children. A total of 15,877 children joined the challenge an increase of 12% from 2013. 7,960 read six books increasing the number of children completing the challenge from 31% in 2013 to 50% in 2014
- Our Touch a New World Lending iPads service to homebound customers, now has 25 housebound customers trained to use the iPads and nine are waiting to start. The training has been delivered by 21 Time2Give library volunteers. The service has helped to transform people's lives, for example, Doris a 95 year user of the service says "I can't get out much so this is a very convenient way of keeping in touch with my family and friends. I don't feel so isolated; the world can come into my life. Now that I am 95 I can't do what I did. I used to love travelling but with the iPad I can explore the world from my armchair. Doris also plays games like Sudoku and Scrabble against other on-line users. She says, "It keeps your mind active, it has given me my independence. I can share pictures and keep in touch with my great grandchildren."

- Ethnicity

LRA provides collections of stock in community languages across the county. Main languages are available in town centre libraries and all libraries are able to request stock in languages to satisfy local community needs. Stock is also available to support learning English including on-line learning software for International English Language Testing system students. Activities include weekly Meet and Practice English conversation groups held in eight libraries, Black History Month which included a Nepalese coffee morning at Cheriton Library where Nepalese Elders invited other library users to find out more about their culture and BME Concern held a community-led exhibition of African artefacts at Gravesend Library.

We now have Romany Roots Traveller collections at ten libraries. Titles were chosen in consultation with the traveller community and Kent Minority Communities Achievement Service. Locations of collections were identified by proximity to traveller sites or housed traveller communities. The stock was showcased during Gypsy,

## Roma and Traveller History Month.

- **Sexuality**

During LGBT History Month, Rainbow Reads collections of books were available in the main town centre libraries. Titles were recommended by LGBT specialist book suppliers and members of KCC's Rainbow Forum. Latest figures show an increase of 43% in Rainbow Reads issues compared to last year.

The inaugural meeting to launch the Rainbow Book Club was held at the Kent History and Library Centre.

- **Gender**

Also 21 people attended a talk on gender equality which highlighted the lives of women who went beyond the conventions of their time fighting in wars, joining pirate crews and masquerading as male actors.

### **Economic Development**

Although the percentage of individuals on work experience within the ED team is lower than the previous year figure of 38.5% over a quarter of the workforce; 26% was still made up by work experience placements. Data for the Kent Film Office shows that there has been an increase in the number of females who have been given a placement since the previous year from 72% to 76%. There has been a significant shift in the age of those given work placements from the 16 -18 category to the 19 - 24 category. In 2013/14, the split between these two age cohorts was 52% (16 -18 cohort) and 48% (19 – 25 cohort). In 2014/15 the split was 29% and 71% respectively.

## **5. Any gaps in the above information required for 2, 3, & 4 and what we are doing about it?**

### **Performance Assessment:**

#### **GET Directorate**

In 2015/16 we are adopting a new approach to ensure that Equality and Diversity is embedded into the directorate's commissioning approach for business and project activity. The overarching approach will be monitored by GET's Equality and Diversity Group as outlined in section 5.2 of the main report whilst Appendix B details the approach in full.

## **6. Complaints from service users about discrimination and other prohibited conduct**

### **Performance Assessment:**

#### **Highways, Transportation and Waste**

In the last year, Highways and Transportation received nine complaints that were related to an equality issue. (See section 2 above for more details)

Any claims of discrimination are investigated, with formal advice from the Council's legal team taken if required. Procedures and policies are reviewed as part of each investigation and amended accordingly where necessary.

Since the introduction of a number of policies in October 2012 at the HWRCs

including a restriction on certain vehicle types from entering the HWRCs, some customers still perceive to be discriminated against in relation to the vehicle they own. Clearly this does not relate to any of the Protected Characteristics. It is recognised that some customers require particular types of vehicles due to a disability and an access scheme remains in place to meet their needs.

