

**MINUTES OF THE MEETING OF THE ENVIRONMENT POLICY DEVELOPMENT
GROUP HELD AT FOLLATON HOUSE, TOTNES ON
1 JULY 2009**

MEMBERS

* Cllr R Rowe - Chairman

* Cllr R J Carter - Vice-Chairman

* Cllr P Coulson

* Cllr G Date

* Cllr D W May

* Cllr S L Rankin

* Cllr R J Vint

* Cllr A Ward

* Denotes attendance

Also in attendance and participating:

Cllrs B E Carson, M J Howarth, J W Squire and R C Steer

Officers in attendance:

All agenda items: Strategic Director (Community) and Senior Member Support Officer;

Item 5 (minute EPDG.3/09 below refers): Head of Property Services and Building Services Manager;

Items 6 and 7 (minutes EPDG.4/09 and EPDG.5/09 below refers): Head of Landscape and Leisure and Landscape and Recreation Manager; and,

Item 8 (minute EPDG.6/09 below refers): Head of Planning.

EPDG.1/09 MINUTES

The minutes of the meeting of the Environment Policy Development Group (EPDG) held on 25 February 2009 were confirmed as a correct record and signed by the Chairman.

EPDG.2/09 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Following advice from Officers, Cllr S L Rankin declared a personal interest on item 8 'Development Control – Service Review' by virtue of her employment at an architectural company. She remained in the meeting and took part in the debate and vote thereon.

EPDG.3/09 SHORELINE MANAGEMENT PLAN II

Consideration was given to a report which advised Members of the process of how the Shoreline Management Plan II (the Plan) had been developed, what the Plan set out for the coastline in the South Hams and what were the next steps for the Council. The Plan was an assessment of the risks to the population and the developed, historic and natural environment, resulting from the ever-changing coast.

In presenting the report, the Strategic Director (Community) stated that the Plan established the policies for coastal defence management to address risks in such a way as to not commit future generations to costly and unsustainable activities. It took into account other existing planning initiatives and legislative requirements and was intended to inform wider strategic planning.

During discussion, specific reference was made to:-

- a) the risk of high level erosion. A Member expressed concern that the Plan was not robust enough in the event that the coastline dramatically changed in the forthcoming years. In response, Officers advised that the Plan was renewed and updated every 10 years, and the work towards an updated version would commence in approximately 7 years. However, the Member wished to highlight the importance of the worse case scenario being incorporated in to a strategic plan;
- b) a Member's belief that these issues had been driven by Climate Change. Consequently, the Member felt that the option of 'holding the line' could be deemed impossible with an ever changing coastline. Therefore, it was felt that the Council should be planning for such scenarios through the Local Development Framework, planning policies and with risk assessments being undertaken on cliff top dwellings;
- c) concern in relation to property owners establishing their own sea defences, which could have a detrimental impact on ecological systems.

Prior to taking a vote on the recommendation, Members wished to strengthen the recommendation in order to note their objection to the increasing work being passed down to local authorities, without being financially reimbursed for, the additional work and the subsequent strain on resources.

It was then:-

RECOMMENDED

That the Executive be **RECOMMENDED** that:-

1. the Council confirm to the South Devon and Dorset Coastal Advisory Group, by 24 July 2009, that it accepts the proposals set out in the Shoreline Management Plan II; and
2. the Group object to the increasing burden the Environment Agency is placing upon the Council to respond to coastal protection and erosion management, without the appropriate level of financial support at a time when funding to local authorities is reducing, with comments to such effect being sent to the Environment Agency, DEFRA and the LGA.

EPDG.4/09 BIODIVERSITY: ADDRESSING BIODIVERSITY DUTY

Consideration was given to a report which presented back the findings of the scoping report on the Council's Biodiversity Duty. It was noted that the Council had a clear duty to conserve and enhance Biodiversity through its functions as detailed in the Natural Environment and Rural Communities (NERC) Act guidance notes, which served to emphasise other legal statutory obligations. In order to meet the duties under the NERC Act, the Council would have to embrace new approaches and consider how to address some required additional works.

