



Buckinghamshire County Council  
**Select Committee**  
Environment, Transport and Locality Services

# Minutes

*ENVIRONMENT, TRANSPORT AND  
LOCALITY SERVICES SELECT  
COMMITTEE*

**MINUTES OF THE ENVIRONMENT, TRANSPORT AND LOCALITY SERVICES SELECT COMMITTEE HELD ON TUESDAY 4 FEBRUARY 2014, IN MEZZANINE ROOM 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.40 AM.**

## **MEMBERS PRESENT**

Mr T Butcher, Mr D Dhillon, Mr P Gomm, Mr S Lambert and Mr W Whyte (Chairman)

## **OTHERS IN ATTENDANCE**

Mr R Cook, Ms S Griffin (Secretary), Mr L Hannington, Mr K Hills, Dr J Nethercoat, Mr S Rooney and Ms K Wager

## **1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**

Apologies for absence were received from Bill Bendyshe-Brown, Bill Chapple and David Carroll.

## **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **3 MINUTES**

The minutes of the meeting held on Friday 6 December 2013 were agreed as a correct record.

### **Matters Arising**

#### *Environmental Green Deal*

A meeting to discuss the EU bids and funding with relevant officers has been re-scheduled for the 20 February 2014.



INVESTOR IN PEOPLE



An email has been received from Stephen Walford advising that the full bid made for EU funding is the same funding referred to for the Local Enterprise Partnership.

#### *Customer Focus Project*

The project is ongoing.

#### *Chairman's Report*

Cabinet met on the 3 February to discuss the Budget Scrutiny recommendations.

#### *Waste and Recycling update*

Stephen Boddy has provided the following update to Committee Members;

**The research mentions nearly 2000 customers were surveyed. What percentage of this figure are visitors to Bucks waste sites and was the survey conducted at particular sites on particular days? The exact percentage of customers can be reported back to the Committee**

**Response:** *All customers were surveyed whilst at one of our 10 HWRC's. Surveys were carried on a Friday, Saturday and Sunday in October / November 2013 in half day sessions over a range to dates due to resourcing / weather. On average a total of approximately 190 customers were questioned at each site. Over the same period each our sites saw between 900 and 2500 customers at each site over a three day period with up to 977 on any one day. Approximately 10% of customers were therefore surveyed on average over a full 'weekend' of sessions.*

**Members of the Committee agreed that they would like attend the workshops. An invitation and further details are to be circulated to Committee members in January 2014.**

**Response:** An invitation will be sent our shortly to tie in with completion of the Options modelling work which is delayed whilst completing tasks required of the Project Board and incorporating data collected from the above survey – my apologies.

**The community skip schemes run by some the District Councils are coming to an end. Is there going to be a review on the affect this could have on HWRC sites?** The focus of this project is on household waste services but this issue can be taken away and looked into. If the service is taken away by the District Council this might encourage individuals to bring the waste to HWRCs.

**Response:** AVDC Officers have confirmed that provision of community skips by Aylesbury Vale was withdrawn as part of the rollout of their kerbside recycling scheme from April 2012 with resident being encouraged to recycle more at the door. The WAAP project tonnage figures include HWRC data in the financial year April 2012 – March 2013 and we will continue to monitor variations in tonnages through this and our other contracts.

## **4 MINUTES**

The minutes of the meeting held on 18 December were agreed as a correct record

## **5 PUBLIC QUESTIONS**

The Chairman welcomed Councillor Robin Stuchbury to the meeting.

Mr Stuchbury explained that he had formally submitted several questions which he wanted to raise under Public Questions.

The questions submitted were as follows:

- Further information is needed on the policy and actions to be put in the public domain for public consultation. Any actions need to be in the public domain.
- There needs to be a discussion about the economic impact on property.
- Will the Council be making a decision to be a 'pro fracking' or 'anti fracking' Council' and will the choice be explained to the public?
- What is the Council's opinion on the Government offering money to Councils to undertake fracking prior to a full consultation
- If fracking take place under people's homes will they have the right to object and if there is an impact on their property how will they be compensated
- Will the fracking harm the water table and fresh water aquifer we drink from
- The decision made by the County Council needs to be 'open' for public scrutiny – Government have chosen the decision

Mr Stuchbury thanked the Chairman for the opportunity to speak at the meeting.

