

ENVIRONMENT SELECT COMMITTEE

MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING HELD ON 6 NOVEMBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Matthew Dean (Chairman), Cllr Bob Jones MBE (Vice-Chairman), Cllr Peter Evans, Cllr Clare Cape, Cllr Peter Fuller, Cllr Tom Rounds, Cllr Tony Jackson, Cllr Jacqui Lay, Cllr Ian McLennan, Cllr Sue Evans (Substitute), Cllr Jose Green (Substitute) and Cllr Brian Mathew (Substitute)

Also Present:

Cllr Toby Sturgis, Cllr Richard Gamble, Cllr Philip Whitehead, Cllr Bridget Wayman, Cllr Jerry Wickham and Cllr Robert Yuill

44 Apologies

Apologies for absence were received from Cllr Derek Brown OBE, Cllr Mike Hewitt, Cllr Nick Murry and Cllr Steve Oldrieve.

Cllr Derek Brown OBE was substituted by Cllr Jose Green

Cllr Mike Hewitt was substituted by Cllr Sue Evans

Cllr Steve Oldrieve was substituted by Cllr Brian Mathew

45 Minutes of the Previous Meeting

The minutes of the meeting held on 4 September 2018 were approved as an accurate record.

46 Declarations of Interest

There were no declarations of interest.

47 Chairman's Announcements

The Chairman made the following announcements:

1. **Update on Gypsy and Traveller Sites being sold (as discussed in Traveller Reference Group Annual Report at 4 September meeting)**

The Chairman reported that Oak Tree Field and Dairy House Bridge gypsy and traveller sites are currently being marketed with expressions of interest having been invited by 19th October 2018. Following receipt of the expressions of interest, potential bidders are being invited to make a formal bid for the sites by 7th December. Bids will then be assessed with prospective purchaser interviews and a preferred bidder selected by the end of January 2019 with the intention that the sites will be transferred to the new owner by the end of the financial year.

2. Briefing Note circulated on 12 October 2018 on an update with the 'Home Run' app in reducing congestion and improving air quality.

The Chairman invited members to contact the school travel plan advisor, should they have particular schools in mind to take part.

3. Update on local media story: Swindon Borough Council not collecting plastic waste

The Chairman reported that Swindon Borough Council have decided not to collect plastic, as part of their waste collection and recycling service. This is because they believe that plastic is being incinerated, together with other household waste and not recycled properly.

The Recycling Association respond that the plastic waste in Swindon is not being recycled because Swindon are not collecting it properly; as the waste is being jumbled altogether.

Swindon Borough Council commented that following advice from the National Audit Office and Environment Agency, the Council cannot be certain about where their plastic waste ends up; so they have chosen to make this bold move until the market can be sorted properly.

The Local Government Association have argued that China's waste import ban is costing Councils an extra £500,000 per annum in higher charges from processing their waste and the LGA calls on the Government to provide support to help Councils offset this loss.

4. Deferred Agenda Item

The Chairman reported that apologies for this meeting had been received from Cllr Hewitt. Cllr Hewitt had requested that the agenda item on 'ragwort' be considered by the Committee. Due to Cllr Hewitt's absence, the matter would be deferred until the meeting of the Committee in January 2019.

48 Public Participation

There was no public participation.

49 Highways Annual Review of Service

The Committee considered the report of the Director Highways and Transport which provided a review of the performance of the highways service and an update on performance of the contractors and suppliers involved in delivering the service.

The Head of Highways Assets Management and Commissioning explained that the local highway network is vital for businesses and communities, and effective maintenance to ensure its availability is essential to the economic development of the county. Wiltshire Council recognised the importance of maintaining and managing its highway network effectively, and is assisted in this task by a number of specialist contractors and suppliers. He referred to the following appendices attached to the Annual report:

- Appendix 1 – The annual review of the service for 2017/18
- Appendix 2 – An updated version of the Performance Management Framework
- Appendix 3 – The performance of Ringway Infrastructure Services for 2017/18

Cllr Bridget Wayman, Cabinet Member for Highways, Transport and Waste, the Director of Highways and Transport and Head of Highways Assets Management and Commissioning responded to a number of issues and comments from the Committee. In particular, the following issues and comments were raised:

