

ENVIRONMENT SCRUTINY COMMITTEE

MINUTES of a meeting of the Environment Scrutiny Committee held on Wednesday 14 July 2021 virtually.

PRESENT:

Cllr Alex Hegenbarth	Cllr Alan Preest
Cllr Chris McFarling	Cllr Phil Awford
Cllr Dominic Morris (Chair)	Cllr Roger Whyborn
Cllr Gill Moseley	Cllr Susan Williams

Officers in attendance: Colin Chick, Ben Watts, James Blockley, Cllr David Gray (Cabinet Member for Environment and Planning) and Cllr Philip Robinson (Cabinet Member for Economy, Education and Skills)

Apologies: Cllr Vernon Smith, Cllr Sajid Patel and Simon Excell

2. DECLARATIONS OF INTEREST

Cllr Phil Awford declared an interest as GCC's representative for the Wessex/Severn Wye at the Regional Flood Defence Committee.

3. DECEMBER 2020 FLOODING: LESSONS LEARNT AND FUTURE ACTION

3.1 The Chair invited James Blockley, Flood Risk Manager, to present this item. The report was taken as read and members noted the following points:

- This report was an updated version of the one received at Committee in March this year. It reflected lessons learnt and actions taken from the December 2020 flood events.
- The team had been incredibly busy throughout this year actioning what had been identified. This included officers at GCC but also every other partner that had engaged to make improvements possible.
- Whilst partnerships had mainly been identified in the initial debrief sessions in December, new partnerships had also been identified since then.
- Key lessons learnt centred on the lack of revenue funding to support the critical role of district council colleagues. Also that improvements in releasing Govt. framework funding remained incredibly important in addressing flood response going forward.
- Officers had discussed the funding framework issue at length and felt it desperately needed updating. They felt it would be better for monies to be ring-fenced and allocated by the county councils, as they were often very quickly aware of the overall impacts on the ground.
- Gloucestershire officers knew within days that the December 2020 event it was the most significant the county had seen in many, many years and

felt it was completely let down by the lack of national funding coming forward in the aftermath.

- There was currently an open letter being formulated from the English Severn and Wye lead local flood authorities for Govt.
- The report detailed 30 areas of project development and investigation, 20 of which had resulted directly from December. These actions ranged from initial investigations needed (what caused the flooding and what could be done to future mitigate it) through to knowing the issue and how to alleviate it but a need to identify funding.
- There had been a number of multi-agency partnerships formed in specific locations to explore any opportunities for collaboration and pooling resources in order to deliver the needed improvements.
- A case study example was shared for a small village in the Cotswolds, Bledington. During the December floods, it was worst hit community in the county with 29 properties being affected.
- Very early on in the event, the team met with the local flood group and convened a couple of multi-agency meetings to investigate the cause.
- It was identified that a local brook bank had eroded so there was currently a design in development to repair this. The team were also investigating the repair of an existing flood defence mechanism.
- What was key however was to not only understand what happened downstream, but also water management in the upper catchments.
- The team were therefore currently working with a landowner upstream who had shown interest in using their land for flood alleviation and possibly creating a wetland. This would not only have a dramatic benefit on slowing the amount of water that reached Bledington, but also many other environmental advantages such as biodiversity.
- The officer was exceedingly proud of the flood risk team at GCC but fully acknowledged the work done to date would not have been possible without the cooperation from other agencies and local communities.
- Flood management was at the cutting edge of climate change resilience and was helping communities adapt and cope with the impacts on extreme weather.

- 3.2 A member stressed the importance and benefits of upper catchment natural flood management. The processes were less expensive than hard engineering (flood walls etc.) and brought additional benefits to the surrounding environment such as slow release of water during droughts. As climate change brought an increased likelihood of extreme weather events, the county needed to think more strategically for its short and long term planning, and reduce the initial risk of flooding, rather than just adapting and paying the cost after.
- 3.3 There was also a need to liaise with water companies on improvements to the network to avoid an overflow of sewage into flood waters and to improve the maintenance of highways drains in order to allow them capacity to cope during heavy rainfall.