The Chairman explained that Lester Hannington, Lead Officer for Waste and Minerals Planning is attending the meeting today to give an update on hydraulic fracking (agenda item 8) during which the questions raised by Mr Stuchbury should be addressed.

## **6 CHAIRMAN'S REPORT**

The Chairman gave the following update.

The report from the TfB inquiry was presented at the Cabinet meeting in January. The recommendations in the report were accepted in the majority by Cabinet which reflects on the detailed of the work done by the Committee during the inquiry. An update on the progress will be given at the meeting today.

An audit report into TfB was presented to the Regulatory and Audit Committee on the 28 January 2014. The report took place in spring 2013 and was quite detailed. The report identified similar issues to those raised by the Environment, Transport and Locality Select Committee. KPIs are also dealt with in the report.

A meeting took place with Members of the Committee, County Council and TfB prior to Christmas. A further meeting is scheduled for the 13 February.

2014 is a very busy year for the ETL Committee. Future work will look at the environment, locality services (libraries, trading standards etc) as well as other areas of transport.

The ELT Committee is also the designated Crime and Disorder Committee. A statutory update will be given before July.

## **7 TRANSPORT FOR BUCKS IMPROVEMENT PLAN**

The Chairman welcomed Sean Rooney, Senior Manager, Place, Bob Cook, Interim Highways Manager, Kim Hills, Head of Highways and Transportation and Dr Joe Nethercoat to the meeting.

Mr Cook began the update by explaining that part of his responsibility is the delivery of the improvement plan at a good achievable pace and to make sure the correct actions are embedded in the service.

Mr Cook took Members through the TfB Improvement Plan update on progress, during which the following key points were highlighted.

Sections 1-4 of the report explain the background, details, progress of the Improvement Plan and progress with the Service, the strategic objectives and direction of the contract.

The seven key themes of the Improvement Plan as follows;

Theme A – Architecture, roles and structure

Theme I – innovation/transformation

Theme P – progress

Theme S – strategy

Theme C – customer focus

Theme E – ETL Inquiry report issues

Theme U – Audit report issues

The early focus of the work was defining the strategic objectives for the contract and setting the direction of where the service wants to move in terms of improvement. Work has also taken place on the organisational structure within TfB.

The Local Area Technician (LATs) service has been re-organised. The new structure and operating methods were implemented from the 2 January 2014 following consultation with Members. Consultation is currently taking place with employees on the proposals for a wider reorganisation of TfB. The restructure will better align services with the client and create a more client facing approach to the organisational structure.

Good progress has been made with the Customer Focus Project. One large piece of work undertaken is an independent Customer Journey mapping exercise. This exercise was carried

out by an external consultant and is now nearing completion. A workshop took place last week at a senior level and actions are being planned to take the findings forward.

KPIs and benchmarking are part of the current focus. There were actions from a recent audit report in terms of quality assurance and bringing more innovations to the contract. It is hoped that the management information section of work will be completed by the next financial year.

Work on reviewing key policy areas has also begun. A prioritised list of key policy areas which require reviewing and updating has been prepared. A draft of the new Safety and Inspection Policy has been completed. The aim is for the new policy to be submitted as a Cabinet Member decision in March.

Appendix A is a snapshot of the current status of the TfB Improvement Plan and detailed actions. The plan is a live document which is updated constantly. Thirteen further tasks have been completed since the report was written.

Section 4, Appendix C give some evidence of the service improving with extracts from recent emails, phone calls and tweets regarding the TfB Service.

During discussions, the following points made and questions asked;

The Chairman thanked Mr Cook for the very useful and helpful report in showing the progression made. One minor observation is that the Environment, Transport and Locality Services Select Committee felt they very much informed the start of the McCabe review which is not reflected in the report.