In the last year, Waste Management received one complaint that could be related to an equality issue. The complaint was in relation to a customer with a back problem who required help from site staff with lifting heavy bags of waste into a container. The customer felt that the site staff were rude when explaining that bags should not be over-filled to ensure that they could be lifted by site staff in line with health and safety (maximum weight that can be lifted by a member of site staff). The site manager was asked to remind site staff to be polite and courteous but the complaint response reemphasised that staff can ask for excess waste to be removed from bags before helping the customer.

### **Libraries, Registration and Archives**

LRA welcome and encourage feedback from customers through Customer Comments Cards, letters, email and phone. In 2014, LRA were awarded the Customer Service Excellence Award (CSE). This included two compliance pluses in Customer Insight:

- We have developed our customer insight about our customers and customer groups to better understand their needs and preferences”
- We ensure all customers and customer groups are treated fairly

All complaints/ comments addressing discrimination from service users 2014/15 were replied and acted upon if within our control. 11 complaints/comments were identified. The majority of these concerned physical access to our buildings and services.

Following upgrades to Windows 7 at our public access computers, blind and partially sighted customers voiced their concerns that the Windows Ease of Access Centre would not answer their needs. After conversations with Kent Association for the Blind and customers who are blind or partially sighted, LRA have included access to NVDA text to speech software and Lightning Express magnification software on all public access computers.

### **Economic Development and Environment, Planning and Enforcement**

No complaints have been received in 14/15 for service users about discrimination or prohibited conduct.

Key Question/Area	Corporate Objective
<p>7. Details and feedback of engagement with service users including a breakdown of consultees by any relevant protected characteristics</p>	<p>Improving the way KCC listens to and engages with its employees, communities and partners to develop, implement and review policy and to inform the commissioning of services.</p> <p>Providing inclusive and responsive customer services through; understanding our customers' needs, connecting with our customer's effectively and efficiently, empowering staff to meet service expectations, improving access to services and working with our partners to improve our customer experience</p>
<p><b>Performance Assessment:</b></p> <p><b>Highways, Transportation and Waste</b></p> <p>All formal consultations and satisfaction surveys are commissioned through the appropriate corporate team. Reporting of these surveys takes place at Cabinet Committee and documents published on the KCC website such as the tracker survey. Most of our consultations and surveys such as the Safe and Sensible Street Lighting Project are Kent wide and go to a wide range of residents, however some consultations have a more targeted audience based on user profile.</p> <p>Whilst no major consultations took place in the 2014/15 period, some local consultation would have taken place for new road or changes to roads. An EqIA screening is carried out for each Scheme to see if any impacts to specific groups are likely and if any additional consultation or adjustments are required. A good example of this was where a major scheme on Willington Street in Maidstone highlighted that because of the length of road closure there could be a bigger impact on some residents who had more defined access requirements (e.g. the elderly, those with a disability). Additional consultation was carried out with all affected residents in the area and extra resource was made available for the duration of the project to increase information to residents via letter drops, public meetings and through an on-site presence.</p> <p>Waste Management use customer satisfaction surveys to understand the customer experience at HWRCs and measure how satisfied customers are with the service they receive. One of the key requirements of the waste management companies operating the HWRCs is delivering good customer service and performance targets have been put in place for HWRC contractors to achieve.</p> <p>The data from April 2014 collected at all 18 HWRCs provides us with the following 'About You' information which is used to inform future customer engagement methods and channels and helps to inform future service design.</p> <ul style="list-style-type: none"> <li>• 64% of customers are male</li> <li>• Younger age cohorts (20 – 45) make up 32% of customers and those over 46 make up 62% of customers</li> </ul>	

- 4% of customers declared a disability
- 96% of respondents stated that they were English/ Welsh/ Scottish/ Northern Irish/ British. Of the remaining 4%, the majority of respondents, (27%) stated that their ethnic group was White Other; 13% stated they were Asian/Bangaldeshi/Chinese and 8% Irish.

