



# Buckinghamshire Council

## Transport, Environment & Climate Change Select Committee

### Minutes

**MINUTES OF THE MEETING OF THE TRANSPORT, ENVIRONMENT & CLIMATE CHANGE SELECT COMMITTEE HELD ON THURSDAY 8 SEPTEMBER 2022 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.15 PM**

#### **MEMBERS PRESENT**

B Chapple OBE, R Carington, P Brazier, M Caffrey, M Collins, C Cornell, E Culverhouse, E Gemmell, S Guy, A Poland-Goodyer, M Rand, D Watson, W Whyte and A Wood

#### **OTHERS IN ATTENDANCE**

S Broadbent, J Jordan, G Williams, S Anthony, E Barlow, R Barker, M Dickman, K Fisher, R Garnett, V Grey, V Keeble, I Thompson and C Ward

#### **Agenda Item**

##### **1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors King and Sullivan.

##### **2 DECLARATIONS OF INTEREST**

There were none.

##### **3 MINUTES OF THE PREVIOUS MEETING**

A Member requested that their comment regarding the need to balance land usage between tree planting and food security be included in the minutes. Subject to the above inclusion, the minutes of the meeting held on 22 June 2022 were confirmed as an accurate record.

##### **4 PUBLIC QUESTIONS**

One public question was considered at the meeting as attached to the agenda and a verbal response was provided by the Cabinet Member for Climate Change and Environment. The question and its response are appended to the minutes.

##### **5 VEOLIA WASTE CONTRACT & ROUND REORGANISATION**

The Chairman welcomed Councillor G Williams, Cabinet Member for Climate Change & Environment, Councillor J Jordan, Deputy Cabinet Member for Environment, representatives from Veolia and council officers to the meeting. The Cabinet Member introduced the report to the Select Committee and highlighted the key points. In the north of Buckinghamshire, the

waste collection service is provided through an in-house service whereas in the south, the legacy Wycombe, Chiltern & South Bucks areas, the waste collection service was contracted to Veolia. In the contract, the target was for a maximum of 60 missed bins per 100,000. As part of the agreed contractual terms, Veolia had introduced a comprehensive reorganisation of the collection rounds with a view of improving service quality for residents and securing efficiencies. At the peak of the collection issues, around 600 out of 100,000 bins were reported as missed collections. This amounted to between 3,000 – 4,000 collections being missed per week. An external audit report would soon be published which would be presented to the Council's Risk Management Group, and the Cabinet Member advised that the Select Committee may also want to consider it.

The Chairman invited comments from the Veolia representatives. Andrew Reidy, General Manager, apologised to all residents and Members for the disruption caused and acknowledged the importance of rectification as soon as possible.

During the Select Committee discussion, the following points were noted:-

- Multiple Members reiterated how their residents had been negatively affected by the contract performance with examples given across different wards in the south of Buckinghamshire. Members also advised Veolia that a significant percentage of their current casework related to the ongoing waste collection issues including the Leader and the Cabinet Member. The Corporate Director asked Members to follow up with him after the meeting on cases where the service had not replied to reports of repeated missed collections.
- Despite some residents having lost confidence in the system, the Cabinet Member encouraged households to continue reporting missed collections online. Reports normally had to be submitted within 24 hours but had been extended to 48 hours; 15% of reports were currently within this extended 24 – 48-hour period.
- Data issues had been identified with examples including bins not registered at some households, collections being marked as completed when they were not and households missing from the new rounds.
- After a difficult start, Veolia had successfully delivered a round reorganisation in a local authority in the south of the country which was now one of the best performers. It was expected that the south's new round would eventually outperform the preceding one.
- The Council remained focused in working with Veolia to improve service delivery. The Cabinet Member advised that financial penalties were being explored and that the maximum the Council could claim was 5% of the contract value.
- The contract with Veolia was in place for ten years and had a five-year break clause. The contract contained definitions of a service breakdown, which were outlined in the report, and had not been reached during the peak of the poor performance. Veolia advised that although significant work had been put into the round reorganisation, a level of disruption for 8-12 weeks was always expected, and it was acknowledged that Veolia's anticipated scale of the disruption had not been correct.
- As well as the round reorganisation, other factors that contributed to the poor performance were:
  - A lack of experienced cover for staff due to sickness absence and annual leave during the summer.
  - Route learning being lost.
  - Some issues with the reporting system which, in some cases, led to duplicate reports.
  - Reports of missed collections being marked as complete when they were still outstanding which further frustrated residents.