The audit report into TfB was not that recent. It was spring 2013 but throughout the inquiry the details and draft reports were not shared with the Committee.

**The report is very encouraging. Paragraph 2 on page 25 of the report advises that Member representation on the Strategic Board will be increased. How many members are currently on the Strategic Board, what is the proposed increase in membership and when will this take place.** At the moment the membership of the Strategic Board includes the Cabinet Member for Planning and Transportation. This will increase to two Members of the Authority. The decision has been delegated by Cabinet to Councillor Blake for consideration. It is hoped the new arrangements will be in place by the next meeting of the Strategic Board on the 10 March 2014.

**Page 24 refers to the new structure of the Local Area Technicians (LATs) following consultation with Members. The understanding is that in December Members were briefed about the proposed changes to the LAT service. What did the Member consultation comprise of? One concern is the split of responsibility along the A41 which is a strategic road and clarification of which LATs are responsible.** Proposals were put together within TfB which were then discussed at Senior Management and with Councillor Blake. The concept was shared at the TfB Members conference on the 4 December. The

briefing in this instance was seen to be the consultation with Members. If major issues had emerged from the conference TfB would have gone back and made the changes.

Mr Hills explained that he joined the organisation as Head of Highways and Transportation within TfB on 2<sup>nd</sup> December 2013 and was led to believe there had been discussions prior to the Conference on the 4<sup>th</sup> December in particular with the Cabinet Member. The new arrangements for LATs were implemented from 2<sup>nd</sup> January. An update report has been requested for May/June. The progression and contract arrangements will be monitored and will be subject to review. One of the changes that came into effect was most Members now only having to work with two LATs.

**As the Authority is Member led, how will Members be included in the consultation on the proposal about the wider reorganisation to improve customer service and clarify roles?** Mr Hills explained that the formal 45 day consultation period with employees started week commencing 27 January 2014. Obtaining Members views on the proposals would clearly be looked at. Discussions have taken place with the Cabinet Member but this can be expanded out to receive further feedback.

**There have been some recent changes to TfB whereby different parts of the Service area such as road safety are being lost. This could increase further complaints and the affect the running of TfB. It is felt that there is not enough communication from TfB to keep Members updated and informed.** Mr Hills explained that it is about engagement with Members of the Authority, parishes and members of the public to fully understand how the proposed changes to services are being taken forward and to receive feedback and respond and react to that. Mr Hills added if Members have any concerns about the changes and particular parts of the business he would be keen to hear about this now to allow any issues to be taken into account going forward.

**On page 29 of the report there is a statement about the Strategic Client carrying out regular monitoring of the quality of the works. Has this process changed since the report from the ETL Select Committee as there was found to be problems with the Strategic Monitoring process in 2013 and are there examples of how this process has changed?** There is one person who carries out regular checks for the client who is currently employed three days a week. The service is looking to strengthen the post to full time and potentially have an additional post to carry out the same checks. This is independent to the discussion taking place in regard to the overall structure.

**A large section of the report deals with complaints, complaints management and a new quick reporting tool (Complaints Records Management system). Is it possible to explain more about the system to give an understanding of what the system looks like and the line of reporting etc.** Dr Nethercoat explained that there are two parts to the complaints process. Formal complaints are investigated independently of TfB and Place service. Every complaint that comes in the service is recorded, monitored and progressed through the Councils corporate complaints system.

**Under Theme C – Customer Focus, reference to made to high profile correspondence now being subject to additional scrutiny with systems revised to provide improved**

**tracking and response. Is it possible to define 'high profile correspondence' and the percentage for covering these in terms of complaint handling?** A new reporting system has recently been constructed which is based on the existing database structures. The new system gives greater detail on areas of progression and areas of concern etc from which a report is automatically generated. Work is currently taking place with Parish Councils to produce automatic reports which give CRN's for their specific area. It is hoped that the Parishes will take up the possibility of receiving a weekly/monthly automated report on concerns relevant to their area.

