

**MINUTES OF A MEETING OF THE SAFER AND STRONGER COMMUNITIES  
POLICY & SCRUTINY COMMITTEE HELD AT COUNTY HALL, CHELMSFORD,  
ON 18 MARCH 2011**

Membership:

Councillors:	
* S Walsh (Chairman)	* E Johnson
* M Fisher	J Knapman
* M Garnett	* C Pond (Vice Chairman)
E Hart	* M Skeels
* J Deakin	* M Webster
* R Howard	J Schofield

(\* present)

Also present:  
Councillor G Butland.

Christine Sharland, Governance Officer, and Matthew Waldie, Committee Officer, were in attendance throughout the meeting.

The meeting commenced at 10.00 am.

**15. Apologies and Substitutions**

The Committee Officer reported apologies from Councillors E Hart and J Schofield.

**16. Declarations of Interest**

There were no declarations of interest given at the meeting.

**17. Minutes of the Previous Meeting/Matters Arising**

The Minutes of the meeting held on 11 February 2011 were agreed by the Committee and signed by the Chairman as a correct record.

With reference to the scrutiny review on **Off Site Emergency Planning Requirements around COMAH Sites in Essex** (Minute 10/February 2011), the Chairman advised that he had received confirmation from the Chief Fire Officer that the issue of the Barrier Route, Easthaven Creek was being investigated separately. While the matter had been raised at the meeting as part of the evidence exchange, it would not be considered as a part of Committee's scrutiny review.

## 18. Scrutiny Review on Flood and Water Management in Essex

The Committee considered report SSC/06/11 concerning Flood and Water Management in Essex, and the way it is being taken forward in Essex in the light of new legislation and responsibilities. The Chairman welcomed Nick Humfrey, the Council's Flood Partnership Manager, and invited him to address the meeting.

Mr Humfrey informed Members that, as far as Essex was concerned, the most significant feature of the Flood and Water Management Act 2010 was to make County and Unitary Councils "Lead Local Flood Authorities" (LLFAs), with new powers in respect of surface water, runoff, groundwater and ordinary watercourses. All the elements of the Act will be in place by April 2011, apart from:

- The transfer of responsibility for consenting to changes to watercourses from the Environment Agency (EA) to the LLFAs as the Department for Environment, Food and Rural Affairs (Defra) is considering whether or not this should be transferred to district councils instead; and
- the section of the Act relating to Sustainable Drainage Systems is likely to take effect from April 2012. The County Council will become a SuDS (Sustainable Drainage Systems) Approval Body. Government consultation on the details of the new role is expected to take place this summer.

An important new responsibility is to record flood assets and to designate the important ones, to ensure that the owners maintain them. These records have to be open to the public. Another new duty is to maintain a record of all instances of flooding; Essex was the first LLFA to complete this task and its records have been used as an exemplar for other authorities.

The EA will produce a national strategy, probably in the early autumn, and then Essex, as an LLFA, will be expected to produce its local strategy, on the back of that, by year end.

Other risk Management Authorities (eg the EA, district and borough councils, water companies) also have specified responsibilities, and representatives of these, together with the Fire and Rescue Service, meet quarterly, as the Essex Partnership for Flood Management.

Defra has provided funding for surface water management plans in 71 areas across the country, with greatest surface water risk. One of these areas covers Rochford, Castle Point and Basildon, and a joint local survey is being carried out with Basildon Borough Council leading the project. Results are expected in July 2011.

Attention was also drawn to the fact that Essex County and Chelmsford Borough Councils are lead partners with others in FLOODCOM, which is an

EU project that is seeking to address the common challenges faced with regard to climate change and flood risk of low lying area in maritime areas on the fringes of the North Sea.

During discussion the following points were noted:

- The new legislation is an improvement and the Committee noted that it clarifies responsibilities for flood and water management.
- The LLFA does not keep a record of the locations of water pipes as the water companies maintain these, and it is not proposed to duplicate information.
- There are situations where developers want to develop areas designated Flood Zone 3 (High Probability). As these are usually coastal or fluvial in nature, they are the responsibility of the EA and not the LLFAs.
- Defra has provided funding of £218,000 in 2011 to the County, and that figure will rise to £600,000 in 2012 to cover all related responsibilities. However, it is not known if it is expected to cover the new SuDS work.
- Responsibility for maintaining culverts, etc depends on the ownership of water courses, and is a key reason for the development of a register. There are powers to make owners to maintain them and keep them clear. Responsibility for ordinary courses lies with district councils; and if they are designated then they lie with the LLFA.
- Some Members observed that in some other European countries, the approach seems to be that infrastructure like drainage should be installed first; and wondered if such an approach could be developed in the UK. It was confirmed that such an approach is part of the spirit of this legislation, and in Essex the LLFA will be encouraging developers to approach it for advice at the earliest opportunity.
- At this stage it is unclear how the LLFA will be able to perform its SuDS role including the payment of fees for the service. However, the presumption is that payment will come straight to the Council. It is hoped that the forthcoming Government consultation will address such issues.
- Although it was unclear how many SuDS applications would have to be handled by the LLFA, in view of the importance of the role staff are already being recruited and trained. Full implementation of the service may be staggered over the first two years, to alleviate the strain. It was suggested that efforts should be made to encourage good relations between County and the boroughs/districts in the way that applications are co-ordinated and considered as part of the overall planning process.