This is the most up to date data currently held by Waste Management, however, as explained in section 2 above, Waste Management will be undertaking more satisfaction surveys in October 2015 to allow for a full year's worth of data collected at two seasonal sample points

### **Libraries, Registration and Archives**

In 2014, LRA consulted with the communities in Kent including our users and non-users, partners and stakeholders about the proposed Kent charitable trust model of delivery for LRA services. A breakdown of consultees by protected characteristics showed:

- 57% of respondents were female and 38% male.
- 12% of respondents considered themselves disabled. The majority of these, (49%) stated they had a physical impairment and 24% stated they had a sensory impairment. 37% stated that they had a long term standing illness or health condition and 12% stated they had a mental health condition. 8% stated they had a learning disability.
- 87% of respondents stated they were White British. Of the remaining 13%, 8% did not state their ethnicity, 2% stated they were White Other, 2% stated they were BME and 1% were Irish.
- 50% of respondents stated they belonged to a particular religion. (14% did not respond).Of those who answered yes, 94% stated they were Christians,

### **Environment, Planning and Enforcement**

This Division is working with the Corporate Communications and Engagement teams to ensure that any surveys and feedback mechanisms are properly constructed and can break down this information into relevant protected characteristics. Analysis is then conducted at a service level. The consultation on the Community Wardens future model in 2014/15 is a significant example of this. Another would be the the consultation for Thanet Parkway. Data collection included "About You" data. Analysis of this data showed

:

- 52% of respondents were male compared to 30% female
- Only 3% of respondents were under 25 years old and 5% were aged between 25 and 36. The majority of respondents (48%) were aged between 36 and 60. Those over 61 accounted for 35% of respondents.
- A significant number, 10% respondents considered themselves to have a disability with 40% stating this was related to a physical impairment, 29% stating this was related to a long standing illness or health condition and 19% relating this to a sensory impairment.
- 84% of respondents stated their ethnicity as White British. The next highest group was White Other at 2%.

Key Question/Area	Corporate Objective
<p>8. Any quantitative and qualitative research with service users including a breakdown by any relevant protected characteristics</p>	<p>Providing inclusive and responsive customer service through understanding our customers' needs and improving access to services.</p> <p>Improving the quality, collection and monitoring and use of equality data as part of the evidence base to inform service design and delivery.</p>
<p><b>Performance Assessment:</b></p> <p><b>Waste Management</b></p> <p>Within the last year, Waste Management has engaged with equality and diversity groups across Kent to help inform future HWRC site design and service delivery to explore needs and requirements of customers. Feedback from the research, informed a set of recommendations on future improvements that can be made and were prioritised according to scale of impact.</p> <p>In summer 2014, KCC Waste Management procured a company to undertake a programme of Mystery Shopping at 12 of its HWRCs to coincide with the start of a contract with a provider to manage and operate the HWRCs. The key aims of the programme are to monitor levels of customer service and enable more effective contract management of the HWRC contractor. Within the scope of the programme, Waste Management also have the ability to ask Mystery Shoppers to pose 'enquiry' questions to test site staff knowledge of policy or procedure. These enquiries can include equality questions, such as, "My mother has a disability and is unable to lift heavy things. If I load her car up at home, would someone be able to help her unload when she gets here?" Where results come back and a training need is identified, KCC will work closely with the HWRC contractors to address this. The HWRC contractor shares the price of the mystery shopping programme with KCC. Waste Management will shortly be procuring a company for a longer term mystery shopping contract to start later in the year for all 18 HWRCs.</p> <p><b>Libraries, Registration and Archives</b></p> <p>The Library and Archive Service customer satisfaction online survey was launched in March 2014 using the email addresses customers provide when they become members. We have sent out over 62,000 emails asking customers to complete a survey and, to date we have received 6,850 replies. This has given us a lot of diversity data which is now being analysed by an external marketing company specialising in survey data.</p> <p><b>Environment, Planning and Enforcement</b></p> <p>Research with service users is carried out on a project by project basis, and includes equality and diversity monitoring, such as that undertaken by Kent Country Parks as part of their summer 2014 Customer Survey, which focused on those protected characteristics principally impacted by the service's approach to delivery; namely disability, gender, age and ethnicity (race). This data is then analysed against both customer 'offer' and to help shape this particular service's business streams such as our investment in mobility vehicles and improving pathways.</p>	