**How would the new system benefit a member of the public/customer who has a concern about a pothole or a problem with a streetlight?** Dr Nethercoat explained that part of the work that has taken place since the update given at the September meeting of the Committee is the Customer Journey Map. There were concerns that some complaints could fall into a 'black hole'. As part of the new intelligence system complaints can be progressed, tracked and dealt with in greater detail and cannot fall into a 'black hole'. One of the aims is to deal with any concerns before they become a complaint and to try and stop failure demand.

**The report advises that correspondence turnaround has improved from around 28 days to 70% response in 5 working days and formal complaints have reduced by over 80% since the first recorded centrally (page 29). The complaints data is held within the Authority not by the contractor. The knowledge about how the complaints are resolved, lessons learnt etc is therefore within the County Council not the contractor.** Dr Nethercoat explained that stage one complaints are investigated by the Complaints Team and are filtered through for a response from the Head of Highways and Transportation or Senior Manager, Place. If the customer is not content that the complaint has been dealt with this becomes a stage two complaint which is sent to the Service Director, Customer Contact for a response. If the customer is still not satisfied with the investigation carried out this then becomes a stage three complaint which is sent to the Head of Legal Services for further investigation. The number of complaints has reduced as responses have improved. When the process first started a lot of complaints were received as a result of the customer not being contacted or responded to. The nature of the complaints is changing to challenging decisions such as why was the road closed.

**How does the work on innovation of transformation fit in with the contractual percentage of reductions to be made each year in terms of promoting innovation?** At the moment there is a system called Value Plus in place which is where TfB capture innovations. Any innovations that come out of this new initiative will also be captured in Value Plus and will contribute to this. The Innovation Strategy document has just been received which will go to the Strategic Board in March.

**One of the underlying concerns during the inquiry process was the lack of visibility of staff members and an understanding of who does what on a daily basis following significant changes within the County Council and TfB over the last few months. It would be useful to understand the membership of Project Board.** A diagram detailing the structure of the TfB Project Teams & Governance will be circulated to Committee Members.

**Action: Bob Cook**

Compliments were given to the team for listening to, acting upon and implementing requests made by the Environment Select Committee.

The Chairman said that in future reports it would be useful to bear in mind that when the term 'Members being consulted' is used this is referring to the Cabinet Member which is different to Members of the wider Council.

The Chairman gave thanks on behalf of the Committee for the very detailed and candid report and for the work done. He added that he is pleased to see a change in the attitude and a response to some of the long standing concerns on the TfB contract. It is hoped that some of the positive changes which are starting to be seen will filter through the rest of the year and for residents to see improvements.

Any further notes/ information for the Committee can be circulated prior to the next formal review on the 2 September.

**Action: Bob Cook**

## **8 BUCKS POSITION ON HYDRAULIC FRACTURING ('FRACKING')**

Lester Hannington, Lead Officer for Waste and Minerals Planning Policy was welcomed to the meeting.

Mr Hannington began by explaining that Buckinghamshire County Council is reviewing their existing Minerals and Waste Local Plan with a view to begin work to replace it in 2014. The County Council adopted the Minerals and Waste Core Strategy in November 2012 which provided some overarching policies on where mineral extraction and development should take place.

The 2006 adopted Minerals and Waste Local Plan is out of date, and the National Policy Framework has since been published. One key area of work is revisiting the policies, and bringing them up to date, as well as identifying new sites for mineral working and for certain small scale kinds of waste development. The oil and gas industry is one element that needs to be taken into account when the review is carried out and the plan is brought up to date.

There have been a continuing number of developments recently, which are included in statements from Members of the Government, and other reports. There has been a recent announcement by the Chancellor of the Exchequer in the autumn statement 2013 of changes to the tax regime in respect of shale gas exploration and production.

There are two exploration licences in the East Midlands in a geological basin known as 'the Gainsborough Trough' which is historically an area of oil and gas extraction, and has been part acquired by a French company, Total.

