

NORTHUMBERLAND COUNTY COUNCIL

COMMUNITIES AND PLACE OVERVIEW AND SCRUTINY COMMITTEE

At a meeting of the **Communities and Place Overview and Scrutiny Committee** held at County Hall, Morpeth on Wednesday, 27 November 2024 at 2.00 p.m.

PRESENT

Councillor N Oliver
(Chair, in the Chair)

MEMBERS

Cartie, E	Mather, M
Gallacher, B	Morphet, N
Lang, J	Reid, J

OTHER COUNCILLORS

C Horncastle	Looking After Our Environment
J Riddle	Improving Our Roads and Highways

OFFICERS IN ATTENDANCE

P Jones	Director of Environment and Transport
R Murfin	Director of Housing and Planning
S Nicholson	Scrutiny Co-Ordinator
H Proudlock	Senior S106 Officer
N Turnbull	Democratic Services Officer
K Westerby	Highways Delivery Manager

1 member of the press.

23. APOLOGIES

Apologies for absence were received from Councillors Carr and Dale.

24. FORWARD PLAN OF CABINET DECISIONS

The Committee considered the schedule of decisions made by Cabinet since the last meeting with the latest Forward Plan of key items (Schedule enclosed with the signed minutes).

RESOLVED that the schedule of decisions made by Cabinet and the Forward Plan of key items be noted.

Ch.'s Initials.....

25. SCRUTINY

25.1 Highway Drainage Maintenance Action Plan

The Director of Environment and Transport was in attendance to update the committee regarding the implementation of the Highway Drainage Maintenance Action Plan with the additional funding agreed by Cabinet. He also provided an overview of the recommendations regarding the BEST review and how they would be applied.

A copy of the report agreed by Cabinet on 8 October 2024 was enclosed with the agenda papers. It highlighted the impact on the highway drainage systems due to the exceptionally wet weather experienced over the 2023/24 winter period and set out the proposed approach to address the drainage issues in advance of the winter period 2024/25.

Cabinet had resolved to 'approve an intensive programme of ditch cleaning, channel sweeping and gully cleansing activity using external contractors over an 18-week period starting in late August and running into the winter to address the damage to highways drainage systems and to mitigate the risk of a further increase in highway flooding issues and drainage maintenance requests from occurring over the coming winter period. The cost of this activity would be £59,542 per week, totalling £1,070,856 for an 18-week period, to be funded from the Council's Severe Weather Reserve.'

Councillor Riddle, the Portfolio Holder for Improving Our Roads and Highways, thanked members of the Communities and Place OSC for the time they had spent considering the matter at a couple of meetings over the summer period given the level of concerns being raised by councillors as well as members of the public. It was extremely helpful that the additional funding had been agreed for him in his role as Portfolio Holder.

The Director of Environment and Transport and Highways Delivery Manager outlined:

- Progress to date on Improvement Actions.
- How gulleys were monitored, use of photographic evidence, change in method for cleansing operations, risk rating and review to be undertaken following recent heavy rainfall.
- New software had been built to accommodate the development of a National Underground Asset Register in 2025 which would inform partner organisations if the assets at a location were not as expected.
- Key findings from the Best Rapid Improvement Review of Highway Maintenance by Deloitte:
 - Lean service with few inspectors than comparable LAs.
 - Use of electric vehicles in rural areas with insufficient range or appropriate charging infrastructure at depots.

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- Time spent away from core duties by Highways Inspectors – changes had been made to support their role.
- New storage / waste disposal arrangements to be implemented for the emptying of gulley vehicles to maximise use of the vehicle and reduce downtime travelling.
- Identification of an accountability gap between the Highways and Flooding teams. Discussions were to be held with landowners regarding more sensitive agricultural practices such as a change in ploughing direction.
- Identification of tactical opportunities to obtain immediate service efficiencies or improvements.
- Incorporation of highway trees within safety inspections. If they were located outside the highway, contact was to be made with property owner.
- Constraints around tree felling activity.
- Ash dieback survey. Trees were categorised from 1 (healthy tree) to 4 (advanced dieback), defoliation categories from less than 25% (1) to more than 75% (4). Sample surveys had been undertaken on the A68 at Elishaw and A189 Three Horse Shoes. The survey work was being used to develop the approach to dealing with ash dieback which would be included within the work being undertaken to update the Tree Management Policy and the Tree and Woodland Strategy due in 2025.

He acknowledged that the scale of ash die back was significant with an estimated 183,000 trees on the highway or NCC land. Officers envisaged that an on-going multi-year programme of risk-based inspection and tree removal activity would be required at significant cost. However, it was noted that most trees damaged during recent storms were coniferous trees with shallow root systems.

The Chair reminded members that they would not be able to discuss ward specific issues, and that the discussion should relate to general principles and the approach.