- Considerable increase in the number of potholes in 2017/18 as a result of severe weather.
- The Chancellor's announcement of £420m funding package to fix potholes and how the Council was waiting to receive confirmation of its allocation.
- The issues surrounding the delivery of the grass cutting contract due to the legal implications of the Transfer of Undertaking (protection of Employment) Regulations (TUPE).
- The ability of residents living in new housing estates to directly approach alternative companies to provide the management of open spaces on new estates, therefore reducing their expenditure on management fees.
- The transfer of assets to Parish and Town Councils and their ability to enjoy the same terms as those provided by contractors to Wiltshire Council.
- The impact of reducing budgets on the repair and renewal of pavements and lack of a repair programme apart from essential works based on safety issues.
- Improvements made to the major road network through the county and the continual need for further improvements to the local network.
- Town centres' cleaning and the management of contractor performance standards.

- Confirmation that Atkins manage the tree service throughout the county and Jacksons provide the service to maintain the verges.
- The excellent work undertaken by Parish and Town Council Stewards.
- Confirmation that the Council are fulfilling its highway obligations on white lines on the highway.
- Assessment of road side verges to establish their need for maintenance.
- Development of the 'MyWilts' App within the Council's digitisation project, with a potential launch date of Summer 2019.
- The impact of enforcement, engineering and education in the reduction of accidents and collisions on Wiltshire roads.

The Chairman thanked the Cabinet Member for Highways, Transport and Waste, officers and representatives from Atkins for attending the meeting and providing responses to the issues raised.

Resolved:

- i) **To endorse the Highways Annual Review of Service, and confirm that the performance of the Council's highways contractors has been good during 2017/18.**
- ii) **To welcome the reported reduction in killed and seriously injured on the county's roads as described in the Highways Performance Management Framework.**
- iii) **To note that the performance of Ringway Infrastructure Services during the second year of its contract has continued to be good, and a further extension of six months should be awarded in accordance with the condition of contract.**
- iv) **To request that the Key Performance Indicators being developed for the proposed streetscene contract should be considered by a future meeting of this committee when they have been developed further.**
- v) **To request a report on the Highways Service and the Performance Management Framework in a year's time.**
- vi) **To note and value the work undertaken by the Town and Parish Stewards and to ask the Director of Highways and Transport to consider the introduction of an award for the delivery of an exceptional service by Stewards.**
- vii) **For the Cabinet Member for Highways, Transport and Waste to consider establishing a monthly reward scheme for Wiltshire's Parish Stewards.**
- viii) **Committee recommends that the Cabinet Member for Highways, Transport and Waste consider the importance and significance of Parish Stewards to helping to maintain the highways, when setting the budget for 2019/20.**
- ix) **For the Cabinet Member for Highways, Transport and Waste to return to Committee with information on whether the rate of Killed and Seriously Injured incidences has reduced, or whether vehicles have become safer, which has led to the reduction as noted in the report.**

x) The Council takes all practical measures to reduce the amount of KSIs

50 **LED Lighting**

The Committee received the report of the Director of Highways and Transport seeking comment on proposals to proceed with an 'invest to save' project to convert the Council's existing street lighting to more energy efficient Light Emitting Diode (LED) units, and to the procurement of the new lighting units, prior to the final report being considered by the Cabinet at its meeting on 11 December 2018.

The report indicated that energy costs had risen sharply in recent years, with an expectation that the costs would continue to rise in the future. The annual energy costs for street lighting are currently over £1.9m and with budget restrictions the costs were becoming increasingly unaffordable. Members were reminded that the Council had implemented a scheme to reduce energy consumption by operating the street lighting in the side roads in towns for part of the night only. This scheme was introduced from 2014 in all of the larger towns, and has operated successfully. Rising energy costs, and the reducing cost of LED lighting, have justified reviewing the case for LED lighting. The current units are becoming obsolete and going out of production, and are becoming increasingly difficult to obtain.

The report noted that LED lights used considerably less energy than the current lighting units, and a major advantage is that LED lights provide the opportunity to dim the lighting during off-peak periods to further reduce energy consumption. The report detailed the costs of the project and potential savings that could be achieved by implementing the proposals, with a payback period of just over 11 years.

