

North Yorkshire County Council

Transport, Economy and Environment

Overview and Scrutiny Committee

Minutes of the Meeting held at County Hall, Northallerton on 7 November 2012 at 10.00 am.

Present:-

County Councillor David Jeffels in the Chair

County Councillors John Blackburn, Mike Cockerill, Michael Heseltine, Robert Heseltine, Mike Jordan, Penny Marsden, John Marshall, Don Mackenzie, Stuart Parsons, John Savage, Cliff Trotter, Richard Welch

Also in attendance:

County Councillors Carl Les, Paul Richardson

Officers

Ray Bryant	Senior Policy Officer Trading Standards & Planning Services
Doug Huzzard	Highways Asset Manager
Aidan Rayner	Public Rights of Way Team Leader
Catriona Gatrell	Principal Solicitor
Carl Bunnage	Regional & Strategic policy Team Leader
Matt Millington	Biodiversity Officer
Lesley Dale	Corporate Development officer
Kristina Peat	Sustainability Manager
Lorraine Laverton	Corporate Development Officer

2 members of the public attended.

Copies of all documents considered are in the Minute Book

96. Minutes

That the Minute of the meeting held on 5 September 2012, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

97. Public Questions or Statements

There were three public statements. Two statements were concerning the report on Renewable energy policy: Proximity of dwellings to wind turbines and these were from Mr Gerry Smith and Mr Derek Partington. One written statement from Mr David Rice concerning the report; The Use and Management of Routes Currently Recorded as Unsurfaced, Unclassified Roads (UURs) in North Yorkshire – Feedback from the public consultation exercise and subsequent amended policy proposal.

The Chairman decided to take the statements at the corresponding place on the agenda.

98. Renewable Energy Policy: Proximity of Dwellings to Wind Turbines

Considered –

The draft report of the Corporate Director – Business and Environmental Services.

The Chairman invited Mr Gerry Smith to put forward his statement to the Committee and informed the Committee that the written statements of Mr Gerry Smith and Mr Derek Partington had been tabled for members. (copies of the statements are included in the minute book for reference.)

Mr Smith thanked the Committee for allowing him to speak and went on to put forward his views on the report and a minimum separation distance for wind turbines in general.

He pointed out that the report stated a base to vertical tip height of 100 metres for commercial wind turbines however he felt this was misleading as there were many examples of commercial wind turbines below this height. Mr Smith put forward two examples as two proposed turbines at Chelker, being 75m and Knabs Ridge, Harrogate at 97.5m. Mr Smith suggested to the Committee that either the blade - tip height be reduced to 65m, or to adopt a sliding height to distance scale. He believes the current Wiltshire recommendations provide a good guideline for this.

Mr Smith referred to the written statement of Mr Derek Partington and in particular the Wiltshire draft proposal. Wiltshire Council have recently started consultation on proposed changes to their Core Strategy. This includes:

“Additional guidance will be prepared to support the implementation of Core Policy 42 to identify appropriate separation distances between wind turbines and residential premises in the interests of residential amenity, including safety”. (Residential amenity is defined as including noise, visual amenity and safety). “In the interim period, prior to the adoption of the guidance, the following minimum separation distances will be applied: If the height of the wind turbine generator is-

- (a) greater than 25m, but does not exceed 50m, the minimum distance requirement is 1,000m;*
- (b) greater than 50m, but does not exceed 100m, the minimum distance requirement is 1,500m;*
- (c) greater than 100m, but does not exceed 150m, the minimum distance requirement is 2,000m;*
- (d) greater than 150m, the minimum distance requirement is 3,000m.*

Shorter distances may be appropriate where there is clear support from the local community.”

Mr Smith also believed there should be an exclusion clause where the home owner, who is also the occupier, is ‘financially involved’ in the proposal.

Mr Smith referred to the consideration of this matter by the North Yorkshire County Council Executive and the concern that he felt was raised that a separation distance could exclude or diminish the opportunity of onshore wind development in North Yorkshire. Mr Smith concluded by stating that he believes that having wind turbines near to homes is totally unacceptable.

The Chairman invited County Councillor Paul Richardson to put forward his views on the matter.

Councillor Richardson thanked the Committee for reconsidering the matter of minimum separation distance for commercial wind turbines so quickly. He believed the report was a good one albeit he considered weighted in favour of wind turbines he was pleased to see that it adhered to the previous recommendation of the Transport, Economy and Environment Overview and Scrutiny Committee; that there be a 2 kilometre minimum separation distance and that the onus was on the developer to prove that there would not be detrimental effect for local residents and that therefore the buffer could be reduced. He went on to agree with Mr Smith and Mr Partington's suggestion with regard to using the Wiltshire Council draft model as a good way forward for North Yorkshire County Council.

The Chairman invited Ray Bryant to outline his report and commented that the advice from central government was in itself confusing and provided little clear guidance for Local Government on this matter.