In January 2014, the Government announced that local Councils where shale gas 'fracking' is allowed will be able to received 100% of Business Rates from the operation (the current rate is



50%). Buckinghamshire County Council is a Mineral Planning Authority and would determine any applications that come forward for shale gas exploration or production. There are no applications at present for determination, no pending applications, and none submitted in the past.

Local residents and communities affected by 'fracking' for exploration or production, are now being offered a compensation scheme which includes at the explorations stage, £100,000 in community benefits per well-site where fracking takes place.

In October 2013, Public Health England published a 'Review of the Potential Public Health Impacts of Exposures to Radioactive and Chemical Pollutants as a result of Shale Gas Extraction'. The review considered various chemicals involved with shale gas exploration using hydraulic fracking and the risks associated. It concluded that the risks are acceptable so long as the practice of exploration by hydraulic fracturing is appropriately regulated.

The clear message is that Government historically continues to rely on the effectiveness of the regulators, which means especially the Environment Agency and the Health and Safety Executive. This is expressed very strongly in the National Planning Policy Framework and the Planning Policy Guidance in respect of hydrocarbons.

The next steps are;

- The Government is to undertake a further round of licensing for onshore oil and gas exploration later this year. The Council should wait for this licensing round and at that time review whether any new licenses may affect Buckinghamshire.
- The Council as Minerals Planning Authority will be developing a new planning policy document 'the Replacement Minerals and Waste Local Plan' (MWLP). This will provide the opportunity to have a robust and up to date policy or policies with which to determine any planning applications for 'fracking' for shale gas that may arise in the future.

During discussions, the following questions were asked and points made.

**Does the Council have a positive view on fracking or should it remain neutral, if any application is received before the core strategy is amended what would be the process.** When the County Council replaces the existing Minerals and Waste Local Plan, if they put forward a policy which is very negative later in the process there could be problems in terms of the acceptability at the Hearing stage. The inspector will look at the National Planning Policy Framework (NPPF). If the Replacement Local Plan was found not to be positively worded about development, this would need to be justified in terms of local evidence since policies are supposed to facilitate development.

**Has there been any historic drilling or exploratory work in Buckinghamshire?** There has been some degree of exploration for conventional oil and gas but none of the exploratory work has shown a commercially viable deposit of oil and gas. This is one of the reasons why some of the areas are shown in the recent Strategic Environmental Assessment, not because they are a strong candidate for future licencing.

**Is there any view/inclination about the Core Strategy i.e. will it reflect the NPPF rather than the local policy which would be for the benefit of the county?** It is a legal requirement to be consistent with the NPPF. However where there are local considerations they can be taken into account and locally specific policy can be developed. Oil and gas has historically been won through more conventional forms of extraction throughout the world. The use of 'fracking' is not entirely new, because even with conventional oil and gas extraction, a small amount of fracking is often used to make the wells flow slightly better. It remains to be seen whether a local 'slant' can be developed. In developing planning policy, the starting point is always the NPPF, and cannot be deviated from, unless there is a very strong argument to do so.

**Is there the intention to consult with members of the public to bring them up to speed on fracking in both rural and urban areas?** The intention is to consult with District and Parish Councils and any known individuals who have an interest in fracking to obtain a view on the potential choices, any specific issues, and the direction of travel for the rest of the plan making process. Any specific businesses and individuals/organisations can be added to our database. Ideally some exhibitions will also be held.

**There was a very useful policy briefing issued last week from the Local Government Information Unit and irrespective of the for/against fracking issues, a very important point was made. Would the Authority's current policy deal with this satisfactorily or does the timetable for updating the plan and policy need to be addressed more urgently? If fracking was to happen, are we satisfied there are the appropriate safeguards against water contamination on sustainable water, the disposal of waste water and chemicals and the risk of seismic disturbance? What mitigations would be put in place for the inevitable disturbance of local residents and to ensure that benefits flow to the local economy?** If an application is submitted for exploration by fracking, first of all the applicant has to notify all of the landowners including agricultural tenants. Residents adjacent to the property are also consulted to give the opportunity to raise objections/give comments to the planning authority. There has been a recent consultation on proposed changes to the planning application regime in terms of oil and gas exploration in January 2014, which would take away the need to notify landowners, but this has yet to be approved. It was only a consultation document. There is also the issue of potential trespass.