- 3.4 Comments were echoed of the need for district colleagues to be better resourced. Whilst staffing issues at other councils was not something GCC could comment upon, it was advised that GCC did all they could to support colleagues but absolutely agreed there was a need to expand the teams where possible.
- 3.5 A member raised they were currently liaising on setting up a multi-agency forum in their division, which involved working with those residents and local stakeholders who were directly affected by flood events. These forums were useful to draw on the knowledge of residents, helping them to be involved, and to give a knowledge of the bigger picture. There was an element of model shift needed in people's thinking that we would have to learn to live with a certain amount of flooding.
- 3.6 An officer added that at a county level, a twin track approach to multi-agency forums was vital. Whilst the public forums were useful for all the above reasons, there also had to be a space of agencies to operate outside of the community/political environment in order to inform the wider approach.
- 3.7 Highlighting the multiple schemes mentioned within the report, a member asked how they would be prioritised. It was advised that the prioritisation approach would look at many factors such as feasibility, but it would also have an element of taking opportunities where they arose, regardless of a scheme's priority rating.
- 3.8 Noting the level of development ongoing in Gloucestershire at the moment, it was questioned what future preventative plans there were to avoid increased flood risk. It was explained this came within the Council's role as a statutory consultee on major development. There were two full time officers at GCC who scrutinised and commented on flood risk assessments and drainage strategies to make sure the level of surface water leaving the site was the same or less than before the development.
- 3.9 A member asked whether there were any standardised plans and support from GCC to help local parish and town councils develop their flood strategies in readiness. Officers welcomed the members support in this area and advised help would always be offered where possible. In terms of county strategy development, the department were currently looking to start a review of the Local Flood Risk Management Strategy and the Strategic Flood Risk Assessment to reflect new and evolved thinking around risk management and extreme weather.
- 3.10 Members requested to receive a further update in advance of this year's flood season on actions for improvement identified in this report. This should include RAG ratings against each in terms of how much progress has been made.

ACTION: James Blockley

4. SECTION 106 AND COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1 Ben Watts, Outcome Manager, presented this item. The report was taken as read and the following points were highlighted:

- GCC was responsible for delivering specific infrastructure and services and ensuring new developments did not adversely impact upon the capacity of existing services or the ability to deliver them.
- Many planning applications / permissions were therefore subject to developer contributions in the form of planning obligations. These could be via planning agreements (S106 Agreements) considered alongside Highways Contributions S278 and CIL.
- CIL was applied on a formulate basis across a CIL charging area i.e. a district planning area, which was different to the application of S106 which was specific to planning areas.
- Whilst CIL and S106 could run alongside each other, there could not be a situation where developers paid twice for the same infrastructure.
- As GCC was only a consultee to the planning process, officers were able to provide comment on the financial requirements for infrastructure but it was the role of Local Planning Authority (LPA) to decide. They were under no obligation to agree with GCC's consultation response and request the monies.
- This had become a particular concern for GCC in its role as Education Authority. To date no CIL money had been allocated from LPAs for education provision.
- The introduction of CIL had also led to significantly reduced or declined S106 contributions. This meant GCC had lost millions of pounds in developer contributions in recent years.
- Finally, members were informed of a recent criticism of the methodology GCC used for calculating developer contributions for a planning application at Coombe Hill. A detailed review was currently underway on this ruling and due to conclude in 2022.

4.1 Several members queried why it was felt the CIL monies had not been forthcoming, particularly in relation to education.

4.2 It was advised that firstly, there was an overall issue with the amount of money raised initially. It was not enough to cover the costs to begin with, let alone after 30% was taken for admin and neighbourhood plan charges. There were also issues of viability, Gloucestershire was an expensive place to develop and therefore required a high level of CIL monies to provide the necessary infrastructure. It was up to the LPA's Planning Committee to make decisions on the application and it was felt there may be other more pressing financial priorities, leaving CIL as a non-viable charge to add on top of the other costs charged to the developers. Finally the two tier system of local government in Gloucestershire meant the county council did not have a voice or a role in the decision making process and could only provide comment.

