



**Environment and Urban Renewal Policy
and Performance Board**

**Wednesday, 21 November 2012 6.30 p.m.
Council Chamber, Runcorn Town Hall**

A handwritten signature in black ink that reads 'David WR'.

Chief Executive

BOARD MEMBERSHIP

Councillor John Gerrard (Chairman)	Labour
Councillor Keith Morley (Vice-Chairman)	Labour
Councillor John Bradshaw	Conservative
Councillor Frank Fraser	Labour
Councillor Pauline Hignett	Labour
Councillor Andrew MacManus	Labour
Councillor Stan Parker	Labour
Councillor Pauline Sinnott	Labour
Councillor Dave Thompson	Labour
Councillor Bill Woolfall	Labour
Councillor Geoff Zygadlo	Labour

*Please contact Gill Ferguson on 0151 5118059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Board is on Wednesday, 2 January 2013*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

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1. MINUTES	
2. DECLARATIONS OF INTERESTS (INCLUDING PARTY WHIP DECLARATIONS)	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Environment and Urban Renewal Policy & Performance Board

DATE: 21 November 2012

REPORTING OFFICER: Strategic Director, Policy and Resources

SUBJECT: Public Question Time

WARD(s): Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 To consider any questions submitted by the Public in accordance with Standing Order 34(9).
- 1.2 Details of any questions received will be circulated at the meeting.

2.0 RECOMMENDED: That any questions received be dealt with.

3.0 SUPPORTING INFORMATION

3.1 Standing Order 34(9) states that Public Questions shall be dealt with as follows:-

- (i) A total of 30 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
- (ii) Members of the public can ask questions on any matter relating to the agenda.
- (iii) Members of the public can ask questions. Written notice of questions must be given by 4.00 pm on the working day prior to the date of the meeting to the Committee Services Manager. At any one meeting no person/organisation may submit more than one question.
- (iv) One supplementary question (relating to the original question) may be asked by the questioner, which may or may not be answered at the meeting.
- (v) The Chair or proper officer may reject a question if it:-
 - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - Is defamatory, frivolous, offensive, abusive or racist;
 - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

- Requires the disclosure of confidential or exempt information.
- (vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting.
- (vii) The Chairperson will ask for people to indicate that they wish to ask a question.
- (viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.
- (ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak:-

- Please keep your questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton** - none.

6.2 **Employment, Learning and Skills in Halton** - none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1 There are no background papers under the meaning of the Act.

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 21 November 2012

REPORTING OFFICER: Chief Executive

SUBJECT: Executive Board Minutes

WARD(s): Boroughwide

1.0 PURPOSE OF REPORT

- 1.1 The Minutes relating to the relevant Portfolio which have been considered by the Executive Board and Executive Board Sub are attached at Appendix 1 for information.
- 1.2 The Minutes are submitted to inform the Policy and Performance Board of decisions taken in their area.

2.0 RECOMMENDATION: That the Minutes be noted.

3.0 POLICY IMPLICATIONS

- 3.1 None.

4.0 OTHER IMPLICATIONS

- 4.1 None.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

None

5.2 Employment, Learning and Skills in Halton

None

5.3 A Healthy Halton

None

5.4 A Safer Halton

None

5.5 Halton's Urban Renewal

None

6.0 RISK ANALYSIS

6.1 None.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

**8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE
LOCAL GOVERNMENT ACT 1972**

8.1 There are no background papers under the meaning of the Act.

APPENDIX 1

Extract of Executive Board and Mersey Gateway Executive Board Minutes Relevant to the Environment and Urban Renewal Policy and Performance Board

EXECUTIVE BOARD MEETING HELD ON 6 SEPTEMBER 2012

EXB52 HALTON HOUSING TRUST PROGRESS REPORT

The Board received a presentation from Nick Atkin, Chief Executive of Halton Housing Trust and Ingrid Fife, Chair of the Board, Halton Housing Trust (HHT). They reported on progress to date in delivering some of the key “pledges” made prior to stock transfer and on progress in meeting the Tenant Services Authority’s Regulatory Framework.

The Board noted that the focus for HHT remained on improving the quality of life for the people living in Halton, in accordance with the Council’s five main priorities. This included prioritising employment and worklessness initiatives as an integral part of preparation for forthcoming welfare reforms and contributing to addressing health inequalities across the Borough.

In terms of future planning, HHT reported that they were managing the impact of welfare reform on both customers and the business itself, as well as addressing the prospect of building new affordable homes without grant. These challenges were being addressed through the launch of the new strategic direction and focus called “One Direction”.

Members had the opportunity to ask questions and clarify information contained in the presentation before Mr Atkin and Ms Fife were thanked for attending.

RESOLVED: That the progress reported be noted.

TRANSPORTATION PORTFOLIO

EXB53 PROPOSAL TO ALLOW ADVERTISING ON IN-HOUSE PASSENGER TRANSPORT FLEET VEHICLES

The Board considered a report of the Strategic Director, Policy and Resources, on a proposal to allow

organisations and businesses to advertise on the twelve in-house passenger transport fleet minibus vehicles.

