

**MEMBERS' QUESTIONS**

**AGENDA ITEM 6**

**QUESTION 1**

**MR DAVID ROBERTS** will ask the following question:

Last year your predecessor promised me, via a question at council, that a complete review of primary school catchment areas would take place after the election, please can you tell me when that will start and how long it will take?

**MRS ANN HARTLEY**, the Portfolio Holder for Children's Services will reply:

Thank you for raising this issue. The response made by Cecilia Motley on 3<sup>rd</sup> May 2012 stated that "the Council will consider undertaking a full review of the catchment areas for schools". Having considered this in detail, we have concluded that a wholesale review is not required at this time. It is apparent, however, that there are a small number of areas where it would be helpful to undertake some review. I can confirm that the area you identified will be part of this review. This will commence in 2013 with a view to recommendations going to the Local Admissions Forum for wider consultation, for possible implementation in September 2015. This is the earliest time that changes of this nature can be implemented.

**QUESTION 2**

**MR DAVID ROBERTS** will ask the following question:

Whilst I am delighted that a number of roads in my Division have been treated with tar and grit, would it have been sensible to have filled the holes in first?

**MRS CLAIRE WILD**, Portfolio Holder for Highways and Transport will reply:

The roads in question have been checked and I can respond as follows:

**Vron Gate.**

This has been surfaced dressed this season. Since the work was done a local farmer has been doing some harvesting and he has, quite properly, been cleaning mud off the road afterwards. Unfortunately this has caused some damage to the newly dressed surface. Arrangements will be made for the Roadmaster to go to this site and undertake the necessary repairs.

**Stanford Lane.**

Three small holes can be seen through the surface dressing. These are most likely to be small potholes that have developed between the pre surface dressing patching that took place and the dressing. The dressing team do not carry tarmac to undertake repairs. This is the way the process has operated for

years. Technicians do inspect the sites two or three days before the treatment and ensure any repairs are done, however, they might miss the odd minor defect.

**Station Road.**

There is a small edge break that has been identified. As for the potholes above this probably happened between the pre dressing preparation and the surfacing. This should also have been picked up by technicians checking dressing sites a few days prior to the treatment.

**Vicarage Lane.**

This was partially completed. There has been deterioration over the winter that means a section will need a treatment more structural than surface dressing. That will be put forward into our next programme.

**QUESTION 3**

**MRS ANNE CHEBSEY** will ask the following question:

It has been some time now since the street lighting in my division was adjusted to go off at 12 midnight and on again at 5am within the residential areas. Many residents are happy with the policy but quite a number have raised the matter with me. My area is adjacent to the town centre in Shrewsbury and many residents work late into the night. They have raised concerns about walking on secluded pathways and steps where the lighting is now off. To ascertain if there are any problems arising from this policy is it possible to review the situation before the winter and the darker mornings? I'm sure all members would be interested to know to what extent this policy has reduced the carbon footprint and also what money has been saved but also it would be of interest to know if crime and anti-social behaviour has increased and if any accidents (such as slips and falls) have occurred due to the lack of lighting. As I stated earlier many residents are supportive of the policy but in the interests of those who are out and about during the night it seems appropriate to review and possibly amend the policy slightly before the winter period.

**MRS CLAIRE WILD**, Portfolio Holder for Highways and Transport will reply:

During the financial year 2012/13 some 4,600 street lights were converted to operate in a part-night lighting regime, as follows:-

Shrewsbury Urban (North)	1538
Shrewsbury Urban (West)	1389
Shrewsbury Rural	450
South West Shropshire	1181
Total	4558

These lights were converted over a period of some 9 months, with the majority having been converted in the first quarter of 2013, therefore a full 12 months savings have not as yet been reflected in accounts. However, during a full 12 months of operation, financial savings in the region of £57k will be achieved on direct energy costs and a further saving of £5.2k in respect of the Climate Change Levy.

