

**MINUTES of the meeting of Environment Scrutiny Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 3rd December, 2007 at 9.30 a.m.**

**Present:** Councillor RI Matthews (Chairman)  
Councillor KG Grumbley (Vice Chairman)

Councillors: JHR Goodwin, JW Hope MBE, MAF Hubbard, TW Hunt, MD Lloyd-Hayes, PM Morgan, AT Oliver, A Seldon and PJ Watts

**In attendance:** Councillors WLS Bowen, PJ Edwards and DB Wilcox (Cabinet Member – Highways and Transportation)

**35. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor R I Matthews (Chairman).

**36. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes.

**37. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**38. MINUTES**

**RESOLVED:** That the minutes of the meeting held 9th November 2007 be approved and signed by the Chairman.

**39. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY**

No suggestions were made by members of the public.

**40. HEREFORDSHIRE COUNCIL'S STRATEGY FOR BIODIVERSITY CONSERVATION**

The Committee considered progress in the preparation of a Biodiversity Strategy for Herefordshire Council.

The Conservation Manager presented his report and highlighted: the background to the subject; government guidance received, including a briefing note derived from DEFRA guidance at appendix 1 to the report; the preparation of the draft strategy, copies having been circulated with the agenda; a comparison of the draft with DEFRA guidance (s40 Duty); financial implications and methods of monitoring effectiveness and performance.

During consideration of the draft Strategy the following principal points were noted:

- The Strategy set out the vision for the Council over the next three years and was intended to establish and prioritise the Council's commitments to action; build on relationships and integration with other key County strategies and local regional and national policies and programmes, and make a significant contribution to conserving and enhancing the County's biodiversity. This Strategy therefore linked to, and supported, the wider Local Biodiversity Action Plan, which in turn was supported by the Herefordshire Biodiversity Partnership.
- Being aware of the need to communicate the wide range of key environment/biodiversity activity underway the Cabinet Member (Environment & Strategic Housing) is looking to produce a 'Steps to Sustainability' information leaflet.
- The National Farmers Union had raised the issue of targeting criteria for Higher Level Stewardship grants, which were nationally rather than locally based, with the Leader of the Council. It was understood Natural England reviewing the priorities and would be consulting stakeholders as some stage in the near future.
- Much of the funding/resources for the initiatives in the Strategy would be from existing Council or Partnership budgets. In future years budget priorities may need to be reconsidered to reflect the strategy objectives. Any opportunity to obtain additional external funding would be pursued.
- Work had commenced on producing a Biodiversity Action Plan (BAP) Communications Plan, which would seek to encourage all sectors of the community in the BAP process.
- A Green Infrastructure Strategy was being developed to assist the development of planning policies within the Local Development Framework.
- Continuity planning for any major environmental emergency was the responsibility of the Environment Agency.
- A balance had to be struck between leaving highway verges uncut and cutting an appropriate visibility strip to facilitate highway safety and for hedge and ditch maintenance.
- Responding to questions on the Edgar Street Grid development the Committee were informed that the Council were working with the ESG Consultants to ensure the best biodiversity outcome from the project.
- Responding to a suggestion that a small working group be formed to further review the draft policy and provide further comment the Vice-Chairman undertook to consult with the Chairman.

**RESOLVED:****THAT**

- a) the draft Biodiversity Strategy be amended to make reference to the work being undertaken to prepare a green infrastructure strategy as part of the evidence basis and approach to the Local Development Framework.**
- b) the Cabinet Member (Environment and Strategic Housing) be recommended to approve the Biodiversity Strategy 2007 - 2010; and**
- c) the Cabinet Member (Environment and Strategic Housing) agree and implement reporting arrangements upon progress towards achieving the actions, projects and targets within the Biodiversity Strategy, following discussions with relevant services.**

**41. POLYTUNNEL DEVELOPMENTS IN HEREFORDSHIRE**

The Committee considered progress in the control of polytunnel development in the

County since the matter was last considered by this Committee in March 2007 when the findings of the Polytunnel Review Working Group were reported.

The Head of Planning Services reported that in light of the Tuesley Farm, Waverley, case the Polytunnel Review Working Group reported to this Committee in March 2007 that changes were needed in the way the Council sought to control polytunnel development. The Committee agreed with the findings and submitted the recommendations to the Cabinet for consideration. Cabinet on 22nd March 2007 considered the issue and decided among other things that new polytunnel development would require planning permission.

The Head of Planning Services further reported that since March 2007 planning officers had been in contact with all the main growers who used large-scale polytunnels. In some cases a programme for removal had been agreed, in others planning applications had been submitted. Enforcement action was now underway in respect of those growers who had not submitted applications and were not, apparently, intending so to do, and whose polytunnel installations damaged material planning interests. Where planning applications are received they were being reported to the Area Planning Sub-Committee in the ordinary way.

He further reported that the Cabinet decision on 22nd March, in respect the statement that "all new polytunnel developments within the county.... be treated as development requiring planning permission" had been challenged by way of Judicial Review. In effect, the words used were too absolute and went beyond the tests established in the "Tuesley Case" and other related cases. He anticipated that a revised wording would be agreed by Cabinet and the Judicial Review process could then be set aside.