Key Question/Area	Corporate Objective
<p>9. Evidence of equality information being used in contracting, commissioning or procurement where relevant</p>	<p>Working with all our partners to define and jointly address areas of inequality.</p> <p>Promoting fair employment practices and creating an organisation that is aware of and committed to equality and diversity and delivers its Public Sector Equality Duty.</p> <p>Improving the way KCC listens to and engages with its employees, communities and partners to develop, implement and review policy and to inform the commissioning of services.</p>
<p><b>Performance Assessment:</b></p> <p><b>Economic Development</b></p> <p>Standard clauses in procurement documentation have been used in commissioning the Locate in Kent and Visit Kent contracts (in place from 2014). The Public Health commissioning project includes standard equality and diversity stipulations.</p> <p><b>Highways, Transportation and Waste</b></p> <p>In line with Corporate procurement procedures, a diversity section is included in all tender documents to ensure that KCC contractors are compliant with all statutory requirements but also that they demonstrate an ongoing commitment that ensures fairness of treatment is being applied and improved by the contractor through the life of the contract. For example, tenderers are asked about their Equal Opportunities policies and the promotion of equalities/ fairness in employment and training.</p> <p>Compliance with these contract requirements are measured via a number of tools including the customer satisfaction surveys and Govmetrics and complaints and compliments feedback, with results and any resulting issues or successes being discussed at contract board meetings.</p> <p>Lessons have been learnt from the Safe and Sensible Street Lighting Project where more could have been done to identify and address equality issues. H&amp;T are committed to improve the EqIA process for the new LED Procurement Project and we will be taking advice from the corporate equalities team to ensure that we are meeting all of the necessary requirements.</p> <p>Waste Management has undertaken/ is in the process of undertaking, a number of procurements in 13/14 leading into 14/15. EqIAs were undertaken prior to all procurements to help inform the process. The majority were not public facing services and therefore no negative or positive impact was identified for any protected characteristic e.g. recycle to a sorting facility</p> <p>Furthermore, as part of the contract for the operation of the management of the HWRCs won by Biffa, the following requirements relating to equality are expected of the contractor:</p>	

- To ensure that each facility has a staff member designated to be a 'Champion' for customer care. A key feature of this role is to take the lead on all equality issues, ensuring that staff are trained to deal with all types of customer.
- To ensure all staff are trained to provide good customer service
- To ensure that staffing levels are adequate to provide assistance to site users.
- To ensure that site signage is clear and appropriate for those for whom written English is not 'accessible'.
- To ensure that all HWRCs are managed and operated in line with Waste Management's operating policies to include the Disability Access Scheme, ensuring all Customers have equal access to the HWRCs.

Compliance with these contract requirements are measured via a number of tools including the customer satisfaction surveys and mystery shopping, with results and any resulting issues or successes being discussed at contract board meetings. Indeed, one of the HWRC contractors has recently employed a Manager to focus on customer service improvements across the HWRCs.

### **Libraries, Registration and Archives**

LRA strives to make all buildings accessible, welcoming and safe for all sections of the community. Any new builds or upgrades comply with Building Regulation Document M - which includes layout of changing places and public toilets, colour contrasts followed through with furniture layout guiding etc.

When we are considering engaging with new partners on a project, one of the questions asked in the Partnership proposal pro forma *"Does your organisation have an Equalities Policy? If so please give web link"*.

### **Environment, Planning and Enforcement**

This Division uses standardised commissioning and contracting documents which state KCC's commitment to equalities and diversity. Examples in 2014/15 include:

- Kent Downs and High Weald Kent AONB Management Plan reviews were both accompanied by an EqIA
- EqIA completed for Lorry Park Project and Thanet Parkway. The Thanet Parkway Consultation was carried out using an updated EqIA and venues were selected to ensure access for all. "About You" questions were asked from respondents
- For the Kent Environment Strategy (KES), Sustainable Business and Communities undertook a public perception survey which provided some data on protected groups (age) which will be used to inform the KES review
- Equality and Diversity questionnaire included within Kent School Games tender documents
- The Gypsy & Traveller Team carry out Equality Impact Assessments for particular policy changes and decisions.
- Equality Impact Assessing the entire Public Rights of Way online fault reporting system and processes



