

# ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

1 NOVEMBER 2016

**PRESENT:** Councillor M Winn (Chairman); Councillors S Jenkins (Vice-Chairman), C Adams (in place of A Hetherington), M Bateman, A Bond, S Chapple, A Cole, S Cole, B Everitt, B Foster and S Lambert (in place of P Agoro)

**IN ATTENDANCE:** Councillor Sir Beville Stanier

**APOLOGIES:** Councillors Agoro and Hetherington.

## 1. MINUTES

RESOLVED –

That the minutes of the meeting held on 20 September 2016 be approved as a correct record.

## 2. DECLARATIONS OF INTEREST

Councillor Lambert declared a personal interest in Agenda Item number 6 (Update on Flooding on the Willows development) as the Buckinghamshire County Councillor for the Aylesbury West ward which covered the Willows development.

## 3. ECOLOGY UPDATE 2016

The Committee received a report which provided information and an update on the changes since the 2015 report. The report highlighted species which were protected, in need of management and at risk of decline, and showed how the council was managing protected species, and how AVDC policy is enabling habitat conservation.

The report set out the key areas of work that the AVDC Ecologist delivered to meet the growth agenda, health and well-being, and community engagement objectives. It set out how the council protected species and habitats through the planning process to ensure no net loss and where possible net gains to biodiversity in accordance with National Planning Policy Framework (NPPF). The report also discussed how species and habitats are further enhanced and protected through the various partnership projects that exist through the support of the Ecologist.

The Committee heard that since 2015 one Ecologist had been responsible is for providing advice regarding all planning applications that had an impact on ecology. These applications varied between a two storey extension to major developments and infrastructure projects such as HS2. The AVDC Ecologist reviewed nearly 1,000 planning applications every year. The Ecologist also provided guidance on policy to ensure the Vale of Aylesbury Local Plan provided protection for nature across the Vale.

Of particular note was the success in the negotiation and design of the Kingsbrook development. The developer, Barratts, was working with Officers and the RSPB towards biodiversity enhancement. Kingsbrook was expected to be a new benchmark for housing development in this respect. The ecological measures at Kingsbrook include:

- 120 hectares wetland nature reserve created managed by the RSBP
- A substantial visitor centre managed by RSPB servicing the nature reserve
- A national Black Poplar trail
- Native trees throughout the development

- Integrated bat and bird boxes in all appropriate buildings
- 70% of the development will be green space primarily managed for nature conservation
- A Sand Martin bank
- Over 50 new ponds
- Biodiversity Action Plan priority habitat created throughout
- Ground breaking Sustainable Urban Drainage Systems designed to be functional and benefit biodiversity
- Fruit trees in over 50% of the gardens
- Fencing designed to be permeable to wildlife
- Wildlife crossings under roads
- Gardens designed to be wildlife friendly

The Committee was informed that volunteer support played a key role with the AVDC Ecologist, generating 2,800 volunteer days in 2015. These groups carried out practical conservation work, biological surveys, and liaised with landowners and scientific studies. The groups were relatively independent but relied on support and guidance from the Ecologist. The volunteers had also undertaken conservation management through planting wildflower meadows, hedges and trees as well as hedge laying. These benefitted the environment, as well as users and passers-by. In addition, these were services that AVDC would otherwise have to pay for. Recent projects included Riverside Walk and The Coppice.

Members sought further information from the AVDC Ecologist and were informed:-

- (i) the number of bird boxes in Kingsbrook could be increased but depends on cost. The number of Swift boxes had increased from 600 to 800, at a cost of £15 per new box. The intention was to provide even more boxes and bring the unit cost down. Additionally, it was planned to push developments of over ten houses to include bird boxes.
- (ii) developments were being approved based on their reduced impact on wildlife. In each development, AVDC tried to create wildlife corridors to allow species to move and encourage diversity. Kingsbrook would be the largest European Black Poplar woodland.
- (iii) the planting of fruit trees in over 50% of the gardens and the use of permeable fences had been confirmed by Barratts which had led to the RSPB endorsing the development. The fruit trees formed part of the Landscape Master Plan and were covered by the condition granted for this planning application. As such, the trees needed to be retained for at least 5 years and any trees removed during this period would need to be replaced. Each new household moving into the properties would be provided with a Welcome Pack with information from the Developer and the RSPB explaining the ecological aspect of the gardens. It was hoped that by getting residents to 'buy-in' to the idea then they would keep and maintain these features.
- (iv) from an AVDC Commercial perspective, it was understood how marketable our activity was and it was the intention to work with Communication and Marketing to do this. The AVDC Peregrine Falcon Project was currently being viewed worldwide. AVDC had a commercial nursery to supply Black Poplar trees to developers and Limecart were looking to supply permeable fences and bird boxes.
- (v) work was still being undertaken regarding ecological mitigating circumstances for HS2. The HS2 route would run through Bernwood Forest which was the habitat for Europe's rarest mammal, the Bechstein bat. The male and female species

lived in separate parts of the forest and the HS2 line would cut them off. The bats did not fly over open land so there was the danger of the population dropping and/or moving location (as seen in Germany). There were 600 planning applications expected in future relating to HS2.