The Board was advised that the Council's fleet of twelve minibuses provided daily transport for children with special educational needs travelling to and from schools, and for vulnerable adults and older people travelling to and from community and day centres. In addition, the vehicles were often utilised for group bookings and school outings and occasionally at weekends and evenings.

The proposal offered businesses/organisations the opportunity to advertise their services on the available space on the fleet vehicle or to sponsor a vehicle. Attached at appendix 1 was a detailed analysis of the various options and costs available for vehicle advertising. It was noted that possible income generated could be between £21,360 and £24,480 per annum.

RESOLVED: That the proposal to generate income by allowing advertising on the Council's in-house passenger transport fleet vehicles be approved.

Strategic Director
- Policy &
Resources

ENVIRONMENTAL SUSTAINABILITY PORTFOLIO

EXB54 MERSEYSIDE & HALTON JOINT WASTE LOCAL PLAN - MODIFICATIONS - KEY DECISION

The Board considered a report of the Strategic Director, Policy and Resources, which advised them of the modifications arising from the public examination of the Merseyside and Halton Joint Waste Local Plan.

The Board was reminded that the six councils of Merseyside and Halton had worked together to prepare a joint Waste Local Plan – "The Waste Development Plan Document (DPD)". The Waste Plan covered all waste produced across Merseyside and Halton from homes, places of work, public services and leisure activities. The Waste Local Plan provided planning policies against which proposals for waste uses could be tested and suitable waste sites identified.

Members were advised that the Waste Local Plan was submitted for Public Examination in February 2012. The report provided a summary of the outcomes of the hearing and details of the organisations that appeared at the public

examination in June 2012. The main modifications would need to be formally endorsed by each of the partner Councils and made subject to public consultation before they could be taken into account by the Inspector. In addition, it was proposed that a number of minor modifications, summarised in Appendix 1, be subject to public consultation to comply with Statements of Community Involvement and to guard against legal challenge.

The report provided information on sites in Halton, the approvals and consultation process for the modifications and the final stages to plan adoption.

Reasons for decision

Government policy (PPS10) required that waste must be dealt with in a sustainable way. The Council was producing a Joint Waste Local Plan for the Merseyside sub-region. Drafting of the Plan had reached the stage where the policy framework contained in the Waste Local Plan needed to be subject to public scrutiny.

Alternative Options Considered and Rejected

The Waste Local Plan had been prepared through a multi-stage process. Four previous public consultation stages had been completed and these were detailed in section 5.9 of the report.

These reports documented the evolution of the Plan and the options for policies and sites that had been considered and rejected. The results of the public consultation, engagement with stakeholders, industry and the Local Authorities and, detailed technical assessments had all been used to inform the preparation of the Local Plan. The Preferred Options stage reports set out the alternative options considered.

Implementation Date

The Joint Merseyside Waste Local Plan was scheduled to be adopted by all six partner Districts in early 2013.

RESOLVED: That Council be recommended to

- 1) approve the modifications (both main and additional (Appendix 1)) to the Waste Local Plan;

Strategic Director
- Policy &
Resources

- 2) approve public consultation on the modifications to the Waste Local Plan;
- 3) grant delegated authority to the Operational Director, Policy, Planning and Transportation in consultation with the Physical Environment Portfolio Holder, to make necessary further minor, typographical changes and non-strategic amendments to the Waste Local Plan prior to Council approval being sought for adoption; and
- 4) that material weight would be given to the Waste Local Plan as a material consideration in Council Development Management decisions.

PHYSICAL ENVIRONMENT PORTFOLIO

EXB61 NEW NATIONAL GYPSY AND TRAVELLER PLANNING POLICY - IMPLICATIONS FOR HALTON

The Board considered a report of the Strategic Director, Policy and Resources, on the implications for Halton of the new National Gypsy and Traveller Planning Policy.

The Board was advised that Section 225 of the Housing Act 2004 had required local authorities to undertake a Gypsy and Traveller Accommodation Assessment (GTAA). The new Planning Policy for Traveller Sites required the necessity to demonstrate a five year supply of sites against the local pitch targets set from the recommendations of the GTAA. It was noted that the last GTAA for Halton was undertaken in 2007, and concluded that Halton should provide for unmet need, as detailed in the report.

The Homes and Community Agency (HCA) through the Traveller Pitch Funding Stream, was providing £60m capital funding towards the development and improvement of Traveller pitches. This funding would be available to local authorities, housing associations and other delivery partners for new and refurbished pitches and the related site infrastructure. HCA were now seeking bids for £12.1m funding, which was on a continuous market engagement basis. Members noted that if a full bid were to be submitted by 30 September 2012, then the first round of allocation decisions would be made in October 2012. It was further noted that at the present time, any additional permanent

pitches provided, would qualify for payments to the Council under the New Hones Bonus Scheme.