In respect of compensation, the UK offshore operators group have voluntarily offered a compensation scheme of £100,000 in community benefits per well-site where fracking takes place. A payment of 1% of revenues at production will also be paid out to communities. Further details on how this will be distributed are awaited.

**What do the existing policies deal with in terms of water safety through to mitigations of disturbances of communities?** Generically oil and gas exploration is dealt with under Policy 9 of the existing Minerals and Waste Local Plan. There are a number of issues that are dealt with under other policies;

Policy 33 – ground water and flood plains

Policy 30 - Transport

Policy 31 – Restoration

Policy 28 – Amenity impacts such as noise, vibration, dust, fumes, pollution etc

These are the existing policies that are used on a day to day basis by colleagues in the Planning and Advisory Compliance Service for determining applications for mineral extraction of waste developments. The policies are fit for purpose, but the issues will be revisited in bringing forward a new replacement Minerals and Waste Local Plan. There is also a strong reliance from the Government on the regulators, both the Environment Agency and the Health & Safety Executive, who have more detailed involvement in terms of protecting the water environment through dealing with the waste that comes out of the site and how it affects the water table and the integrity of the wells itself. As a Planning Authority, the County Council has the separate role of dealing with other issues such as access, transport, lighting etc.

**The Government had an 18 month moratorium in place. In their recent report, they said that the two year delay was disappointing. Is there the sense of speeding up the pressure on Local Authorities to get planning regimes in place so that fracking can move ahead?** Yes, in the sense of if the planning policies are less up to date the Authority could be slightly more vulnerable if an application was submitted. There is only one licence at the moment which overlaps slightly with the County Council administrative area. The 14<sup>th</sup> round of licensing is due, and the overlap with the County Council boundary needs to be looked at. There is clearly a strong push to promote fracking, and the need for the Authority to be in a strong position to respond if any applications are received.

**In a further report the Local Government has said ‘it is up to the Local Authority to determine an application based on their Local Development Plan’. What happens if there is not a Local Plan in place before the 14<sup>th</sup> round starts?** There are the existing saved policies from the 2006 plan. New preferred areas for development need to be identified for certain forms of development e.g. sand and gravel. This is more difficult with oil and gas since a key locational issue is about the licence from the Department of Energy and Climate Change which is specific to the area of land. Unless there is a licence on the piece of land, there is no point in applying for planning permission. The Department of Energy and Climate Change are conducting a new round of onshore oil and gas licensing (14<sup>th</sup> round) later in 2014. This may be a key opportunity to bring policies up to date.

**When round 14 starts and licenses being issued what happens in terms of public consultation, how are members of the public consulted to make sure they are aware of planning applications and would there be extra publicity and safeguarding?** It is usual for immediate residents to be notified by the Local Authority as part of the process of handling planning applications. It is the responsibility of the applicant to notify landowners and agricultural tenants themselves. The Local Authority would also notify any residents adjacent to the site. The District and Parish Councils will also be notified and made aware.

[Tim Butcher joined the meeting at 11.10am]

**The National Planning Policy Framework (NPPF) has guidelines around planning concerning oil and gas, and there is a separate planning policy guidance note. If permission is granted, what else is required before exploration could begin?** Apart from

the planning permission, potentially a permit from the Environment Agency and drilling consent from the Department of Energy for Climate Change is needed before exploratory works can begin. There is also involvement from the Health and Safety Executive in terms of the integrity of the well. The operator has to appoint an independent well examiner. It is a highly regulated process.