- 4.3 It was questioned whether councils should be looking at other ways to raise the money for education if this avenue was clearly failing, for example, through council tax.
- 4.4 Officers advised that the council did receive a level of funding from Government for education places, but this was in terms of natural growth need, rather than additional need required due to the new developments. The idea behind the charge schemes was for the developer to fill the gap and pay for impacts directly linked to their development. Council tax payments went towards the ongoing revenue costs of education and CIL/S106 should be covering the upfront capital costs of providing the place to begin with.
- 4.5 A member questioned if the charging regulations used by the LPA applied when the county council acts as planning authority such as for a new school.

ACTION: COLIN CHICK/BEN WATTS

- 4.6 In relation to library contributions it was queried why the contributions were often used for revenue purchases (new books) and how members could keep track of the amounts and where they were spent.
- 4.7 Members were advised that it was a requirement of all LPA's to publish annual statements detailing contributions and where they were used, noting however this was a year in arrears. In terms of what they were spent on, the contributions went into a library pool and justifiable charges were then made. Apparent revenue spends would sometimes qualify due to the need to expand library resources because of population increases.
- 4.8 Section 5.5 of the report notified members of a challenge the council had received on the approach towards requesting education contributions for a particular development at Coombe Hill. An immediate interim position had been published, taking the challenge into account and outlining the approach that would be followed in the short term.
- 4.9 In addition, a more detailed review of the methodology was underway and expected to conclude in 2022. Whilst the council would remain exposed to the reduced charges until the review had concluded, it gave a chance to consult industry experts to make sure the revised dataset was robust, whilst also working with districts to make sure they appreciated and understood the new approach in a hope to avoid ongoing conflicts.
- 4.10 Members were incredibly concerned that 4.3 of the report stated no CIL contributions had been paid to the county council from 5 of the 6 district councils, and at what point the monies had been withheld.
- 4.11 Officers advised they had tried for over a year to set up a joint study with the districts but had faced difficulty in agreeing how this would be funded. Eventually the county offered to pay for the study alone in order to avoid

anymore delay. Noting the difficulty faced locally, it was agreed that this would need a lead nationally from MHCLG. Officers had now approached and were working with the County Council Network to use combined pressure to make a case to Government. It was added discussions had started nationally on introducing a new system for infrastructure charging but this would likely not be implemented in the near future.

- 4.12 In concluding this item, the Committee requested that their serious concern and frustration at the current situation was sent in writing to the lead Cabinet Member, and to show their support for discussions to be had at officer and member level to find a resolution.

ACTION: DSU

5. EXECUTIVE DIRECTOR'S REPORT: ECONOMY, ENVIRONMENT & INFRASTRUCTURE

- 5.1 Colin Chick, Executive Director of Economy, Environment and Infrastructure, updated the Committee on current issues. In particular, members noted that:

- The council's offer on the ash die back programme of planting two trees for every one felled had received a positive response, but it was then vital that the right tree was planted in the right place, taking into account the required upkeep and safety concerns of planting large trees on the highway network.
- The J10 Preferred Route had been announced on 16 June, GCC was therefore currently in process of contacting people and working with land agents to address any land impact issues.
- The Gloucestershire South West Bypass project was moving forward following delays from Covid impacts. A bid had been submitted into the Levelling Up Fund to make up the shortfall in funding and the aim was to be on site by the end of this year.
- West Cheltenham scheme was due to have Phases 1 & 2 finished this summer, with Phases 3, 4 and the cycle scheme element due to finish in spring 2022.
- The Emergency Active Travel Fund was currently being used to complete the cycle route 'spine' through the county. The London Road Gloucester section was complete, the next section would then link from the end of London Road through to Arle Court in Cheltenham. This was due to be on site by the end of the year if not earlier.
- Once this section was complete, it would link up to the A40 West Cheltenham cycle scheme and would result in a cycle route from the edge of Gloucester to the train station in Cheltenham.
- The next phase would then be to link from Black Dog Way in Gloucester to the Canal path and out towards Stroud.
- GCC had secured £1.3m national funding to trial the responsive public transport system in Cotswolds and the FOD. Four mini buses would be purchased with the money and run a two year test trial.