The following information was provided in response to questions from members:

- Felling of trees with ash die back would have an impact on the landscape.
- Although ash trees were self-seeding, it was likely that the plans would incorporate replanting.
- Ecological advice would be obtained regarding the felling of diseased trees. Leaving diseased trees in situ where possible from a health and safety perspective was desirable as it retained habitat, reduced visual impact and allowing self-seeding would enable the species to build resistance.
- An assessment would be carried out at each location as to whether it would be more effective to remove all ash trees in different categories or only selected trees in category 4. It was likely that both approaches would be trialed and assessed after a set period to determine future activity.
- Detailed information was held about floodplains, potential river flooding as well as surface water flooding. The LiDAR software system showed land

contours and could demonstrate the effect of different levels of rainfall. It was very challenging to direct water in urban areas due to slower absorption and the capacity of the drainage systems. Given the increasing frequency of weather events, the Flood and Coastal Erosion Risk Management (FCERM) team were studying the systems and had already started a joint study with the Environment Agency and Northumbria Water to look at drainage systems in Blyth prior to the recent surface water flooding incident. The results would inform investment by the Council, Northumbria Water and the Environment Agency. Local knowledge would be useful if there were anomalies. The work undertaken in Morpeth since the flood in 2008 was a good example of what could be achieved and build resilience to surface water flooding.

- Advance warning of heavy rainfall was essential so that gulleys rated as high risk could be checked. As there were 1,400 of these, this could not be done with very few hours' notice. Unfortunately, there had been no notice when the flooding had occurred in Blyth on 8 October 2024.
- Northumbria Water Limited (NWL) were in the process of installing sensors in sensitive areas of their sewerage system which gave them capacity to divert water from areas at high risk of surface water flooding. Officers were working with NWL to better understand the network and to support their installation of the new equipment to ensure they were able to react to issues and events with a computer controlled 'smart' sewerage system. This would also have the added benefit of reducing pollution issues associated with flooding.
- NCC held data on the most frequently reported gullies in the county, such as Denwick Lane in Alnwick. This allowed work to be prioritised and enable the capital budget to be spent more effectively.
- The report to Cabinet on the drainage action plan had been delayed. The extra work had commenced 3 or 4 weeks previously. Approximately £120,000 had been spent to date with a current weekly spend of circa £20,000. It was estimated that the funding would cover the additional work for another 20-30 weeks but that the programme of work would be accelerated in January.
- There had been a single BEST review of highways which had covered administration, customer services, inspections and operational teams.
- A copy of the BEST review would be circulated to members.
- The accountability gap between highways was being addressed by the Highways Delivery Area Manager and the FCERM Manager by looking at the key issues in the network that have caused concern and how they were best addressed. The FCERM Manager was already in contact with the EA regarding agricultural sensitive practices and how best different areas of existing activity could be utilised.
- The legalities had been addressed and documentation prepared to enable notice to be served on landowners under the Land Drainage Act 1991, where this was required. Unfortunately, it was acknowledged that this was a lengthy process. An example was given where the council had undertaken all of the work it was able to on drains within its ownership which had identified that there was a blockage on privately owned land.

- The extra funds were being spent equally across the county. More ditching work would be undertaken in the North and Tynedale whereas more gulley cleansing would be carried out in the south east of the county.
- A change in legislation had meant that the waste material from the gulley machines was now classified as liquid hazardous waste. They were now looking to replicate the transfer station at Blyth at other depots to reduce the time spent travelling by the gulley vehicles for the disposal of their contents. Disposing out of hours would require additional manpower and incur overtime rates.
- Fleet management had become more challenging given the long lead in time required for some of the specialist heavy goods vehicles. Some vehicles were replaced on shorter cycle due to the cost of maintenance and repairs being greater than the cost of replacement.
- Demonstration vehicles were trialed by the staff that would ultimately be using them, before orders were placed for new vehicles. Induction training was provided to staff when new vehicles were delivered to ensure that they knew how to operate them. Similar arrangements were provided to fleet maintenance staff by the vehicle manufacturers such as Dennis Eagle on any modifications or specific pieces of additional equipment which had separate maintenance regimes in addition to the normal chassis and engine maintenance. In addition to the normal HGV training, the gulley tanker operators were now also required to undertake a 2-day sewer cleansing high pressure water course due to the additional PSI capacity of the equipment on board to clear more blockages.
- There had been significant investment in new plant and equipment. Unfortunately, the maintenance on some of the older vehicles had meant that it would not have been beneficial to keep them all, but they had kept the best of the older vehicles as a spare.
- Retention of staff with HGV licenses was difficult when better rates of pay could be earned elsewhere.
- The only practical solution to address the gulley cleansing problem quickly had been to bring in external contractors on an intensive programme.
- There remained £4 million in the severe weather fund.
- Feedback was provided by and to Highways Inspectors.
- The specification of the new gulley tankers had been challenged to make sure it was correct.
- As part of the most recent senior management review, the Highways Development Management team had been moved from planning to highways. The Infrastructure Manager was now responsible for HDM and FCERM teams who were 2 separate statutory consultees for planning applications. It was hoped that this would improve coordination and discussion of local issues with area managers and maintenance engineers. There would be a time lag between planning applications considered a few years previously and issues arising from new developments.
- The Highways Delivery Manager agreed to contact his NFU contact regarding the landowner documentation.
- All planning applications which would have drainage implications would consult highways, the EA, LLFA, NWL and whoever else was appropriate.