Under the new Act the County Council has new scrutiny responsibilities as a LLFA to allow for the scrutiny of risk management authorities in the exercise of their flood and coastal erosion risk management functions. The scrutiny function falls within the remit of this Committee. It was proposed that one way for the Committee to fulfill this role would be to receive an annual report from the Essex Partnership for Flood Management. This would not preclude any specific issues being considered as scrutiny reviews if they were considered to warrant more in depth attention.

In conclusion **the Committee agreed to recommend to the Cabinet Member for Environment and Waste that**

1. The Essex Partnership for Flood Management be requested to submit an annual report on its activity to the Committee, together with notification of the publication of important documents such as the FLOODCOM report.
2. The Committee be advised of the final funding arrangements for the County Council's LLFA responsibilities. However, in the meantime it was considered that funding for the Council's new responsibilities should be ring fenced to ensure that the new Service may be developed effectively.

The Chairman thanked Mr Humfrey for his presentation and guidance.

#### **19. Local Transport Plan (Minute 56/October 2010)**

The Committee received report SSC/07/11 on the development of the Council's Local Transport Plan, LTP3. The Chairman welcomed Alastair Southgate, Transport Strategy Manager, to the meeting and asked him to address the meeting.

Mr Southgate reminded Members that a joint Task and Finish Group had been set up, comprising members of the Safer & Stronger Communities and the Economic Development & Environment policy and scrutiny committees. This Group had considered the Plan in its final stages, and its views had been fed back to the Cabinet Member for Highways and Transportation. These were reflected in the version now submitted.

LTP3 was much less prescriptive than its predecessors, which had been written to comply with previous Government guidance. The County could now set its own requirements and priorities. It was no longer a five-year plan, but open ended, with a long-term strategy (15 years) and a short-term implementation plan (3 years), which was subject to ongoing change. The starting points were the quality of life for the people of Essex, sustainability, and the new Highways Strategic Transformation programme, which shared its five outcomes:

- To have a system that brings and sustains economic benefits
- To reduce CO2 emissions/improve air quality

- To improve safety/to make people feel safer
- To maintain the value of this £6m asset
- To provide sustainable access to all key services.

The initial phase had been carried out in late 2009/early 2010 by identifying what strategic partners wanted, taking various measurements and conducting surveys. The second phase, which had started in late 2010, had involved seeking views from the general public, from local authorities, and from the aforementioned Task & Finish Group.

The Task & Finish Group had raised certain key points as set out below, which had been addressed in the latest version of the LTP:

- It was too urban focused.
- Its original six outcomes (now five) were too wordy.
- Access to ports and airports was seen as important.
- Developers should contribute to the costs of infrastructure.
- Good connections to the rest of the UK are important.
- Access to public transport is important for all.
- Reference to public rights of way should be clarified.
- Working together with the rail companies, where possible, to increase railways as freight carriers.
- New parking strategy/parking partnerships, albeit it was still too early to see how these will tie in.

A revised draft LTP3 would be made available in early April as there could be some final comments that would need to be taken into account, including additional comments from district councils. Mr Southgate reminded Members that the Council was free to make changes to the final LTP3 whenever it saw fit; and in fact, it would probably be subjected to a thorough review at the end of the three-year implementation period.

At the meeting Members made a few additional comments.

The lack of reference to specific proposals regarding extending the railways was queried. Mr Southgate pointed out that the intention was to provide 'hooks for schemes', but not to name any specific ones. Improvements were being sought in rail services, but no specific schemes were named. In response to the suggestion that extending rail use by reinstating disused rail corridors (such as the former Braintree to Stansted line), or even creating new ones, might be seen as an aspiration worth considering when circumstances were right. Mr Southgate indicated that some reference could be made to this under Policy 12, Public Transport.

The use of river transport was queried. Mr Southgate pointed out that it mostly came under tourism and leisure, but he agreed that a reference to waterways could be included in the document.

With reference to the likely impact of cuts in central funding, Mr Southgate pointed out that maintenance funding would decrease by 7% per annum over

the next 4 years, and the Integrated Transport Block funding (providing capital funding for small transport improvement schemes under £5m) would be halved. Essex was however making applications for various other sources, such as the Sustainable Transport Fund (with Southend BC) and the Regional Growth Fund.

A Member questioned the future of the A12 Alliance, a dedicated police patrol which concentrated on dealing with problems on the A12, keeping traffic as free-flowing as possible on the major trunk road through the county. It was noted that it was financed by the County Council; and it was suggested that the economic benefits of such a scheme, although real, were hard to assess. Mr Southgate agreed to check on the perceived success of this scheme and advise Members accordingly.

The Committee noted the Report and looked forward to seeing it published in April. No further action was proposed.

## 20. Forward Look

The Committee noted report SSC/08/11 setting out the Committee's work programme to May 2011.

It was noted that Exercise Watermark, a national emergency flooding exercise, had taken place the previous week, although no specific feedback had been received as yet. A local Emergency Planning Exercise was going to be conducted after the full Council meeting in May, and Committee Members were encouraged to take part in the exercise as a part of the evidence gathering for the scrutiny review on off site emergency planning requirements around COMAH sites.

## 21. Date of Future Meeting

The Committee noted that the meeting scheduled for 15 April had been cancelled.

Therefore the next meeting would take place on **Friday 13 May 2011**.

The Chairman reminded Members that when they were unable to attend a meeting, they should try to get a substitute whenever possible.

There being no urgent business the meeting closed at 11.35 am

Chairman