The Committee noted that the outcome of planning appeals, being held as a result of enforcement action, may give further clarification, or guidance, to other aspects of planning control for this type of development e.g. jobs v environment and development in an AONB. Costs associated with the enforcement appeals were contained within the Development Control budget.

A supplementary Planning Document on the subject of polytunnel development had been drafted and was currently being consulted on.

Responding to criticism that Members, particularly those whose wards contained polytunnel developments, had not been kept informed of progress, the Head of Planning Services commented that this was a rapidly changing area, however, he undertook to provide information to Members as issues became clearer.

Questioned on how sites were monitored the Head of Planning Services reported that most of the operators had complied with the Code of Conduct. Whenever developments became known officers monitored the site. However, problems occurred with those operators that hadn't provided notification of development and the question of accurate records being kept had been raised during the recent planning appeal.

The Committee briefly debated whether, for consistency, polytunnel development applications should be considered by Planning Committee rather than by the relevant area sub-committee. Also debated was whether economic and tourism impact information should included for consideration as part of the planning application process.

The Head of Planning Services further reported that, despite the Tuesley case, no definitive planning guidance concerning polytunnel development had been received

from Government.

**RESOLVED: That the Executive's response, and subsequent actions, arising from the findings of the Polytunnel Review be noted and the Polytunnel Review Working Group monitor the situation and report back as necessary.**

**42. ENVIRONMENT DIRECTORATE PLAN: PERFORMANCE FOR THE SIX-MONTH PERIOD TO SEPTEMBER 2007**

The Committee considered the progress towards achievement of targets for 2007-08 in the Directorate Plan.

The Director of Environment and the Improvement Manager highlighted that 2 of the 57 Environment Directorate-lead indicators from the Annual Operating Plan were currently marked red (not on target); 59% of indicators used in external judgements, where data was available, were currently showing an improvement against last years performance and both LPSA indicators were judged green (on target/met target). Appendix A to the report set out details of performance against targets and Appendix B set out performance against a number of national indicators.

The Director of Environment reported that earlier in the year a permit scheme had been introduced to reduce the volume of trade waste entering the household waste stream. Unfortunately this had resulted in a increase in the number of fly-tipping incidents. As a result PI 94 – reduction in fly-tipping – had been affected (now indicated as red) and while performance had now levelled off it was unlikely to meet the target by year end. Similarly, as one team dealt with both fly-tipping and abandoned vehicles the 100% target under PI 96 – removal of abandoned vehicles – will not be met (now indicated red). While the introduction of the permit scheme had been unpopular the Committee questioned the cost, or savings, arising from the permit scheme.

On scrutinising the report the Committee noted the following principle points:

- PI 52 – No. of people killed or seriously injured on Herefordshire roads – the number of recent deaths on the A49 would effect the target outcome. While the Council was responsible for the target the Highways Agency was responsible for trunk road safety. The Directorate would continue to work with the Highways Agency to improve trunk road safety.
- PI 6 – method of travel to work – it was noted that the LTP gave statistics on the lengths of various journeys.
- Clarification was given on PI83a – principle road condition – that 14% of principle roads fell below the condition threshold.
- PI 54 – street cleanliness – due to seasonal variation a yearly profile was used against which performance was measured. While current performance against last years outturn had fallen, performance was ahead of the same period last year. Questioned on the regularity, or otherwise, of cleaning streets and drains, the Director of Environment reported that this would be looked at as part of the review of the contract with Amey Wye Valley Ltd.
- PI56 – Municipal Waste c) recycled & d) landfilled – this was an indicator in the Local Area Agreement and related to trade waste collected by the Council. The indicator had been split to show the percentages recycled and sent to landfill. The Committee noted that the Council had little influence on trade waste and suggested that greater pressure be placed on government to start to reduce the significant volumes involved.
- Responding to concerns about the use of the waste permit scheme for Herefordshire residents with Gloucestershire postcodes the Director of Environment reported that this, together with household waste amenity site

opening times, was under review.

- BVPI 87 – cost of waste disposal – financial penalties would be imposed in 2010 for exceeding the targets with additional Land Tax penalties being imposed soon thereafter.

**RESOLVED: that subject to the points recorded above the report be noted.**

#### **43. COMMITTEE WORK PROGRAMME**

The Committee considered its work programme as set out at Appendix A to the report.

Prior to the meeting Councillor PM Morgan had submitted to the Chairman a number of issues/questions concerning road safety and speeding. It was noted that a Member seminar was being arranged on the theme of the Local Transport Plan and it was decided that the questions would be raised at the seminar.

Members also noted that a joint seminar with all eight Councils in Herefordshire and Worcestershire concerning Waste was being arranged for early in the New Year.

**RESOLVED: that the Committee work programme be approved and reported to Strategic Monitoring Committee.**

The meeting ended at 11.44 a.m.

**CHAIRMAN**