- The appointment times at all the HRCs had improved, additional spaces were able to be released due to Covid restrictions reducing. A booking system was still being favoured by residents to continue.
- The reopening of the Energy from Waste visitor and education centre was due imminently. It had been closed through the pandemic with outreach work being completed virtually.

5.2 An action was taken to look into the delay in signing off the Lydney cycle scheme that had been funded via the LEP.

ACTION: Colin Chick

- 5.3 It was questioned whether the county had an overarching tree strategy document that detailed numbers, areas, timelines, costs etc. for the county's future tree planting.
- 5.4 It was advised that GCC's 1m tree planting target had originally had hooked onto the Gloucestershire Local Nature Partnership Strategy for tree planting. It continued to be a battle to find the appropriate land for this level of tree planting and the funding to deliver. It was added the strategy was mentioned in a number of other documents such as the Climate Change Action Plan.
- 5.5 The Cabinet Member for this area agreed there needed to be an overarching strategy for the county, but that it also needed a wider focus than just trees, to include targets on biodiversity, CO2 capture, wetlands etc. There were a number of measures that GCC could capture on a dashboard to show whether the momentum was moving in the right direction and whether it was succeeding.
- 5.6 A member asked whether the county would be able to develop a carbon audit which would sit alongside the economic business case for major development to help understand how we were mitigating the emissions created.
- 5.7 It was advised that the Council as a corporate body had targets for carbon neutrality which was progressing very well. Unfortunately a wider audit for the county as a geographical area was very difficult to produce as it would rely on the input of partners and due to the level of resource needed. Major projects such as M5 J10 and J9 had their own very extensive environmental checks within the business case. The point was noted and advised it would be explored via the new climate change coordinator post that had just been recruited to.
- 5.8 On the performance indicators at the end of the report, it was stressed that a 52% satisfaction rate with highways was pretty poor and questioned what the council could do to address it. Officers accepted that previous cuts to the highways budget over many years had recently begun to show its impacts. Over the last few years the council had focused on putting more money in to

bring the A and B road network back up to standard, the next step was to put in additional funds for the unclassified road network.

- 5.9 The Chair requested that members put any further specific issues on highways in an email to DSU in preparation for the September meeting item.
- 5.10 A member questioned what work was being done with the districts to implement the waste hierarchy, at the top of which was waste reduction and prevention. It was advised that the new Waste Partnership had now been created and there had been an agreement for an amount of money to be available for education on this issue.
- 5.11 There was a request for officers to look into the need for soil conservation at county farms and a further discussion offline regarding future plans to tackle congestion on the B4215 in Newent, which a local member felt had not been sufficiently addressed in the revised Local Transport Plan.
- 5.12 Noting the recent gridlock issues the county faced with another closure of the M5, it was questioned what happened in those situations in regards of traffic management. It was advised that the highways team responded accordingly where possible and where they received prior warning, which was not always the case.
- 5.13 A member raised a concern of how unclear the A46 diversion route was currently, highlighting a number of residents had been in contact having become lost. There was a need in future for clearer diversions and better communication.

6. WORK PLAN

Members considered the draft work plan that had been circulated and the following was discussed:

- The extraction of minerals and its environmental impacts would be added to the November meeting agenda.
- A request was made for an update on the progress made on the Biodiversity Task Group recommendations.
- There was a lengthy discussion about the positioning of the climate change item. Officers had requested for the item to be delayed from October to November due to capacity issues, but members felt strongly they did want to delay this important discussion.
- It was accepted that moving the item to the November meeting would allow a more detailed report to be produced, time for new officers to settle into their roles and start delivering against the strategy, and adequate Committee time for a detailed discussion.
- A Member requested an update on the cycling strategy group, which officers advised was in the process of being reconstituted and would update councillors on the progress as soon as possible.

Minutes subject to their acceptance as a correct record at the next meeting

CHAIR

Meeting concluded at 13:30.