In presenting the report, the Landscape and Recreation Manager noted that the Council needed a more robust approach to dealing with protected species. Further work was subsequently required to identify the actual workload, with current options for delivery being:-

- additional training for existing staff;
- shared working arrangement with neighbouring authorities or partners;
- external consultant support; and,
- additional staff.

During discussion, specific reference was made to:-

- a) a Member's concern that Biodiversity would not be a high priority to the Council (when compared to the many other pressures it faced), especially in terms of securing funding to make progress;

- b) Development Planning Documents. A Member highlighted the importance of considering biodiversity issues when drawing up the site allocation plans. In response, it was noted that these issues were considered through the site analysis work undertaken by the Community Regeneration Service. However, the Member's concern could also be reflected by directly noting it in the draft action plan;
- c) the emphasis placed on the identified priority levels. A Member expressed concern that those priorities identified as 'low', or even 'medium', would not be progressed, and subsequently achieved, due to restricted resources and a lack of funding. In response, it was noted that the high priority rated actions were those which required immediate action to avoid harm to biodiversity and generally this related to actions concerning protected species. Medium rated actions could be carried out as part of the normal service review and development process in order to meet the NERC Duty. It was stated that even if Members were minded to upgrade a medium priority to 'high' (due to it being highly desirable), it did not imply that it would be achieved any quicker, because the identified high priorities were urgent actions designed to protect the Council;
- d) information sharing with the public. It was felt that, along with the Council's website, the South Hams Magazine should be utilised to convey a positive message of the work being undertaken by the Council on biodiversity;
- e) reinvigorating the Green Team and incorporating 'Biodiversity' into their remit. A number of Members present felt that this was an important issue and should therefore be reclassified as a high priority. However, during discussion on whether a Member Champion should be designated for Biodiversity issues, Members felt it should be championed collectively by the Green Team, which included two Members of the Group. This suggestion was subsequently **PROPOSED** and **SECONDED** and on being put to the vote, was declared **CARRIED**;
- f) the Strategic Risk Assessment. Members' attention was drawn to the Strategic Risk Assessment, as published with every Committee agenda, where it noted that Officers were obliged to consider a biodiversity risk assessment when making recommendations to Members. Furthermore, the agenda note also acted as a prompt for Members to ask questions of officers regarding whether the range of risk issues identified, such as biodiversity, had been addressed prior to making the recommendation.

RECOMMENDED

That the Executive be **RECOMMENDED** that:-

1. the draft Biodiversity Plan be approved;
2. the role of Championing Biodiversity issues be incorporated into the remit of the Green Team; and
3. the financial and operational implications of addressing high priority actions, as identified in the presented plan, be considered.

EPDG.5/09 LANDSCAPE AND LEISURE SERVICE REVIEW

A report was considered which provided Members with a detailed budget analysis of the Landscape and Leisure Service in order that Members had the opportunity to make relevant observations. The report outlined the budget allocation and expenditure for the service, together with the functions that it performed in order to assist in the delivery of Council Services.

In presenting the report, Members were reminded that during the 2009/2010 budget setting process, Members of Scrutiny and the Policy Development Groups wished to ascertain a greater understanding of the individual services within the Council and their associated budgets. In doing so, it was anticipated that Members would gain a better understanding of the priorities of each service.

Members were reminded that there was an ever increasing pressure on Council budgets and, coupled with the current economic climate and the negative effect this has had on the Council's income generating services, the Council found itself in very challenging times.

During discussion, a Member raised the issue of the Landscape and Leisure service being predominantly discretionary in nature, and whether, therefore, there was opportunity for a reduction in services being offered. During discussion on this issue, Officers noted that services provided by the team were constantly being reviewed, which had resulted in a phased withdrawal of financial support from the marketing of tourism. Furthermore, partnership working with neighbouring authorities and other organisations was being utilised where possible and, staff training was being undertaken to improve and develop staff knowledge on grounds maintenance and horticultural issues to increase the opportunity to raise income to support the service.

Members were also advised that when looking at cutting services, they would need to consider the costs and benefits, which in the case of landscape and leisure included an understanding of the costs of the service in relation to the funding generated from other funding streams for investment in the district.