**One observation is from the Department of Communities and Local Government revised requirements relating to Planning Applications for onshore oil and gas proposals paper January 2014. The Government view is for minimum regulatory burden on the industry which will need to be looked at carefully if an application is made. A copy of the LGiU update to be circulated with the minutes.** At the permissions stage the Local Authority could potentially ask for an Environmental Impact Assessment, as this application could be screened and classed as a Schedule 2 development. The detailed information would be looked at to ensure that relevant policies are satisfied, and that the information provided is sufficient to satisfy the Council planning policies. The key emphasis in the NPPF and the technical guidance on oil and gas, is that the County Council should not be seen to be undermining the regulatory regimes of the regulatory pollution bodies.

**Action: Steven Lambert/Sharon Griffin**

**The report advises the 'The County Council hopes to begin work on a new planning policy document on minerals and waste later in 2014'. There is concern that the current policies could be seen as a 'light touch planning authority'. Are there a robust set of policies in place now that could deal with any applications, when are we likely to hear the outcome in the 14<sup>th</sup> round and should the Local Authority commence review of policies in particular those which relate to fracking, sooner rather than later?** There is currently no indication at the moment of when the outcome of the 14<sup>th</sup> round will be announced. Buckinghamshire County Council is not a light touch Authority in that sense. It remains to be seen what amended wording would be acceptable to the inspector when we get to hearings for the submitted Replacement Minerals and Waste Local Plan.

**With regard to safety etc, what solid guarantees are there that fracking will not disturb or affect the land structure locally both short and long term?** If seismic events are being referred to, in 2012 the Government halted drilling operations in Lancashire as there were minor tremors. The tremors were investigated and further requirements were brought in for the operators to take on board. The Government is now convinced that it is safe enough to allow fracking to resume. Other bodies such as the Royal Society and the Royal Society for Engineering believe that so long as the process is regulated adequately, there shouldn't be any problem. In terms of any impact on stability of the ground or the water environment, fracking takes place at a greater depth than the water table is. The Health & Safety Executive and the Environment Agency are very much involved in the detail of how the process takes place. There the expectation by Government is that the environment should not be harmed if the regulators do their job properly.

**A recent report from the United States Environment Protection Agency refers to the risks, the environmental footprints of the sites, fugitive emissions from methane, the aquifer etc. As this is a carbon based emission risk, how does this fit into working with**

**other Local Authorities on air quality management, what policies are in place to manage fugitive emissions, what would the impact be on our carbon reduction plan and the environmental footprint?** The area of the site, i.e. its land-take is the planning matter. However, the use would be temporary for the exploration phase. Emissions to the air of primarily regulated by the Environment Agency, as some venting of gases found does occur. However if the amount of gas was commercially viable, then it could lead to an application for a facility to use this gas commercially.

**With regard to the licencing, is this for the equipment to drill but not the sub surface and the footprint?** The area is licensed by the Department of Energy and Climate Change. The actual area of the site for drilling purposes especially for the exploration phrase is usually no more than two hectares.

**There are very limited opportunities for fracking in Buckinghamshire. If for example, if a seam was found under Aylesbury, how would the policies be managed and how would work take place with other Local Authorities to ensure there was protections in place and ensure there were adequate protections in place, and ensure that carbon emissions were managed? To what level of degree do we work with other Authorities to make sure the best local policies are put on place to safeguard the local environment and the residents?** In terms of the plan production, the Authority has 'duty to co-operate' which means work takes place other Local Authorities, both in and out of county, take their views into account, and seek to resolve any difference of opinion. The views of technical bodies also need to be taken into account to see if they can be implemented through the planning policy. If emission standards of the statutory regulators are exceeded, the Council can use this as consideration as a conflict with planning policy to potentially refuse permission.

**With regards to safeguards, are these put in place when work starts, by other Local Authorities?** In terms of safeguards, for example it is normal to have lighting on the site if there is a facility for drilling but this can be controlled by planning conditions. The issues about water environment would primarily be regulated during the drilling process by Environment Agency and the Health and Safety Executive.