Mr Bryant responded to the comments made by Mr Smith and Councillor Richardson and suggested there was no reason why a reduction in the height of the wind turbines could not be considered nor indeed the use of a sliding scale as in the Wiltshire Council draft model. He did reiterate that the Wiltshire Council proposal had not been agreed i.e. had not been through public examination or completed due process. He went on to stress that the health of local residents was uppermost in people's minds. He also clarified that it is possible to measure the visual effect and shadow flicker and that this is something that planning authorities would consider on a case by case basis. He went on further to say that the proposal being put forward by North Yorkshire County Council could only be a policy statement and was unlikely to have planning weight or be considered of use by the District planning authorities.

Mr Bryant ran through the report and reminded Members that this matter had been taken before the Executive on the 22nd May 2012 and that the Executive had requested that:

- Tighter definitions were applied to 'homes' and 'wind turbines'
- That North Yorkshire District Councils and National Park Authorities be consulted upon the proposed position
- That the NYCC Transport, Economy & Environment Overview and scrutiny Committee have opportunity to comment on this matter prior to its return to Executive.

Mr Bryant referred Members to the descriptions at section 3.0 of the report that provided definitions on 'wind turbines' and 'homes'.

Members consideration of the matter included the following comments:

- A general agreement that the Wiltshire Council draft model appeared to be a good way forward
- That it is District Councils who are the planning authorities and they consider any proposals on a case by case basis.
- That the development of wind farms was a very emotive subject
- That any policy statement from NYCC should be considered as an attempt to influence the National policy on this.

County Councillor Robert Heseltine proposed that the Transport, Economy & Environment Overview and Scrutiny Committee should recommend to the Executive that the NYCC policy statement on the proximity of dwellings to wind turbines should be based on the Wiltshire Council draft model. And that the comments of Mr Gerry Smith should be taken into consideration by the Executive in their deliberations. The proposal was seconded by County Councillor Stuart Parsons. The Chairman took the proposal to a vote and the majority supported the proposal.

Resolved –

that the Transport, Economy & Environment Overview and Scrutiny Committee recommends to the Executive that the NYCC policy statement on the proximity of dwellings to wind turbines should be based on the Wiltshire Council draft model. And that the comments of Mr Gerry Smith should be taken into consideration by the Executive in their deliberations.

99. Public Rights of Way Overview

Considered –

The report of the Corporate Director – Business and Environmental Services.

The report gave Members an overview of the Public Rights of Way maintenance service. Mr Rayner informed Members that the County Council as Highway Authority is responsible for the management and maintenance of the network as well as having a duty to keep the Definitive Map and Statement up to date. He stressed that a well maintained network is vital to support both the visitor economy of the county and also in providing a key tool in addressing the health and wellbeing of its residents.

Mr Rayner advised Members that in the last financial year 3393 new issues were reported and 3508 issues were resolved. He also clarified the role of the Area Rangers as the first point of contact for Members concerning issues in their Division.

The North Yorkshire Rights of Way Improvement Plan is currently being reviewed. Mr Rayner stressed that given the funding position it is important to update the document so that it realistically reflects the ability to manage and develop the network over the next ten years.

Members congratulated Mr Rayner on a very informative report and wished to express their appreciation for the hard work of the Public Rights of Way team and to congratulate them for the work undertaken with extremely limited resources. Members agreed it would be useful to consider the draft North Yorkshire Rights of Way Improvement Plan to comment before it is presented to the Executive.

The Committee

Resolved –

To note the information in the report and to consider and comment on the draft North Yorkshire Rights of Way Plan prior to its presentation to the executive

100. The Use and Management of Routes Currently Recorded as Unsurfaced, Unclassified Roads (UURs) in North Yorkshire – Feedback from the public consultation exercise and subsequent amended policy proposal

The Chairmen drew the attention of the Committee to the written statement and questions of Mr David Rice that had been tabled (with the questions to the Committee highlighted in yellow for ease of reference.) and also to the addendum to the report tabled by Mr Huzzard.

The addendum clarified the purpose of the report as: To inform Members of the consultation response on the County Council's proposals for a "Policy on the Use and Management of routes currently recorded as Unsurfaced Unclassified Roads in North Yorkshire" and of the amended management and maintenance proposal involving the PRow service and a transfer of maintenance and management arrangements for urban PRow.

The addendum also clarified that the Transport, Economy and Environment Overview and Scrutiny Committee is recommended to:

- i. note the UUR consultation response
- ii. note the intention to pilot the amended UUR management strategy
- iii. note the intention to pilot the proposed service delivery strategy for urban PRoW

The Chairman proposed to go through the questions for the Committee posed by Mr Rice and ask for responses from Mr Huzzard.

Question A

Unlike other reports presented to the Scrutiny Committee, the report does not specify what action Elected Members are expected to take on the basis of its content:

Response (A)

The addendum tabled at the meeting clarifies the purpose of the report and the recommendation

Question B

A trial of the amended UUR "process" is proposed at 4:3 of the report in "Area 3". At 6:5 of the report it confirms that "... the outcomes /output of [the] proposed Area 4 trial will"So, which Area is actually proposed for a trial of the "process" and exactly what is the geographic boundary of that Area?