- Hedge trimming was largely the responsibility of landowners, and they determined the amount of vegetation removed. It was noted that landowners were also restricted on how frequently they could trim hedges (ie due to nesting birds).
- There was a duty to consult the public and particularly those that would be directly affected in the locality regarding the removal of a street tree. The duty to consult rested with the body that proposed removal. The duty had only recently become a requirement in the previous year and had been undertaken by the Council once with regard to the proposed active travel scheme in Bedlington. The duty to consult had not been required for the Corbridge to Hexham active travel route, as trees impacted by the latter scheme were not 'street trees'.

Committee members thanked the officers for the comprehensive report, update and additional funding which was making a significant difference in some areas with problems that arisen following the previous winter. They also:

- Expressed concerned that the team that dealt with trees was already overstretched and would require significant resource to address the issue of ash die back.
- Suggested that if notice was being given to residents in an area to remove vehicles to allow gully cleansing, it would also be beneficial to have other teams in the areas at the same time e.g. for weed removal.
- Recommended that more competitive salaries needed to be paid to retain specialist or highly trained staff. A new pay policy should be considered by a working group.
- Suggested that the landowner documentation needed to be more widely circulated to the National Farmers' Union (NFU), Country Land and Business Association (CLA) and national parks who would be able to disseminate it further. Landowners would not seek this information out on the council's website. All landowners should be provided with a copy whether by email or hard copy.
- Highlighted the importance that all parties understood the magnitude of the impending tree issue. There were an estimated 183,000 trees that the Council would be responsible for with felling costs of ~£600 each. All options should be explored, and the impact of different solutions assessed over a number of years, such as targeting only the worst trees, cutting down all trees in an area, leaving felled trees in situ or removal if there was a potential income stream from the timber. Councillor Dodd be thanked for highlighting the issue and that he be sent a copy of the presentation.

The Director of Environment and Transport agreed to action wider communication of the landowner document.

RESOLVED that the Communities and Place OSC:

- a) Thanked the administration for the additional funds that had been provided for the highway's drainage programme of work in 2024/25.

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- b) Acknowledged the work that had been undertaken by officers since the meetings in June and July on the Highways issues.
- c) Receive an update on the position with regard to the emptying of the gully wagons in due course.
- d) Inform Cabinet that they supported the budget request in 2025/26 for more resource for preventative maintenance.
- e) Receive the update on the work undertaken on trees to date and that a further report be received in due course.

26. OVERVIEW

26.1 S106 Infrastructure Funding Statement 2023-2024

The Committee received the fifth Infrastructure Funding Statement (IFS) which was required to be published by all Local Planning Authorities (LPAs) which entered into Section 106 planning obligations. (A copy of the report is enclosed with the signed minutes.)

Councillor Horncastle, Portfolio Holder for Looking After Our Environment, reported that the statement had to be published annually. It provided a summary of all financial and non-financial developer contributions, within Northumberland, for the financial year 2023-24. He commented on the time lag between monies being received and utilised for schemes such as affordable housing which required consultation and planning processes etc. There was also a difference in the amount of funds generated between the local committee areas which had advantages and disadvantages.

Rob Murfin, Director of Housing and Planning introduced Heather Proudlock, Senior S106 Officer, who had been instrumental in the more structured approach to ensuring that payments were received from developers and paid out for the various projects the money funded.

The statement intended to explain the process for members of the public without prior knowledge for nearby schemes. The approach had been upheld by central government as an example of best practice and included a breakdown on the Section 106 funds collected for each of the five Local Area Committees as well as a map which showed the location of where there were S106 agreements and the spend by each LAC.

He acknowledged that there was a delay in the system and highlighted the difference between the number of houses granted planning permission and the number not completed, or also perhaps not even started. The Local Government Association (LGA) had lobbied government for powers to compel developers to complete sites as often payment of S106 monies for affordable housing was tied to trigger points relating to the percentage of market housing completions. He confirmed that officers were in constant dialogue with developers to secure the delivery of S106 funding.