The Head of Highways Asset Management responded to a number of questions and issues raised by members. In particular:

- the scheme being classed as a 'invest to save' scheme with a 100% replacement of lighting units;
- The siting of lighting columns and the positive effect on pavement lamination.
- The potential to reduce road and pavement accidents.
- The versatility of LED lights due to the ability to dim and trim the lights remotely at certain times of the day in urban and rural areas.
- The inability to use solar technology for street lighting.
- The recovery of costs where lighting columns are damaged in road traffic accidents.
- Inclusion of tree works within the overall programme of works for lighting columns.
- The responsibility for maintaining street lights in housing estate open spaces.
- The impact of 'Dark Sky Status' for rural areas.

- The maintenance costs included in the overall budget for the project.
- Responsibilities for the delivery of the project.
- The checking of lighting columns for their suitability to take the new LED lighting units.
- The use of IT to monitor the costs of the new lighting units.

Resolved:

- i) To endorse the scheme to replace the Council's older street lighting lanterns with LED units.**
- ii) Acknowledge the economic benefits of the proposed LED lighting project and the environmental benefits it will bring, especially in terms of reduced carbon footprint.**
- iii) To note the provision in the Council's capital budget from 2019/20 for the scheme.**
- iv) To note the proposal to dim the new lighting between 8.00pm and 6.00am, with additional dimming after 11.00pm and explore the possibility of trimming at other times.**
- v) To ask the Director of Highways and transport to give consideration to the options for extending the LED lighting to other suitable Council owned lighting, including in public open space and car parks.**
- vi) To delegate authority to the Director, Highways and Transport, in consultation with the Cabinet Member, Highways, Transport and Waste and to invite tenders and award contracts for the supply of LED lighting units in consultation with the Director Finance and Procurement**

51 Public Transport Review Update

The Committee received an update from the Director for Highways and Transport, reviewing the usage of Section 19 and 22 permits for road passenger transport.

It was noted that due to a series of concerns raised nationally and in Europe, the Department for Transport (DfT) were undertaking a consultation on the Community Transport (CT) Permit system. This specifically affects CT providers that undertake paid services, even if they are small scale and linked to the local community.

This would increase the regulatory process, meaning CT providers would need to convert their operations to an Operators' licence and their drivers obtain Passenger Carrying Vehicles (PCV) licences. Resulting in significantly increased operating costs. Also, enhanced regulations are likely to reduce the number of volunteers willing to drive minibuses, especially older drivers whom the sector is most reliant upon.

The Director for Highways and Transport explained that the Council was still waiting for clarification from the DfT and the outcome of the consultation. The Director also responded to a number of questions and issues raised during the meeting. In particular, possibility of allocating CATG funding towards this

service; the large number of consultation responses from the Local Government Association and other organisations included in the consultation; and the devastating impact on all community transport schemes if the proposals were implemented.

Resolved: That a further briefing note be presented to members when the advice/clarification has been received, potentially March 2019.

52 **Traveller Reference Group - Update**

The Committee received a written update report from the Consultant in Public Health (Acting), about the Gypsy and Traveller population and how it is accounted for in Wiltshire.

Cllr Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Property was in attendance and confirmed that the number of traveller families on permitted and tolerated traveller sites in Wiltshire, detailed in the report, did include those on privates and other sites.

The Committee received a number of technical questions from Cllr Lay in relation to the numbers of Gypsy and Travellers on council sites, private sites, tolerated and unlawful sites. As the Consultant in Public Health was not able to attend the meeting, the Chairman asked that the Consultant in Public Health provide a brief written response to the technical questions for the Committee's next meeting.

Resolved:

1. **That the Committee endorses:**
 - i. **the strength of the methodology for how the Gypsy and Traveller community is measured in Wiltshire**
 - ii. **the proposed way forward for actions 8 and 22, as listed in the attached report**
2. **That the Committee receive an update from the Consultant in Public Health about the numbers of Gypsy and Travellers on council sites, private site, tolerated, unlawful sites.**

53 **Section 106 Funding**

The Committee received a verbal update from the Head of Development Management about Section 106 Funding.

The Head of Development Management explained that further information about Council held Section 106 money, was not currently available, however, further investigations were taking place and would be reported to the Committee at a future date. He also indicated that members could contact Sarah Holloway, Technical Team Leader, Waste and Environment Commissioning, for further information about Section 106 contributions.

Resolved: That the comments of the Head of Development Management be noted.

54 Emissions

The Committee received a briefing note from the Director for Public Health about emissions and air quality in Wiltshire and considered the possibility of scrutiny involvement in Wiltshire's emissions.