The Council is committed to reviewing the application of part-night lighting across the County and is in liaison with the Bronze Level Tasking Group

(BLTG), a multi discipline body whose remit is to identify trends in crime and anti-social behaviour and put into place strategies to minimise such trends, and who meet on a monthly basis. Feedback from the BLTG has not shown any rises in trends for crime of anti-social behaviour in the areas which have been converted to date.

As part of our risk assessment process, to determine which street lights could not be converted to part-night lighting, we examine obstructions within the highway, however there may be instances of steps being present which we are still unaware of, if Councillor Mrs. Chebsey can appraise me of such instances I will be more than happy to check such instances out on her behalf. That said, the Authority has not received any notices of trips or falls where part-night lighting has been cited as attributing to such a trip or fall to date.

There have been some 90 complaints, or comments, received about the deployment of part-night lighting since April 2012, of which only 2 originated in the Porthill Division.

As a result of having received all of the report from across the County we have responded positively by reinstating lighting in the vicinity of two sheltered housing schemes, which had not been brought to our notice by the relevant Housing Associations and in one instance we converted one light back to all night operation for a vulnerable young man who was being harassed by neighbours and was known to the BLTG.

#### **QUESTION 4**

**MR MILES KENNY** will ask the following question:

The kerbside collection of plastics seems to have been generally welcomed and I am sure figures can be given for volumes or tonnages collected without asking, but there are many different plastics, how do they sort out which plastic goes to which processor and what happens to the plastic collected from the kerbside they do not send for processing?

**MR STEVE CHARMLEY**, Portfolio Holder for Business Growth will reply:

The mixed plastic (bottles, pots, tubs and trays) and cans collected from the kerbside recycling service are separated at Veolia's Four Ashes Materials Recycling Facility (MRF) in Staffordshire. The separated mixed plastic is bailed and sent on for further separation into the respective grades of plastic such as low density polyethylene (LDPE), high density polyethylene (HDPE), polypropylene (PP) etc., at a specialist facility operated by Veolia located at Rainham, Essex, which receives mixed plastic from around the UK. After separation and grading the materials are then sold on the open market, to a wide variety of reprocessors/manufacturers who use the material as a replacement for manufacturing using virgin material.

Materials not suitable for reprocessing include plastic bags, black containers (due to optical sorting not being able to distinguish between the black conveyor and the material) and plant pots. These are removed during MRF process at Four Ashes and sent with other rejected material to Veolia's Energy Recovery Facility (ERF) at Tyseley, Birmingham. The rejected plastics from this process represent less than 1% of the total plastic collected at the kerbside.

## **QUESTION 5**

**MR MILES KENNY** will ask the following question:

Has the percentage of money spent on cycle ways maintenance kept pace with the rest of the highways maintenance budget vis a vis the increase in cycle usage over the past two years?

**MRS CLAIRE WILD**, Portfolio Holder for Highways and Transport will reply:

The highways maintenance budgets are split for principal and non-principal roads and by division, but not by highway type. They are not therefore, broken down for carriageway, footway or cycleway. All highway types are subject to routine inspections and defects logged and repairs ordered on a priority basis, depending on the defects found. Whilst there are budget pressures on highway maintenance they are shared across all road types, the money going to those defects where there is the greatest risk of harm or injury to the user. The increase in cycle ways over recent years has not brought with it any additional dedicated maintenance money that money coming from the general highway maintenance pot.

## **QUESTION 6**

**MR DAVE TREMELLEN** will ask the following question:

**SAFETY SETBACK DISTANCES & BUFFER ZONES FOR WIND TURBINE SCHEMES.**

The draft SAMDev has accepted a very restricted version of the British Horse Society's (BHS) guidelines for setback distances from bridleways, but makes no reference to buffer zones to protect residential properties in the area neighbouring any turbine development.

1) Could SAMDev be modified to include the full recommendation of the clearly defined BHS setback distances of 3 x height-to-tip for a minor Public Right of Way and 4 x height-to-tip for National Trails and Ride UK routes (e.g. The Jack Mytton Way)?