Key Question/Area	Corporate Objective
<p>10. Records of how KCC have had 'due regard' to the aims of the duty in decision-making with regard to service provision, including how many assessments of impact on equality, any evidence used and actions we have put in place to mitigate any disadvantage?</p>	<p>Providing inclusive and responsive customer service through understanding our customers' needs and improving access to services.</p>
<p><b>Performance Assessment:</b>  <b>Highways, Transportation and Waste Management</b>  All Major Projects that require a key decision or DIVMT agreement must have an EqlA carried out or they will not be considered. These are captured on the H&amp;T Project Register.</p> <p>This Division learned from the Waste Management approach of keeping an EqlA log to identify all relevant policy, procedures and service areas requiring assessment to inform the decision making process. This log has recently been expanded to include all EqlAs undertaken in Highways &amp; Transportation. All decisions taken have been informed by an EqlA approved by the Head of Waste Management (or relevant Head of Service in H&amp;T).</p> <p>The log allocates a discreet reference number for the EqlA. Associated action plans have been or are in the process of being implemented to mitigate disadvantages e.g. working with our Tracker Survey contractor to ensure their staff are able to read out the questions for those who have difficulty reading but also have a printed copy of the questions available for customers to read themselves should they be hard of hearing and wish to do so.</p> <p><b>Waste Management</b> In October 2012, following an in-depth review and subsequent public consultation, a number of policies were introduced at the HWRCs to limit the amount of trade waste being brought to the sites. No negative impacts were identified because of these changes further to those identified and mitigated against in previous EqlAs. Other recommendations from the review will now be considered as part of a development of a forthcoming Waste Management Strategy, all of which will be subject to EqlAs to assess impact.</p> <p><b>Libraries, Registration and Archives</b>  Completing an EqlA is part of the LRA business planning process. This year LRA have completed or are in the process of completing 6 EqlAs. A log is kept. As part of the EqlA for the consultation on the Kent charitable trust model of delivery for LRA services "About You" questions were asked as part of the consultation enabling LRA to review the breakdown of the returns. In addition, :</p> <ul style="list-style-type: none"> <li>• Paper and electronic versions of consultation documents were provided along with an easy read version, large print, braille and audio. Translations were available on request and consultation material was made available on-line and in all service points.</li> <li>• To ensure LRA reached people who were homebound, including those who are homebound owing to a disability, LRA supplied volunteers with flyers to be</li> </ul>	

delivered along with their books explaining the consultation and how they could get involved.

### **Environment, Planning and Enforcement**

All high and medium risk projects are required to carry out an EqIA . These are captured on the Division's Key Project Register, which is regularly reviewed at Divisional Management Team

Key Question/Area	Corporate Objective
11.Details of policies and programmes that have been put into place to address equality concerns raised by service users.	Providing inclusive and responsive customer service through understanding our customers' needs and improving access to services.

### **Waste Management**

As mentioned in Section 1 above, there are a number of contract requirements of Biffa relating to equalities and the delivery of the HWRC service to customers. The points below explain what has been put into place to ensure these requirements are adhered to:

- Each site has an allocated 'Customer Champion'. A customer service training course was held for all of the Customer Champions run by Biffa's Learning and Development Team. Representatives from KCC were also present at the training. In addition, Biffa also ran a course (in March 2015) aimed at behavioural change, which was for all site staff and was customer service focussed. The customer training is an ongoing process, with additional sessions undertaken where instances of failing customer service become apparent through feedback tools such as the customer satisfaction surveys, mystery shopping, complaints and comments data. All new staff also receive customer service training as part of the induction process. All records of training are available for inspection by KCC.
- Biffa's Business Manager has also been assessing staffing levels at the HWRCs and where necessary has increased manpower at sites where extra resource is necessary for the safe operation of the site which as a result enhances the customer experience.
- The majority of site signage is clear and includes a pictorial element which would guide people to the appropriate container, bay, etc. A review of all site signage is being undertaken as part of an annual review which is recorded in the Contract Board report.
- Where KCC have had a request, disability access cards have been issued after being assessed on a case by case basis. Biffa have instructed all site staff to allow access to vehicles carrying these cards, i.e. opening barriers where necessary and offering assistance when requested. All sites were assessed several years ago and where applicable, dropped kerbs were installed to allow for wheel chair access.