The report detailed information about local air quality and how it is managed; the Northacre Renewable Energy Ltd planning application for Advanced Thermal Treatment Facility; and the work of the Councils ECO Board.

Cllr Jones MBE, Vice-Chairman, reported that a meeting was held with Stephen Eades and David Levy to discuss the proposed Westbury ATT plant and the associated issue of air quality. The Vice-Chairman agreed to take some actions forward with Cllr Wickham, Cabinet Member for Public Health, Public Protection and Adult Social Care. A copy of a letter from Mr Eades is attached to these minutes.

The Head of Public Protection responded to a number of questions and issues raised by Members. In particular, the following issues were raised: the existing Air Quality Management Areas in Wiltshire; references to the dedicated air quality website with real time data for Wiltshire; the impact of driving behaviours on the level of emissions, especially in town centres around traffic lights and on the school run; new developments and their impact on emission levels in the surrounding area; promotion and support of travel plans and the Home Run app to promote a reduction in school run traffic.

Cllr Wickham, Cabinet Member for Public Health, Public Protection and Adult Social Care, informed the Committee that the Air Quality Strategy was due to be reviewed and he suggested that, once the draft Strategy was available, the Environment Select Committee would be asked to scrutinise the document prior to its consideration by Cabinet.

Members were reminded that this Committee was not the appropriate forum to consider matters relating to planning and these should be confined to the Strategic Planning Committee or the particular Area Planning Committees.

The Chairman suggested, in light of the emissions levels in Wiltshire improving greatly since 2017 and the county's emissions levels not exceeding any Government regulations, that this Committee does not undertake any further scrutiny involvement on this topic at present.

Resolved:

- 1. That the Committee take no further scrutiny involvement in this topic at present.**
- 2. That the new Air Quality Strategy be scrutinised by the Environment Select Committee prior to its consideration by Cabinet.**
- 3. That the letter from Mr Eades and Mr Levy, referred to above, be attached as an appendix to these minutes.**

55 **Ragwort**

The Chairman reported that Cllr Hewitt had requested that the Committee consider this matter. Unfortunately, Cllr Hewitt had sent his apologies for this meeting, and therefore it was suggested that the matter be deferred to the Committee's next meeting.

Resolved: To defer this agenda item until the next meeting of the Committee on 15th January 2019

56 **Updates from task groups and representatives on programme boards**

The Committee received updates on recent activity for the following Task Groups:

The Committee received updates on recent activity for the following Task Groups:

- i) Waste Contracts Task Group
- ii) Late Night Taxi fares
- iii) Rapid Scrutiny: Plastic Waste for Wiltshire Roads

Homelessness Task Group

The Chairman reported that a Task Group had been proposed by Cllr Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism, for Overview and Scrutiny to support the Council in its development of a Homelessness Task Group.

The Committee noted the proposed Terms of Reference for the Task Group and those members that had already expressed an interest in serving on the Task Group, as detailed below:

- Cllr John Walsh
- Cllr Gordon King
- Cllr Pip Ridout
- Cllr Deborah Halik
- Cllr David Halik
- Cllr Graham Wright

Additional members were being sought to serve on the Task Group from this Committee, preferably from the areas where homelessness is a particularly prevalent issue. The Chairman, Cllr Matthew Dean, expressed an interest in serving on the Task Group, along with Cllr Tom Rounds. The membership of the Task Group was thus confirmed.

ECO Board

Due to the absence of Cllr Murry, there was no update about the latest meeting of the ECO Board.

Resolved:

- 1. To support the principle of setting up a Homelessness Task Group.**
- 2. That Councillors Matthew Dean and Tom Rounds be included as members of the Homelessness Task Group**

57 Forward Work Programme

The Senior Scrutiny Officer introduced the Committee's Forward Work Programme, asked for confirmation about how to progress a number of items and provided updates on the following areas:

- Salisbury Recovery – The Chairman reported that a Salisbury Recovery Programme Director is in the process of being appointed. In the interim all day to day requests for information from Officers should be directed to Robin Townsend.

Resolved:

- 1. To note the Forward Work Programme.**
- 2. To receive a short presentation about the Salisbury recovery Programme at the next meeting of the Committee in January 2019.**

58 Urgent Items

There were no urgent items.

59 Date of Next Meeting

The date of the next meeting was confirmed as 8th January 2019.