2) Following the introduction of buffer zones in the Local Plans of other county authorities, would the Member assure the people of Shropshire that SAMDev will establish buffer zones of 2km (1.25 miles) distance to separate residential properties from the impact of such industrial development?

**MR MALCOLM PRICE**, Portfolio Holder for Built Environment will reply:

1) *Could SAMDev be modified to include the full recommendation of the clearly defined BHS setback distances of 3 x height-to-tip for a minor Public Right of Way and 4 x height-to-tip for National Trails and Ride UK routes (e.g. The Jack Mytton Way)?*

The SAMDev draft Development Management policies were consulted on in early 2013 and a further report will be produced to consider these as part of the SAMDev final plan at the end of the year.

Draft Policy MD8 provides guidance about new infrastructure provision and for wind energy proposals it identifies a number of specific considerations which give rise to local concern. If the policy is adopted applicants for such proposals would be required to provide sufficient information to allow a qualitative assessment of the potential impacts against relevant national, local or good practice standards including:

- i. British Horse Society standards (2010) for the buffer distance between wind turbines and bridleways;
- ii. ETSU R 97 standards for noise assessment;
- iii. The policies of the AONB Management Plan.

2) *Following the introduction of buffer zones in the Local Plans of other county authorities, would the Member assure the people of Shropshire that SAMDev will establish buffer zones of 2km (1.25 miles) distance to separate residential properties from the impact of such industrial development?*

The development of the draft SAMDev policies has been informed by advice from recent consultation responses, including detailed discussion with local campaign groups. Shropshire Council does not believe that the interests of Shropshire would be best served by imposing minimum separation distances or buffer zones in a policy document designed to last at least 10 years. Turbine technology is already changing more rapidly than existing national guidance and any such policy would rapidly become outdated, undermining its value in decision making.

A buffer zone provides no acknowledgement of local topography, landscape quality or other factors such as geology, flood risk areas or the views of the community. Different renewable energy technologies generate different impacts, depending on the technology concerned and the nature and scale of the facilities within the local context in which they are proposed. Noise impacts can still occur outside a defined separation distance and adopting such an approach could therefore actually prevent all the relevant noise impacts from being taken into account in the context of a specific proposal. Instead, Shropshire Council proposes to apply a criteria-based approach which allows all relevant impacts, including noise, to be assessed in the light of local circumstances.

The preferred policy approach identified in SAMDev draft policy MD8 is therefore criteria based and places appropriate emphasis on protecting our natural and historic environment assets and their setting (whether designated or not) and their significance to the local visitor economy. It would allow decision makers to better weigh the local significance of these issues against national support in principle for renewable energy development. Community involvement should be considered as an integral part of the development process and should be engaged, by the developer, throughout the development process and from an early stage.

## **QUESTION 7**

**MR MANSEL WILLIAMS** will ask the following question:

Shropshire Council plans to build 3,640 new homes in the town by 2026. This includes the Shrewsbury South and West Urban Extensions and other significant sites.

Shrewsbury and Shropshire offers an exceptionally high quality environment which is very attractive to major national house building companies. Is it therefore acceptable that developers, quoting market conditions, are seeking

planning approvals for houses which only meet the minimum standard of build i.e. Sustainability Level Code 3.

An agent in a recent planning application in one of Shrewsbury's Conservation Areas stated "Due to current market conditions, land value constraints and a lack of clarity around grant incentives a slightly lower standard of build in terms of sustainability has had to be adopted here. Whilst the applicant would...have liked to introduced more sustainable measures over and above current building regulations, uncertainties around being able to recover costs in a price sensitive market have meant erring on the side of caution." Is Shropshire Council prepared to accept such minimum standards?