In terms of sponsorship, the Council was looking to be entrepreneurial where the opportunity arose, but there were restrictions on what the Council could charge for and the price it could levy.

The initiative for devolved services to Town and Parish Councils to manage and maintain their own open spaces, such as the pilot scheme being undertaken currently in Stokenham, was also highlighted. Members felt that this was a good initiative but should not be forced upon Town and Parish Councils if the pilot proved successful. In addition, where it was taken up, sufficient funding should also be made available.

Members concluded in stating that the work of the landscape and leisure service was important to the community and needed maintaining. In summing up, Members highlighted the following main observations:-

- The importance of generating income where appropriate and leveraging in external funding;
- The promotion of local involvement in the improvement in quality of public spaces, but it be noted that this should not be seen as a budget saving initiative; and
- That although the service was predominately discretionary in its nature, the community placed great value and emphasis upon it and, therefore, it was of great importance to the Council.

It was then:-

RECOMMENDED

That the Executive be **RECOMMENDED** that the Group have commented on the report and make the following key observations. That:-

- a. the importance of generating income where appropriate and leveraging in external funding be highlighted;
- b. the promotion of local involvement in the improvement in quality of public spaces be emphasised, but it be noted that this should not be seen as a budget saving initiative; and,
- c. although the service was predominately discretionary in its nature, the community placed great value and emphasis upon it and, therefore, it was of great importance to the Council.

EPDG.6/09 DEVELOPMENT CONTROL – SERVICE REVIEW

Consideration was given to a report which helped Members further their understanding of what the Development Control Service did, what the principle outcome of its activities were, and how Members might wish it to be developed.

In presenting the report, the Head of Planning advised Members that the Development Control Service was very dependant on the status of the economy. Currently, the number of applications had decreased but previously, when demand had been high, there had been a strain on the service.

Following publication of the agenda and associated report, Members were advised that in relation to the corporate headquarters costs, which lay outside the control of the service, the estimated controllable costs were now thought to amount to £824,000 (and not £656,000 as published in the circulated papers). Furthermore, the 4% target saving, which may be sought from the service for the 2010/2011 budget, was now thought to be £29,742 (and not £26,240 as published).

Members were then tabled an updated appendix 6 to the presented report and a further A4 sheet which informed the Group of the areas in which the Executive Member with Responsibility for Value for Money felt required addressing in due course. It was noted that these issues had been brought forward during the Vanguard review which was aiding the service to become more customer focused.

During discussion on the report, particular reference was made to:-

- a) changes in the economy. Following a query, Members were informed that there could be further increase in demand on the service in the event that the economy began to improve;
- b) the cost and impact on resources of those planning applications which were considered by the Development Control Committee. A Member felt that it was important for this to be borne in mind when applications were referred to the Committee for its consideration;
- c) concern at the apparent lack of understanding portrayed by some Town and Parish Councils. Members felt that a number of Town and Parish Councils did not fully appreciate the range of planning policies and the reason behind Officer and Committee decisions, and the consequences of these determinations (i.e. the appeals process and any possible financial impact on the Council arising from costs).

Following a lengthy debate, Members felt that information sharing with Town and Parish Council's was important, and perhaps it would be helpful to hold a training/information session for interested town and parish councillors;

- d) pre-application advice. A Member questioned whether the charging of pre-application advice was of benefit to the service in terms of applicants seeking the advice, or alternatively had the trend changed more towards applications being submitted with no prior discussion. In response, Officers advised that they only charged to recover costs for the advice given and it was not a profit making scheme. Members were also reminded that they only charged developers and did not charge for householder applications;
- e) enforcement action. Members highlighted the need for improved monitoring of enforcement issues.

It was then:-

RECOMMENDED

That the Executive be **RECOMMENDED** that the Group have commented on the report and make the following observations. That:-

1. the need for improved training / advice for Town and Parish Councils on planning decisions be highlighted; and
2. the need for improved monitoring of enforcement issues be recognised.

(Meeting commenced at 2.00 pm and concluded at 4.40 pm).

Chairman