**With regard to the recent flooding and surface water issues (use of water, waste water and the impact on the existing water), would there be three potential decision makers or would the Environment Agency decide on all three?** The planning decision made would primarily be by the County Council, in the sense that they need to be convinced that exploratory work is acceptable as a use of land given the existing planning policies. For example, Minerals and Waste Local Plan policy 33, which is about protection from ground water, flood plains and potential flooding. The first line of defence after the licensing by the Department for Energy and Climate Change is planning permission from the County Council. The potential for the effect on ground water would be an issue that would be considered in reaching any planning decision. If planning permission is granted then the company would still need to gain permits from the Environment Agency, and the Health and Safety Executive.

**At what point would there be public consultation with the local Members?** Local Members would ideally be made aware of any applications before members of the public.

**Will Local Members have input in the draft plan?** The intention is to have involvement in terms of Member briefing sessions before the consultation stage.

**What is the current timescale for the review?** There needs to be a revision to the existing Statement of Community Involvement first. Ideally the regulation 18 consultation on the new plan will start in the summer/autumn of 2014.

**There has been a lot of media interest about fracking. What are the Authority doing to ensure the facts, knowledge and information reach members of the public?** Work is taking place on the BCC website to improve our existing 'Frequently Asked Questions' page on 'Fracking' so as to include further information, and links to other websites i.e. the Department of Energy and Climate Change website. Communication is an important issue. Mr Hannington advised that he is happy for any further questions/queries to be directed to him.

The Chairman thanked Mr Hannington for the very informative update.

### **Committee Recommendations**

The Committee recommends that the Cabinet Member;

1. should consider producing a formal communication strategy to ensure clear communication at an early stage of the planning process, such as the latest news relating to the 14<sup>th</sup> round of licensing;
2. review and develop a clear timetable for the Replacement minerals and Waste Local Plan at the earliest convenience;
3. review the current policy and consider expediting policies relating to 'fracking' in the minerals and waste local plan to ensure that, should the authority receive applications for 'fracking', its policies are clear and robust;
4. that the committee receive an update on the Replacement Minerals and Waste Local Plan at the appropriate time.

## **9 COMMITTEE WORK PROGRAMME**

The Committee Draft Work Programme for 2014 was discussed during which the following comments were made;

4 March meeting

The 'Green Deal' item will be re-visited.

Information gathering will commence on the Local Enterprise Partnership and the S106 and its role.

## 8 April meeting

Library services in Buckinghamshire have undergone significant change over the last few years. The Cabinet Member recently announced that the intention is for libraries to have a greater face to face role communication with residents.

The Chairman asked Members if there were any specific items they wished to be added to the work programme.

- As part of the budget setting process there were discussions about the Citizens Advice Bureau and the Equalities and Human Rights part of the service. Should the Committee review how the impact of the removal of ECHR from the CRB contract and services can be addressed.

A report is to be requested for the April meeting to tie in with the update on Libraries

**Action: Kama Wager**

- The Crime and Disorder Strategy is to be brought forward to the April meeting to give the Committee time to consider this issue as there is a statutory July timeline for the ETL Committee to meet as the Crime and Disorder Committee a minimum of once a year.

A statutory update can be requested from the Community and Safety Partnerships and Police and Crime Panel on their work programmes. Susie Yapp, Trevor Egleton to be invited to the May meeting

**Action: Kama Wager**

- Does the Youth Offending Service and work with re-settlement process link in with the Police and Crime Panel? Should a written paper to be requested.

**Action: Kama Wager**

## 10 DATE OF THE NEXT MEETING

The next meeting is due to take place on Tuesday 4 March 2014 in Mezzanine 2, County Offices, Aylesbury. There will be a pre-meeting for Committee Members are 9.30am.

### **Meeting dates for 2014**

Tuesday 8 April

Tuesday 13 May

Tuesday 17 June

Tuesday 2 September

Tuesday 14 October

Tuesday 18 November

**CHAIRMAN**