On the contrary, in view of Shropshire and Shrewsbury's exceptionally high quality environment and the high target of house building in the County, Shropshire Council should set down a set of planning and design standards and require developers to demonstrate their willingness to act upon these essential points including:

- i. That all houses should be built to a minimum of Sustainability Code Level 4, with preference given to tenders offering Level's 5 and 6.*
- ii. That there should be no dilution of sustainability standards for social housing, which is the primary need for housing is in Shrewsbury.*
- iii. Plan to build to the best aspect, so as to use orientation for maximum solar gain and that photovoltaic's be included as standard.*
- iv. That building materials be sourced from local suppliers, not from the developer's own supply chain. Council must insist on this.*
- v. Internally there should be flexibility of room plans i.e. that the design should allow for retro modification to allow for changing family needs over time. This can be achieved by introducing lightweight, fully sound-insulated panels, instead of developer's preference for the use of concrete block walls. The problem seems to be that many house plans specify load bearing walls when it would be desirable NOT to use such walls except where absolutely essential. There seems to be a mind-set regarding block walls, either aggregate or lightweight as the norm, which needs to be challenged.*
- vi. Roof space – allow for loft extensions as useable hobby rooms, extension of living space etc. Don't allow roof joists/rafters to be introduced which are not load-bearing and also specify roof support members which do not render the loft space inaccessible.*
- vii. There should be careful planning of outlook and amenity i.e. build in and around existing features of the physical landscape and preserve trees, so as to ensure MINIMUM impact upon the natural environment. Working with knowledgeable organisations is of paramount importance to this end.*
- viii. Be fully aware of the local flora and fauna and ensure it is integrated into the new development.*
- ix. Ensure that sustainable systems of transport, cycle-ways, pedestrian-ways are given highest priority.*
- x. Car parking must be planned so as not allow parking on the footways as per Sutton Bridge Junction. In Besford House the parking could have been to the rear of the houses, as implied by the Conservation Officer! This results from squeezing in extra houses at the expense of amenity and circulation space,*
- xi. Make estates less linear; introduce staggered building lines. The sculptural impact of the new build would generally be more pleasing without the usual boring uniformity.*
- xii. Again, with regard to the new build - look to variations of textures and colour as opposed to bland uniformity.*
- xiii. To achieve much of the above, it may mean utilising a more 'modern' approach to new build than is currently the case.*

The above criteria are not in any way onerous, many are good practice Building Control and Council has the powers to choose developers who demonstrate their willingness to work with us to achieve the most sustainable outcomes for our housing stock. Is the Council prepared to ensure that developers meet our sustainability standards, including those itemised above?

**MR MALCOLM PRICE**, Portfolio Holder for Built Environment will reply:

Construction Standards are reviewed periodically on a National basis through revisions to the Building Regulations.

The trend in recent years has been to provide increasing emphasis and control in respect of energy performance through the framework of the building regulations. For example works such as re-roofing a property or replacing a boiler are subject to building regulations approval and these works trigger an incentive to improve energy performance when such works are carried out.

In 2012 the Government introduced a consultation on changes to Part L of the Building Regulations (Conservation of Fuel and Power).

The Part L regulations set out the energy efficiency requirements for buildings and are key to the objective to facilitate introduction of the zero-carbon homes. The proposed revisions would see an 8% rise in carbon efficiency standards for new homes and 20% for commercial buildings. It is expected that these changes will not now come into force until April 2014.

Locally Shropshire Council has been developing the role and resource within its Energy Surveyor specialism, based within the Building Control team. The Energy Surveyor role specialises in sustainability and energy efficiency providing Code for Sustainable Homes assessments and construction energy performance certificates. Recognising the potential in this growing market the Energy Surveyor role will be complemented by an assistant drawn from the existing establishment.

Councillor Williams then identifies a number of proposals to achieve sustainable design. I have not commented in detail, a number of the points raised are aspirational and others covered by Development Management negotiations, all of which in Shropshire are informed by the Core Strategy Policy, particularly as embodied in Policy CS6 – Sustainable Design and Development Principles and the requirements of the National planning Policy Framework. I comment further as follows to the points raised by Councillor Williams:

***i. That all houses should be built to a minimum of Sustainability Code Level 4, with preference given to tenders offering Level's 5 and 6.***

While increased standards are encouraged the Council cannot require developers to build higher to standards that exceed the requirements of the building regulations except in circumstances where the Council is procuring the work

***ii. That there should be no dilution of sustainability standards for social housing, which is the primary need for housing in Shrewsbury.***

Noted and same comment as (i) above applies

***iii. Plan to build to the best aspect, so as to use orientation for maximum solar gain and that photovoltaic's be included as standard.***

Noted and encouraged by Development management Officers in pre-application discussions – clearly aspect depends on a number of factors affecting site development layout

**iv. That building materials be sourced from local suppliers, not from the developer's own supply chain. Council must insist on this.**

This is a contractual issue between the Council and those tendering for business.