- As part of the recovery plan, Veolia had increased crew resource, implemented additional 'catch up crews', and deployed weekend workers at their own cost. The extra resources were costing Veolia around £125,000 per month.
- Members sought assurance that Veolia were supporting their staff and crews during the round reorganisation. It was reported that crews had been engaged on their wellbeing and that catering vehicles had been arranged to show appreciation for their efforts. Veolia recognised the importance of drivers by offering recruitment and retention packages. Conversely, reported instances of poor behaviour from crews were investigated with Veolia following internal disciplinary processes.
- A Member suggested a system whereby residents could 'opt-out' of a collection that week if their recycling bin did not need emptying that week.
- One Member was mindful that the increased amount of customer contact due to missed collections in the south would impact all Buckinghamshire residents due to increased waiting times and lead times to resolve other service queries and issues.

The Chairman thanked everyone for their comments and civil discussion on an important service that impacted all residents in Buckinghamshire. The Chairman also thanked representatives from Veolia for attending to answer questions and would welcome their attendance at a future meeting.

## 6 FLOODING

The Chairman introduced the Deputy Cabinet Member for Environment, Councillor J Jordan, to introduce the report and outline the presentation that would be provided by officers. In the presentation, the following points were made:-

- In Buckinghamshire, 10.7% of land lies in Flood Zone 2 and 3 (equivalent to over 8,000 properties) and 8.4% of land lies in areas at high or medium risk of surface water flooding (equivalent to over 4,000 properties). The landscape was likely to change in response to climate change.
- Buckinghamshire Council acted as the Lead Local Flood Authority (LLFA) which required partnership working with the Environment Agency (EA) and water companies predominantly. The statutory role was outlined by officers.
- The roles and responsibilities for each authority were highlighted for flood risk management and flood incident management.
- The Strategic Flood Management team had a series of projects funded by central Government, regional committees, and the Council. Defra currently funded Project Groundwater 2021- 2027 which was focused on groundwater resilience in the Chilterns. The team was also responding to drainage aspects of planning applications of more than 10 units and linked with other council work such as Tree Planting and the Local Nature Recovery Strategy.
- Sustainable drainage systems (SuDS) were designed to manage stormwater locally and emulate natural drainage. They also enhanced the local amenity and biodiversity. Planning applications were required to provide a surface water drainage strategy; examples included the use of permeable paving and rain gardens.
- The council's approach to flood risk management was consistent with the EA's national strategy by creating climate resilience. The River Leck Natural Flood Management Scheme, which used leaky dams, was an example of this work. The Council also wanted to educate residents on flood risk and resilience.
- The Local Flood Risk Management Strategy would be revised in 2023.

The Cabinet Member for Transport introduced the gully clearance report which updated on the progress of maintenance. The Council had committed to clean every drain and gully last year,

costing £2m revenue, with another £2m capital investment of repairs. This exercise was being repeated for every gully this year. Last year's work had established a baseline of silt levels for each gully which was being checked against this year during the second year of cleaning. There were 7-8 gully teams carrying this out per day, and the super suckers were proving to be important.

In response to Member questions, the following points were noted:-

- It was acknowledged that the responsibilities for flooding were complex for all agencies which was confusing for Members and residents. The Council hosted a list of responsibilities on its website and signposted queries accordingly. The EA did have strategic oversight of flooding at a national scale which was then acted upon locally by partners which was stipulated in the Flood and Water Management Act.
- It could be challenging to encourage developers to deliver 'greener' SuDS that incorporated into the landscape. Recent changes to the Local Planning Policy guidance, which emphasised the need for SuDS to take into account water quantity, water quality, biodiversity and amenity, would help to hold developers to account.
- When speaking with residents regarding concerns of flooding and new developments, Members were advised developers had to manage their flows so that they are stored and slowly released at a controlled rate that is agreed with the LLFA and the planning authority.
- There was regular liaison between Strategic Flood Management and Transport for Bucks (TfB) regarding road flooding and gullies with each having its own responsibilities.
- The team followed Government climate change guidance and updated its work as the guidance changed. The latest guidance on climate change allowances could be found on the Gov.uk website: [Flood risk assessments: climate change allowances](#). This guidance applied to both flood management projects and planning applications. For example, a developer was required to demonstrate that surface water runoff from the impermeable areas on a development can be safely contained on site for storm events up to the 1% Annual Exceedance Probability (meaning a storm event that has a 1% chance of occurring in any given year). This would include a 40% uplift on peak rainfall to account for climate change.
- Project Groundwater sought to address groundwater flooding which was a lesser-known and hidden issue in flooding, and its impact could be devastating and long-lasting. The project was looking to create mapping information and a warning system using bore holes.
- Following the Section 19 Flood Report in Buckingham, an update on the recommendation regarding combined sewers work with the EA and Anglian Water would be requested. The response would be circulated separately once available.  
**Action: K Fisher / V Keeble**
- The purpose of the national and local policy was to steer development to the areas of lowest flood risk as set out by the Sequential Test and sequential approach. Statutory consultees, such as the LLFA and the EA, supported the planning authority in steering development to the lowest risk. There was a national record of planning applications approved contrary to the EA advice. The planning authority was not required to record the same information for decisions taken against the advice of the LLFA.