Further to the feedback from the engagement with equality and diversity groups to

inform site design and service delivery as mentioned in section 8 above, the recommendations will now be delivered from Spring 2015 onwards. It is hoped that changes will make the service more equitable and barriers to using the HWRCs will be overcome.

### **Libraries, Registration and Archives**

Following upgrades to Windows 7 at our public access computers, blind and partially sighted customers voiced their concerns that the Windows Ease of Access Centre would not answer their needs. After conversations with Kent Association for the Blind and customers who are blind or partially sighted we have included access to NVDA text to speech software and Lightning Express magnification software on all public access computers.

### **Environment, Planning and Enforcement**

Projects which have been put in place have not been identified specifically by service users but are addressing areas which are potentially at a disadvantage. Examples of these projects include:

- Old Chalk: New Downs (Heritage Lottery Fund project) – part of the project has been designed to target free school meal schools to receive support / assistance with their greenspaces. This activity will be carried out in 2015/16.
- Kent Downs AONB undertook face to face consultations for the Management Plan Review targeting young people in particular to ensure young people had better access to information
- Ongoing delivery of the Kent Sport Equality Action Plan 2014-2016
- The Gypsy and Traveller Team carry out health and welfare assessments for all unauthorised encampments (which can include protected characteristics)

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## GET's Approach to Equality & Diversity for 2015/16

GET understands that Equality and Diversity (E&D) should be embedded into the directorate's business and project activity, in order to fulfil KCC's corporate E&D objectives. As KCC moves towards becoming a strategic commissioning authority, GET will embed Equality and Diversity into every aspect of the Commissioning Framework so that understanding customers' E&D needs and planning the necessary responses becomes an integral part of putting the customer at the heart of our service delivery. Therefore GET will adopt the following approach:

### **What will we focus on? The Directorate Business Plan**

We will use the priorities and projects detailed in GET's 2015/16 business plan as our focus for working towards KCC's E&D objectives. The Customer Service Review is one such project within the business plan that is key to embedding E&D within our business, and as such it will include the following E&D-focused activity:

- A review of the communications channels used and information provided (internally and externally) to identify if it is accessible, usable and follows KCC accessible information guidelines.
- Identifying appropriate customer intelligence required to inform service design and delivery for customers and potential customers with protected characteristics.
- Determine if the services being examined within the Review cater appropriately to needs of people with protected characteristics, including learning from customer feedback.

The Review focuses on selected services within GET but its recommendations and actions will have an impact across the directorate.

### **How will we focus on it? The Commissioning Framework**

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We will ensure that the appropriate activity takes place to ensure Equality and Diversity issues are considered, planned for and implemented as an integral part of the Analyse, Plan, Do and Review cycle, not in addition to it. Guidance is currently being developed to assist commissioners, project managers and service deliverers to set out the type of E&D activity they should consider at each stage of the commissioning cycle (Appendix A).

### **How will we know we're making a difference? The GET Equality Group**

The directorate's Equality Group will take a proactive role in overseeing GET's progress towards meeting KCC's corporate objectives and embedding E&D activity in its business. It has increased the frequency of its meetings to six-weekly. During the meetings, the group will call in selected priority projects listed in the business plan and consider how the project is incorporating E&D into project analysis, planning, delivery and review. As part of this, they will call in Equality Impact Assessments, and challenge if necessary to ensure they are robust and that they sufficiently assess impact of proposed commissioning or service changes on the customer groups with protected characteristics. Through these six-weekly meetings, the GET Equalities Group will build the evidence needed to demonstrate progress against KCC's corporate E&D objectives through the Annual Equality & Diversity Report for our Cabinet Committees.