**v. Internally there should be flexibility of room plans i.e. that the design should allow for retro modification to allow for changing family needs over time. This can be achieved by introducing lightweight, fully sound-insulated panels, instead of developer's preference for the use of concrete block walls. The problem seems to be that many house plans specify load bearing walls when it would be desirable NOT to use such walls except where absolutely essential. There seems to be a mind-set regarding block walls, either aggregate or lightweight as the norm, which needs to be challenged.**

This is not our experience and most domestic internal walls are constructed with timber stud partitions which are flexible and adaptable.

**vi. Roof space – allow for loft extensions as useable hobby rooms, extension of living space etc. Don't allow roof joists/rafters to be introduced which are not load-bearing and also specify roof support members which do not render the loft space inaccessible.**

This now happens widely and most house builders provide a range of house types that facilitate the changing needs of families.

**vii. There should be careful planning of outlook and amenity i.e. build in and around existing features of the physical landscape and preserve trees, so as to ensure MINIMUM impact upon the natural environment. Working with knowledgeable organisations is of paramount importance to this end.**

Noted, a matter for planners and applicants to negotiate in accordance with Council policies and advice.

**viii. Be fully aware of the local flora and fauna and ensure it is integrated into the new development.**

As above.

**ix. Ensure that sustainable systems of transport, cycle-ways, pedestrian-ways are given highest priority.**

As above – green travel plans are a feature of many larger developments.

**x. Car parking must be planned so as not allow parking on the footways as per Sutton Bridge Junction. In Besford House the parking could have been to the rear of the houses, as implied by the Conservation Officer! This results from squeezing in extra houses at the expense of amenity and circulation space.**

Noted.

**xi. Make estates less linear; introduce staggered building lines. The sculptural impact of the new build would generally be more pleasing without the usual boring uniformity.**

Noted – a design issue to be raised by Development Management officers.

**xii. Again, with regard to the new build - look to variations of textures and colour as opposed to bland uniformity.**

Noted.

**xiii. To achieve much of the above, it may mean utilising a more 'modern' approach to new build than is currently the case.**

Noted.



## **QUESTION 8**

**MR ROGER EVANS** will ask the following question:

I note the new procedure that has been put in place to speed up Council decision making and ask:

How will Shropshire Councillors and residents now be informed of any questions and comments made or raised by the public and Parish/Town Councillors concerning the item to be decided on.

How will Shropshire residents, including Parish/Town Councillors, hear and now be informed of any issues and concerns raised by Shropshire Councillors concerning the item to be decided on.

What notes and minutes will be taken and published of the meeting where the decision is made.

**MR KEITH BARROW**, the Leader of the Council will reply:

A record of a decision taken by an individual Portfolio Holder will be recorded formally and put on the decision list of the Council as happens now with cabinet decisions. There will be no change in that regard. This will then form part of the legal record of the Council under the Local Government Act 1972. There is no prescribed content or form of a minute and this can vary as a matter of individual choice and local custom. The purpose of a minute is to establish an accurate record of the decision taken, they are not to record what individuals may have said.

With regard to any questions or comments raised by the public including those of local councillors these will form part of the public record by being kept on file, they will not form part of the formal minute. Under legislation, therefore, all that is required is a record of the decision, it is not a requirement to have a record of the debate or of any questions raised. Having said this as I have said above there will always be a record kept on file of any questions raised by the public and responses given.