Cllr Cape left the meeting at 4.10pm
Cllr Green left the meeting at 4.20pm
Cllr Yuill left the meeting at 4.25pm
Cllr Whitehead left the meeting at 4.25pm
Cllr Wickham left the meeting at 4.30pm

(Duration of meeting: 2.00 - 4.45 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services,
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Meeting with Matthew Dean,
Chair, Environment Select Committee, Wiltshire Council.
23rd July 2018.

Hills Waste Solutions Limited is proposing a 160,000 tonnes gasification incinerator at Northace, Westbury. Hills has a existing consent from September 2015 (14/12003/WCM) which it is currently applying to modify (18/09473/WCM) and an application (18/03816/WCM) which was refused consent 18th July 2018.

The Issues.

- By thermally ‘combusting’ the waste, very large quantities of Carbon are being released into the atmosphere. This is against the requirement to reduce carbon emission under the Climate Change Act.
- Dust particles (carbon soot) are emitted. The diameter of the particles (PM) is tiny, measured in microns. They are invisible to the eye. The outside of the particles is coated with toxic materials (arsenic, chlorine, lead, mercury etc. which are present in the waste). If breathed in, the tiniest of these particles - PM1.0 microns and particularly ‘ultrafine particles’ measuring PM0.1 microns - enter the blood stream, causing disease. They are a serious, recognised health risk (DEFRA and PHE).
- The EU Waste Emissions Directive (WID) only regulates (requires filters to be installed to remove the particles from emissions) for particles down to PM2.5 in size. All particles below PM 2.5 are emitted to atmosphere.
- The Environment Agency, which regulates emissions to atmosphere via the Environmental Permit Regulations, has no legal powers to require filters to be fitted which can remove particles sized below PM2.5. Therefore such filters will not be fitted. Technologically, such filters exist and are commercially available.
- All emission plumes come to ground under clearly known weather conditions. When this happens, the exposed public breathe in the undiluted emission.
- Hills has not produced a comprehensive ‘Plume Grounding Emission Model’, nor a Model which uses (Westbury) local meteorological data. Therefore the frequency, duration and location of these plume grounding events has not been evaluated.
- The Environment Agency does not normally examine the likelihood of plume grounding events, nor the consequences, in its Environmental Permit procedures. This issue therefore is likely to remain unassessed.
- The A350 in Westbury is an Air Quality Management Area due to breaches of NO₂ levels and, by implication, PM levels (which have not been measured, only inferred). The proposed incinerator will routinely emit NO₂ thus increasing ambient NO₂ levels upon emission by 8.0µg m⁻³ and PM upon emission by 0.25µg m⁻³ which will likely intensify the breach of the AQMA.

The Issues (continued).

- Wiltshire Council's updated draft Waste Management Strategy makes incineration with energy recovery a "strategic" waste management option. This encourages the use of incineration with energy recovery. It also means that such plants are located near centres of population (strategic sites 'should be sited within 16 miles of significant settlements' e.g. Trowbridge).

The Solutions.

- In planning terms: Remove the 'strategic status' of incineration with energy recovery in the updated draft Waste Management Strategy. This means such incineration would become discretionary in planning terms rather than obligatory, and would enable incineration sites to be located away from significant centres of population.

- In planning terms, refuse incineration on the grounds that its carbon emissions make it inconsistent with 'sustainability criteria' (ref. relevant NPPF).

- In planning terms : CP42 Standalone renewable energy installations ". . . .proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account vii. Residential amenity, including noise, odour, visual amenity and **safety**. . . . [emphasis added]"

- In planning terms : CP54 Air Quality Strategy. Main Aim "Wiltshire Council working collaboratively will seek to maintain the good air quality in the county and **strive to deliver improvements** in areas where air quality fails national objectives in order **to protect public health** and the environment[emphasis added].

- In planning terms : : CP55 Air Quality "Development proposals which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality **will need to demonstrate** that measures can be taken to **effectively mitigate emission levels in order to protect public health**, environmental quality and amenity. Mitigation measure should demonstrate how they will **make a positive contribution** to the aims of the Air Quality Strategy for Wiltshire and, where relevant, the Wiltshire Air Quality Action Plan"[emphasis added].

Stephen Eades and David Levy

N. Wiltshire Friends of the Earth And The Air That We Breathe Network, Westbury

23rd October 2018.