The Chairman thanked Members and officers for the discussion and requested that any further questions be referred to the Chairman and the Senior Scrutiny Officer outside the meeting.

## **7 TREE PROTECTION**

The Chairman invited the Cabinet Member for Climate Change & Environment to introduce the

report, and the following points were highlighted during the officer presentation:-

- Tree Preservation Orders (TPOs) prohibited the felling, topping, lopping, uprooting or wilful damage or destruction of the tree unless permission is specifically given for such activities.
- TPOs covering an area were only a short-term measure until each tree was assessed, plotted, and protected individually or as a group.
- Public support or opposition for a TPO would be considered a material consideration but would not outweigh a professional, objective assessment of the health and quality of the tree using industry standard methodology.
- The process of making and confirming a TPO, including Member involvement, was outlined.
- Legacy planning policies made up Buckinghamshire Council's policy on trees which would be aligned in the Buckinghamshire Local Plan. The Wycombe, now West, legacy area had a canopy cover policy with a canopy cover supplementary planning document.
- Baseline work was currently underway on the Buckinghamshire Council Tree Strategy which would include a review of TPOs to ensure these were accurate records.
- From April 2020, there had been around 150 enforcement cases related to unauthorised tree-related works.
- Neighbourhood Plans can include policies on trees which could be shaped by Town and Parish Councils.

The Committee noted the following during its discussion:-

- One Member suggested that the Council publicised enforcement cases related to unauthorised TPO works as a deterrent.
- A Member advised that the Woodland Trust was working with other councils to use volunteers to protect trees when a tree was in imminent danger of being damaged or felled.
- The removal or retention of trees within a planning/development context depends on the balance of policy requirements in the individual case.

The Chairman thanked the Cabinet Member and the officers for the report.

## **8 WORK PROGRAMME**

The Senior Scrutiny Officer advised that the inquiry report would be considered at November's Select Committee meeting.

## **9 DATE OF NEXT MEETING**

Thursday 3 November at 10am.

This page is intentionally left blank

**Transport, Environment & Climate Change Select Committee – 8 September 2022**

**Agenda Item 4 – Public Questions**

**Question One**

In the light of the recent, appalling destruction of an orchard in Holmer Green/ Hazlemere on the Trallee Farm site would it be possible to ensure that there was a system in place to provide a Tree Preservation Order when there is great urgency and offices are closed? This could be in the form of an individual who takes on this responsibility in an emergency and provides his/her contact details.

**Answer**

Following a report of tree removal on Saturday 25<sup>th</sup> June on land to the rear of 2 – 20 Wycombe Road and forming part of Trallee Farm development, an investigation was undertaken on Monday 27<sup>th</sup> June and concluded that the trees which were removed over the weekend were not the subject of a Tree Preservation Order. Therefore the removal was not a breach of planning law.

Following the removal of some of the trees on this site, there were several remaining trees that were assessed to provide good visual amenity both now and in the future, Therefore a select number of the remaining trees were the subject of a Tree Preservation Order 04/2022.

As is set out in the presentation to the Select Committee today, Local Planning Authorities can make a Tree Preservation Order if 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

- Expedience relates to the need for the TPO. TPOs should not be made on trees under good management, or on trees not otherwise known to be at risk from inappropriate work now or in future
- TPOs can protect individual trees, groups of trees or woodlands, but not hedgerows
- TPOs prohibit the felling, topping, lopping, uprooting or wilful damage or destruction of protected trees or woodlands unless permission is specifically given for such activity. i.e. through TPO application or grant of planning permission.
- Protection applies to roots, stems and branches
- TPOs do not allow a LAs to impose or enforce a particular management programme

In the case of the Holmer Green site, a previous assessment had been made and the trees that were, at that point, considered to be of amenity value were the subject of a TPO. Those trees that were subsequently removed were not protected.

Where protected trees are removed without proper consent, this can be a criminal offence and the Council will pursue any necessary enforcement vigorously.

The question of having an officer on call 24/7 to deal with tree offences is a matter that we keep under constant review as part of our general enforcement activities. Under our Local Enforcement Management Plan we do ensure out of hours cover is provided over bank holiday weekends to deal with serious enforcement offences but we do not have out of

hours cover through the remainder of the year as it is neither proportionate nor affordable and to do so would require a reduction in functions in other parts of the service.