## **QUESTION 9**

**MR ROGER EVANS** will ask the following question:

In a recent circular from the Local Government Association (LGA) news was given of a £94m refund they had obtained for Local Authorities that was wrongly stopped by the Department for Education to help fund the Academy Programme. This follows the refund of £58m made last year.

I welcome this and congratulate the Local Authorities who combined and fought for this refund and agree it is a victory for mums, dads and all school age children. I note however Shropshire was not one of those who took part in this campaign but are to gain from this refund. As one of the lowest funded Local Authorities in England any extra money to help provide and support the education of our children is very very welcome.

To quote from the circular dated 7<sup>th</sup> June this money was

***".....refund from the DfE in recognition of unfair cuts made to the money councils received in 2012/13 to deliver school support services....."***

A little further on Cllr David Simmonds, chairman of the LGAs Children and Young People's Board is quoted as saying

***"We are pleased to have helped councils secure the return of £94million in schools funding which was incorrectly taken from them in 2012/13. The payment is in addition to the £58million which has already been returned in compensation for cuts in 2011/12. This money is essential to providing vital support services to schools and students. This is ultimately a victory for mums, dads and their school age children,"***

Can Council and residents be informed how the refund was worked out, how much we were given per child and how much in total Shropshire actually received both last year and this year. Also where and what was this extra windfall and unexpected money spent on last year and will be spent on this year please.

**MRS ANN HARTLEY**, the Portfolio Holder for Children's Services will reply:

I understand that Cllr Evans has previously received an explanation regarding this refund. I am very pleased to provide that explanation today which provides me with an opportunity to demonstrate how funding for school support services has been protected as far as possible by this Council.

To confirm, LACSEG funding is for the Statutory and regulatory duties in connection with educating pupils in the county within maintained schools. This is Local Authority funding not Dedicated Schools Grant and therefore does not affect schools budgets in any way.

It covers the following LA budgets in 13/14:

- Speech Therapy Aids
- Music Service - Strategy and Management
- Education Welfare
- School improvement
- Asset management – education
- Governors Support - Strategy and management
- Children's Trust and Joint Commissioning
- School Funding Team
- Head of Learning and Skills/Children's services etc
- Strategic LA functions in relation to schools and services to schools - Finance, HR, IT, Office Accommodation, Legal etc
- Premature retirement cost/ Redundancy costs (new provisions)

In 2011/12 the LA was top-sliced £983,738 from its funding. This was part of the £28.5M that the LA had to save within this year which was apportioned across all council services. The £983k was not targeted specifically at Learning and Skills. The council then received a refund of £884,957 in 12/13 against the original top-slice as the original top-slice was disproportionate to the number of

Academy conversions we had had in Shropshire at that time. As the £983k top-slice was part of the overall council savings it was returned to the overall council funding. During this period since funding was not withdrawn at the level identified the support services for education have not been reduced to the level of the top slice.

Similarly in 2012/13 the LA was top-sliced £1,671,024 from its funding. This was part of the £24M that the LA had to save within this year which was apportioned across all council services. Again the £1.671M was not targeted specifically at Learning and Skills. The council will receive a refund of £1,157,057 in 13/14 against the original top-slice as the original top-slice was disproportionate to the number of Academy conversions we had had in Shropshire at that time. Again as the £1.671M top slice was part of the overall council savings it will be returned to the overall council funding.

From 2013/14 onwards LA budgets as well as DSG budgets will be recouped based on actual academy conversions. At the present time this is expected to be approximately £500K based on known and potential academy conversions within this financial year.

The savings required by services provided to schools funded by LACSEG therefore was significantly less than would have been if the full cut to LACSEG was applied directly to the support services provided to schools. Therefore the services to schools were protected.

This Council in acknowledging the importance of education and the support services it requires allocates a budget of £5.65M whilst the Education Services Grant allocated to the Council is actually £4.761M

I also point out that this Council took the decision to underwrite the cost of continuance of broadband for 57 rural schools. The Council committed this funding from LA funds not DSG.

I am unable to explain the calculation used by Central Government to determine the level of Refund.

---