Members also commented on how well put together the report was, commended its contents and the work carried out and look forward to future updates.

RESOLVED –

- (1) That the Ecologist be thanked for attending the meeting and briefing Members on the ecology and biodiversity work being done by the council.
- (2) The contents of the report and the achievements to support biodiversity and planning and benefits to the Vale be noted.

#### **4. UPDATE ON FLOODING ON THE WILLOWS DEVELOPMENT**

The Committee received a report which provided an update on the actions taken since the flooding on The Willows Estate during February 2014.

A Repair and Renewal Grant of a maximum of £5,000 per homeowner that suffered from internal flooding was provided. The grant was to be put towards improving the flood resilience of each home. From this fund, £500 could be put towards studies and floor risk reports. This meant that out of 80 households, £40,000 could potentially have been available for AVDC to carry out feasibility work. AVDC had approached partner authorities (Buckinghamshire County Council, Environment Agency, Transport for Buckinghamshire, and Thames Water Utilities Limited) on 9 June 2014 to ask if they would work cooperatively towards the studies. Out of 80 households, 67 agreed to the feasibility study which led to £33,500 being pooled together from the RRG fund.

Hydro Consultancy carried out the study and constructed computer simulated flooding scenarios. From this model, three options had been proposed to help reduce the flood risk at The Willows Estate. The cost of this model and report was £12,250. Additionally, Hydro Consultancy had been asked to provide and develop a long term flood alleviation scheme to preliminary design stage at an additional cost of £2,750.

For the model to be accurate, additional topographical survey data were required. This had been carried out by Global Surveys and they had completed the work in week commencing 20 January 2015. The cost of the survey was £4,650.

The final report provided three options:

- Temporary defences
- Temporary defences with some capital works
- A long term capital scheme

The Committee was informed that temporary defences were chosen in order to maximise the RRG funds. The defences were currently stored at a Transport for Bucks site and would only be deployed when heavy rainfall is predicted together with a raised water level in the brook. When a formal warning was released, AVDC, EA, Bucks CC, as well as the residents group, would be alerted via text and email.

To help promote the temporary defences and to show how the resident's grant had been spent, a launch event had been carried out on 12 September 2015. The event had also sought to explain how the defences work and the ease with which they could be deployed. The event had been well attended by nearly 100 residents.

The report highlighted the importance of corporative work between Bucks CC, TfB, Willows Residents Flood Group, EA, Bucks & Milton Keynes Fire and Rescue Service, and Bucks Off Road Group. The report also commended the support and assistance provided from Councillors at AVDC and Bucks CC.

The Committee was also informed of the on-going concern of rubbish and other material being dumped into the brook upstream and causing problems when it builds up. AVDC acted to remove rubbish when it was reported, however a more efficient method would be the prevention of rubbish being dumped in the first place.

Members sought further information and were advised:-

- (i) AVDC was limited to what action it could take regarding educating residents upstream about the impact of dumping rubbish in the Riverine Corridor. It might be possible to leaflet drop information in The Willows. It was expected that the dumping of rubbish into the brook would reduce in the Autumn and Winter due to the weather and shorter day light hours. It was more of a problem in the Spring and Summer. CCTV might not be a suitable solution as there were no specific locations where rubbish was being dumped into the brook.
- (ii) flood impact assessments were considered with individual planning applications. In addition, all developments of ten or more houses were automatically consulted on with the County Council as the lead flood authority.
- (iii) that if they had any particular issues relating to flooding then they could be directed to the Flood Risk Management Committee.
- (iv) on the latest position regarding the adoption of the Riverine Corridor at Fairford Leys.
- (v) that Council Officers met frequently with HS2 and would pass on the concerns that had been raised at this meeting.

Members also commented that:-

- more work needed to be done to ensure that all stakeholders worked together better on flood management and mitigation issues.
- they were concerned by a lack of action taken by the Ernest Cook Trust in responding to reports of dumping and lack of maintenance which had then contributed towards flooding in the brook.

RESOLVED –

The contents of the report be noted.