It was noted that the expected non-discretionary tariff-based system, a Community Infrastructure Levy (CIL) had not yet been implemented. Officers were awaiting publication of new National Planning Policy Framework within the next month which would embed new housing targets. Members would be kept informed regarding changes to planning legislation with further changes also expected later in 2025.

Heather Proudlock, Senior S106 Officer was in attendance at the meeting to improve communication with members and obtain feedback if additional information was desired.

It was noted that a typographical error on page 73 of the papers needed to be amended and should read 'South Tynedale' not 'South Tyneside'.

Members thanked the officers for the report and the work to improve the timely collection and spend of S106 monies. The following information was provided in answer to questions from members:

- The majority of S106 funds was earmarked for specific projects however, applications could be made for unallocated funds, such as sport and play. The process where a contribution had been made for offsite affordable housing was more complex and required the development of a scheme, planning permission and a developer in place to build. It was agreed that a link to information on the Council's website be circulated to county councillors to enable them to highlight the information to organisations within their wards, particularly if funds were generated by schemes considered by the Strategic Planning Committee and therefore local members who did not sit on the committee might not have knowledge of the scheme.
- If agreement could not be reached between a developer and the planning officer regarding the affordability of a scheme, the applicant would be requested to submit a viability assessment which would be independently considered by an external valuer determine whether the issue of affordability was legitimate or not.
- The Northumberland Consolidated Planning Policy Framework referred to the totality of all local plan policies and national policies which were available online. Policies were fluid. Reference was made to the Northumberland housing target which had changed three times between the date of submission of the Northumberland Local Plan for Examination in Public and date of adoption.
- Planning reports included reference to relevant policies and legislation. An application was determined in relation to the policies in force on the date of the planning committee and not the date the application was made. These could change over the course of a planning application was processed.
- The statement related to the 2023-24 financial year and did not include reference to projects such as playzones agreed after 1 April 2024.
- Clarification would be sought after the meeting and circulated to members regarding interested earned on S106 monies and whether that increased the S106 pot or was utilised elsewhere by the Council. It was noted that

rising construction costs could devalue the money that was obtained for a particular purpose and an argument made therefore the interest should be retained. The issue was also relevant if the money had to be repaid. Others considered that income and interest generated should be spent where it was needed, such as the highways drainage work discussed earlier in the meeting.

- It was confirmed that interest at RPI was charged on more recent S106 agreements. Therefore, if an agreement was signed in 2020 and the trigger point not reached until 2026, interest would be charged for the intervening period which would help offset rising construction costs. It was noted that this was similar to the governments levelling up policy.
- It was suggested that it might be beneficial if training was provided regarding pledges for projects, such as play parks or paths, to ensure that appropriate conditions were applied to ensure that schemes were delivered in a timely manner. These were closely monitored by the S106 team to ensure that money was utilised and did not have to be repaid to developers. Any at medium or high risk of failing be delivered within the specified timescale were reported to the Director.
- The Local Plan set out at a strategic level what infrastructure could be required in an area where development was proposed, such as new schools. This had been tested during the public examination of the local plan and was set at a level where 85% of all schemes should be able to pay the generic infrastructure requirement. Ultimately, this could be challenged by developers and a viability assessment for each scheme following consultation with relevant departments such as education to assess the actual need in an area. A list was collated with a case-based argument regarding the viability to pay the contribution. Detailed evidence and costings would be requested on an open book basis which would be independently assessed, as discussed earlier.
- The planning case officer consulted other departments to obtain up to date information and manage negotiations with a developer to obtain changes to make a scheme acceptable.
- S106 agreements normally only applied to 10 or more residential units and did not apply to every application. S106 agreements could not be negotiated on smaller sites and therefore contributed to the smaller figures in the southwest. This was one of the arguments for a metre² tariff-based approach. Generally the larger development sites were located in the southeast of the county.
- In some circumstances, if the impact of a scheme could not be mitigated, or a developer could not afford to make the required contributions, could constitute a reason for refusal of the application.
- Information would be circulated on indexation and interest.

It was confirmed that more detailed information was held by officers if members had queries regarding schemes and trigger points. This detail could not be included within the statement.

RESOLVED that:

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- a) The report and S106 Infrastructure Funding Statement for 2023-2024, be noted.
- b) A link to the Council's webpage regarding Sport & Play be circulated to members of the Communities & Place OSC following the meeting.

27. Communities and Place Overview and Scrutiny Committee Monitoring Report

The Committee reviewed its work programme for the 2023/24 council year. (Report enclosed with the signed minutes).

The Scrutiny Co-ordinator reported that:

- Confirmation had been received that the Council's Housing Allocation Policy would be considered at the next meeting on 29 January 2025.
- The BEST review of Regulation and Enforcement Activity report provided a follow up on the planning enforcement matters considered by the committee earlier in the year.

RESOLVED that the work programme be noted.

CHAIR _____

DATE _____