Response (B)

The UUR trial is proposed for Area 3. This is the Scarborough Borough Council area. The urban PRoW is proposed for Area 4. This is the Ryedale District Council area. (reference to paragraph 4.3 and 5.6)

Question C

Exactly how many of the 993 unsurfaced unclassified roads have now been assessed?

Approximately 980.

Of that number how many fall into each of the 8 sub categories of class 6 highways noted at 4:1 of the report?

We have yet to commence any analysis of the assessment reports.

How has the NYCC eliminated distortions in its report related to the UUR's that are definitively recorded as not having rights with mechanically propelled vehicles?

Mr Rice does not define what is meant by 'distortion', that said the results of all assessments are valuable and none will be eliminated prior to analysis.

Exactly how many of the 993 UUR's have been inspected in the last twelve months (as prescribed by the rigorous process and frequency documented in the NYCC's statutory Local Transport Plan)?

None as prescribed in the LTP2 (2006-2010) as a consequence of re-prioritising resources.

The following two questions were not applicable due to the response above; *Why were these inspection records not used as the basis for determining any draft UUR*

policy proposals? And How many of the UUR's inspected by the process documented in the NYCC Local Transport Plan (in the last 12 months) concluded that the route was out of repair, dangerous or not fit for purpose?

Question D

Will the Elected Members of this Committee propose and resolve that a written policy should be developed, approved and published, for the application of Permanent Traffic Regulation Orders in the NYCC authority area?

Response (D)

The Chairman could not pre-empt the discussion and decision of the Committee

Question E

Please will the Committee confirm which interest groups (and organisations representing the interest of user groups) will the NYCC consult before seeking Traffic Regulation Orders on Unsurfaced Unclassified Roads?).

Response (E)

Traffic Regulation orders are routinely consulted upon in accordance with statutory requirements.

Members felt it would be useful to receive a report on each of the pilots at a future meeting as appropriate.

Resolved –

The Committee resolved to:

- i. note the UUR consultation response
- ii. note the intention to pilot the amended UUR management strategy
- iii. note the intention to pilot the proposed service delivery strategy for urban PRoW
- iv. receive a report on the pilot schemes to a future meeting

101. Climate Change Update

Considered –

The report of the Assistant Director (Policy and Partnerships).

The report provided an update on the NYCC Climate Change Strategy and underpinning action plan, how the County Council is tackling climate change and provided the context in which those actions are being taken with focus particularly on the carbon reduction activities of the County Council. This includes the Carbon Reduction Commitment (CRC), the draft Carbon Management Plan, the energy efficiency property improvement programmes, Small Steps BIG Difference Campaign, transport issues and other proposed schemes.

Members thanked Ms Dale and Ms Peat for a very informative and condensed report that succeeded in showing what is happening across the authority. Members highlighted areas they considered as good practice with Sherburn High School switching from using oil to using a combination of gas and bio-mass.

Resolved –

The Committee resolved to approve the report and the Carbon Management Plan for consideration by Management Board prior to its presentation to the Executive meeting on the 18th December 2012.

102. Biodiversity Update – Bees Task Group

Considered –

The report of the Corporate Director – Business and Environmental Services.

The County Council's biodiversity officer Matt Millington reminded Members of the work undertaken by a Member and Officer task Group looking at the decline in the bee population set up by the previous Environment and Heritage Overview and Scrutiny Committee.

He went on to update Members on progress with schools with at least one school in each District area being visited. He also tabled a draft version of a 4 page leaflet that was being developed for schools. The leaflet includes different management options that can be adopted by schools to increase biodiversity.

Members discussed how the management of verges can also increase biodiversity.

Resolved –

Members resolved to note the information in the report.

103. NYCC Representatives on Airport Consultative Committee Reports

Considered –

The reports of County Councillors Cliff Trotter, David Jeffels and Chris Pearson.

County Councillor Pearson addressed the Committee and in addition to the information in his written report he wished to ask Members to promote the heritage of the Selby District to encourage visitors travelling via the Robin Hood Airport.

This report asks the Committee to:

- (a) Note the information in the report;
- (b) Consider the reports of the North Yorkshire County Council representatives on the Airport Consultative Committees attached as Annex 1.

After consideration of the reports the Committee agreed for future consideration a written report would be enough and that any questions arising from the report could be directed via the Corporate development officer. Members recognised the journey Councillor Pearson had and the time taken out of his day for a short report.

Resolved –

Members resolved to:

- (a) Note the information in the report;
- (b) Note the information in the reports of the NYCC airport consultative committees attached at Annex 1

104. Work Programme

Considered –

The report of the Scrutiny Team Leader.

This report asks the Committee to:

- (a) Note the information in the report;
- (b) Confirm, amend, remove or add to the list of matters shown on the work programme.

Resolved –

Members resolved to:

- (a) Note the information in the report;
- (b) Agree the Committee's work programme

The meeting concluded at 12:40 pm

LL/ALJ