In order to facilitate our approach, we will:

- Undertake Equality Impact Assessments for our major projects, policy changes and our service review/redesign/transition activities and share, and where required address, the findings to ensure that none of the nine protected characteristics are adversely affected or that sufficient mitigation has been provided.
- Maintain appropriately trained staff to ensure we meet our Equalities duties efficiently and effectively – this will include making sure that staff have the understanding and skills to carry out EIAs and know how to successfully identify and analyse data to inform the EIA process. As a minimum, all staff will undertake the appropriate E&D e-learning modules, and we will explore additional learning and development opportunities to strengthen the above-mentioned skills.

## APPENDIX A

### Suggestions for how we can ensure that we consider equality throughout the commissioning cycle

(In development by Akua Agyepong, Olivia Crill & Karla Phillips)

Commissioning Framework	Questions	Tools	Activity/Outputs
<p>Analyse</p> <p>Page 228</p>	<ul style="list-style-type: none"> <li>At a population level, what do we know about current and future users of this service?</li> <li>What are the protected characteristics of current and future service users?</li> <li>What are the behaviours of different resident groups and how does this affect how they use the service?</li> <li>How are residents with different protected characteristics likely to be impacted by the service proposed?</li> <li>Have you used this analysis to inform the development of the Equalities Impact Assessment (screening and full assessment if necessary)?</li> </ul>	<p>EqIA – Screening</p> <p>EqIA – Assessment/ analysis</p> <p>Population data</p> <p>Service data</p> <p>Existing business plans</p> <p>Project proposals</p> <p>Existing service impact assessments</p>	<p>Adverse impact for protected characteristics are identified or discounted.</p> <p>Cost implications identified</p> <p>Opportunity for innovation</p> <p>Potential groups to engage are identified</p> <p>Evidence of due regard duty for decision making and service delivery</p> <p>Evaluation framework agreed</p>
<p>Plan</p>	<ul style="list-style-type: none"> <li>What actions have come out of your analysis and who will be responsible?</li> <li>How does the design of the service need to be adjusted to reduce any negative impact on groups with protected characteristics?</li> <li>How will you ensure that you are involving people who will be affected by your proposals in the design of the service?</li> <li>What opportunities are there for increasing social value to all residents, in particular groups with protected characteristics?</li> <li>What will be the responsibility of the service provider to design and deliver the service to reduce any negative impacts?</li> <li>Are these plans reflected in the development of the Equalities Impact Assessment?</li> </ul>	<p>EQIA – Assessment/ Analysis</p> <p>EQIA- Action Plan</p> <p>Project plan framework</p>	<p>Activity to address direct indirect discrimination addressed</p> <p>Opportunities to advance are identified</p> <p>Opportunities to foster good relations are identified</p> <p>Performance criteria for delivery of equality elements is identified</p> <p>Evidence of due regard duty for decision making and service delivery</p>

<p><b>Do</b></p>	<ul style="list-style-type: none"> <li>• Have you considered how you will ensure that service users involved in the procurement process are representative?</li> <li>• Can you identify any industry standards that are relevant to this service which require the provider to fulfil equality outcomes?</li> <li>• How should performance measures of the service/contract be designed to ensure that quality outcomes are delivered at the point of delivery?</li> <li>• Deliver service</li> <li>• Collect relevant equality information which will support the review process</li> </ul>	<p><b>EqIA actions/ activity put into place/ implemented</b></p> <p><b>KCC Equality Policy framework</b></p>	<p><b>Evidence of due regard duty for decision making and service delivery</b></p>
<p><b>Review</b></p> <p>Page 229</p>	<ul style="list-style-type: none"> <li>• What information do we have about the equality outcomes being achieved and usage of the service by different customer groups?</li> <li>• What do service users tell us about the impact of the service/s commissioned based on protected characteristics?</li> <li>• How are we ensuring that equality considerations are part of our future commissioning plans and decisions?</li> <li>• What evidence have we collected which will inform our future commissioning activity</li> <li>• Are our senior officers requiring evidence of equality analysis throughout the commissioning cycle?</li> </ul>	<p><b>EqIA – Action Plan</b></p> <p><b>Project plan framework</b></p> <p><b>Performance management framework</b></p>	<p><b>Services are judged against Performance criteria</b></p> <p><b>Evidence of impact and outcomes</b></p> <p><b>Evidence of due regard duty for decision making and service delivery</b></p>

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