## **5. ENFORCEMENT UPDATE**

The Committee received a report on planning infrastructure to assist members in their understanding. The report contained information on:

- The nature of enforcement work
- The basis upon which formal action could be taken
- Justifications that had to be shown in order to take action
- The different stages in the enforcement process

Members sought further information and were informed that:-

- (i) the Planning Enforcement team had not been fully resourced over the last year due to one employee being on long-term sick leave who had then left the council. Whilst consultants had been utilised, there was still a vacancy post. Enforcement had been maximising use of their resources through the introduction of a web form where people could submit a lot of information, along with photographic evidence, to AVDC. This had minimalised the number of site visits required and, in some cases, had led to quick case closures.
- (ii) site visits were still undertaken when necessary as an online complaint may need further validation, for instance in the case of untidy land.
- (iii) some of the terminology in the Planning Enforcement Plan was intentionally broad
- (iv) there was little demand for an out of hours service as breaches mostly occurred during working hours. There was a level of cover provided during Bank Holiday weekends
- (v) drone usage had been considered had also been used by other authorities. There might be scope to utilise this in future once the legal aspects had been addressed
- (vi) not all issues might be reported to AVDC so communication from Members when they become aware of a complaint was important
- (vii) the council kept a register of protected trees that could be checked on the AVDC website
- (viii) when a breach had been reported then all the available information was assessed to decide whether undertaking formal action was in the public interest
- (ix) case costs were not always tangible at the outset when a possible planning enforcement matter was reported

Members also commented:-

- the council's authority as a third party was appreciated by constituents as they could negotiate and resolve complaints raised.
- that they appreciate passing on any residents' concerns regarding Planning if and when they arise.

RESOLVED –

The contents of the report and the Enforcement Plan be noted.

## **6. SERVICES PROVIDED BY THE COMMUNITY SPACES TEAM**

The Committee received a report on the services provided by the Community Spaces Team. The services provided by the team include the following:

- Procure, manage, monitor, and administer contracts covering; horticulture and street cleaning operations, public conveniences cleaning, public health funerals, and parks improvements
- Identify and deliver improvement projects in parks and open spaces

- Secure external funding to enable the delivery of improvement projects
- Provide safe and good quality play provision
- Develop partnerships with suppliers, community groups, and statutory bodies
- Manage and monitor developer S106 leisure contributions
- Develop and maintain sports pitches and related facilities including booking service
- Investigate instances of fly tipping and enforce fly tipping laws in liaison with the Waste Partnership for Bucks
- Investigate reports of abandoned vehicles and arrange for disposal
- Manage and deliver the public health funerals service
- Fulfil customer enquiries including service requests, compliments, complaints, and comments.

The services provided had been done during a time of staffing structure change due to the Heritage Team Leader post becoming vacant. 12 months ago, the Green Spaces Team had been realigned across the organisation which had led some redundancies. The management of trees on AVDC land and the strategic management of AVDC parks had transferred to the Community Spaces Team. Work related to commenting on planning applications and S106 negotiations for leisure infrastructure had also transferred to the CST, with no additional posts created to cover this work.

The team had achieved a seven year contract saving of £1.4m through procuring a single contract to provide a horticulture and street cleaning service in the district as opposed to the two previous separate contracts for these services. Similarly, a dog waste service had been incorporated into the work done by horticulture and street cleaning contract rather than having a separate contract. Other achievements include:

- Positive outcome from an internal audit regarding our management of the Street Cleansing and Horticulture Contract, including monitoring of work and financial controls.
- Working differently to reduce staff number from 13 to 7 employees. This had meant some functions such as the Vale Park warden service had stopped, although with minimal impact given the site had a presence through PCSOs and Aqua Vale Leisure Centre, combined with changes to make the site safer.
- Horticulture services provided to Buckinghamshire Fire Brigade via our Street Cleaning and Horticulture Contract; providing another public body with savings compared to their previous arrangements.
- Green Flag awards for Vale and Bedgrove Parks had been secured.
- The subsidy of pitch provision for football had been reduced by closely monitoring demand to ensure each pitch was fully utilised.
- The outcome of a RoSPA access and play value audit confirmed all sites had a minimum play rating of good.
- Management plans for closed churchyard that AVDC were responsible for had been produced with excellent stakeholder involvement and had been published on the website. Linked to this, a programme for memorial testing was now in place.
- External funding secured from; WREN for Bridge Street play area, SITA Trust for Cottesloe Green ball court, Sport England for an artificial cricket wicket at Alfred Rose Park.
- Support the establishment and continuation of parkrun at Riverside Walk, Aylesbury and Heartlands, Buckingham.
- No loss of town/parish sport/leisure S106 funds, due to funds being spent within the agreed deadline.

Members sought further information and were informed that:-

- (i) gully pots on highways were a County Council responsibility, while AVDC was responsible for road sweeping and leaves in gutters.
- (ii) the council had a statutory responsibility for Public Health Funerals when relatives could not be found to pay for the cost of the person's funeral. Wherever possible, the council would endeavour to recover the cost from the person's estate.

RESOLVED –

The contents of the report and the services provided be noted.

## **7. WORK PROGRAMME**

The Committee considered their future work programme as submitted to the meeting.

RESOLVED –

That the current work programme be noted.