RESOLVED: That

- 1) a new Gypsy and Traveller Accommodation Assessment (GTAA) be undertaken with the Cheshire Partnership (Cheshire East, Cheshire West and Chester, Warrington, and St Helens) to assess pitch requirements of both permanent and transit needs and set local pitch targets as required by 'Planning Policy for Traveller Sites';
- 2) the Site Allocations Development Plan Document (DPD) be expediently progressed to allow a supply of deliverable and developable Gypsy and Traveller Sites to be formally identified and allocated via the planning system;
- 3) feasibility studies and consultation be undertaken on shortlisted sites for the delivery of new permanent pitches be approved; and
- 4) a bid for grant funding be made to the Homes and Communities Agency via the Traveller Funding Stream within the Affordable Homes Programme to access finance for the provision of new permanent pitches in Halton.

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Resources

HEALTH AND ADULTS PORTFOLIO

EXB62 HALTON TENANCY STRATEGY - KEY DECISION

The Board considered a report of the Strategic Director, Communities, on the adoption of Halton's Tenancy Strategy.

The Board was advised that the Localism Act 2011 (the Act), introduced a new type of tenancy for social housing known as the fixed term or flexible tenancy. Under the Act, Registered Providers (RP's) of social housing could if they wish, offer new tenants a tenancy for a fixed period, following which their circumstances and need would be reviewed. The Act required local authorities to develop a Tenancy Strategy for their area, setting out the type of tenancies it recommended to be offered, the minimum length of tenancy and the circumstances in

which it recommended they were offered and renewed.

The Strategy, attached at Appendix A, had previously been considered by the Health and the Environment and Urban Renewal Policy and Performance Boards in March 2012. A period of public consultation took place between April and June 2012, and copies of the Strategy were sent to all registered providers with housing in Halton and a wide range of stakeholders in the statutory and voluntary sectors. In addition, a survey was undertaken with members of the public, with 190 responses received. The report detailed the outcome, and as a result, the Strategy was appropriately amended.

Reasons for Decision

Local Authorities had a statutory duty to develop a Tenancy Strategy within 12 months of enactment of the Localism Act 2011. The decision to develop a Strategy which permitted the use of fixed term tenancies, should RP's wish to use them, was taken as it allowed the Council to exercise some influence over their use.

Alternative Options Considered and Rejected

The development of a Strategy which did not include fixed term tenancies was considered. However, RP's were only required to have due regard to the local authority's Strategy when setting their own tenancy policies and were not compelled to follow the Council's recommendations. Consequently, a Strategy which did not include fixed term tenancies would mean that the authority would have no influence over their use should providers decide to introduce them for their stock. This option was, therefore, rejected.

Implementation Date

The Strategy would take effect from the date of approval by the Executive Board.

RESOLVED: That the Tenancy Strategy, attached at Appendix A to the report, be endorsed.

Strategic
Director
Communities

EXECUTIVE BOARD MEETING HELD ON 6 SEPTEMBER 2012

TRANSPORTATION PORTFOLIO

EXB64 TENDERS FOR SUPPORTED LOCAL BUS SERVICE CONTRACTS

The Board considered a report of the Strategic Director, Policy and Resources on the tender procedure for Supported Local Bus Service Contracts.

The Board was advised that the Transport Co-ordination Section was responsible for the procurement of supported local bus services, sought through a competitive tendering process, but operated by commercial bus operators. Tenders would be advertised in full compliance with the Council's Procurement Standing Orders (2.1) and the European Union Public Procurement Regulations 2006, for contracts in excess of £1 million. It was noted that the tender would be published via The Chest – the Council's electronic tendering facility.

It was further noted that the supported local bus network provided for socially necessary bus services for residents and visitors to access essential services within the Borough and in some cases, cross boundary into neighbouring authorities. Appendix 1, attached to the report, provided details of the contracts to be tendered.

RESOLVED: That

- 1) the following Transport Tenders, Numbers 207, 223, 242, 244, 284 be deferred with a view to approaching the schools they support, and those schools being asked to make a contribution towards the cost of the service, with the results of this to be reported to Executive Board;
- 2) the following Transport tenders, Numbers 202, 204, 211, 237, 248 and 250, being

Strategic Director - Policy & Resources

advertised for supported bus services, operated on behalf of Halton Borough Council, required from February 2013, be noted and supported; and

3) the Tender and Award procedure outlined in the report for those Tenders identified for approval, be supported.

EXB65 MID MERSEY LOCAL SUSTAINABLE TRANSPORT FUND IMPLEMENTATION

The Board considered a report of the Strategic Director, Policy and Resources, on the Mid-Mersey Local Sustainable Transport Fund Implementation.

The Board was reminded that at its meeting on 9 February 2012, approval had been granted for the submission of a Halton only and a joint Mid Mersey Bid for funding under the Department for Transport's (DfT) Local Sustainable Transport Fund (LSTF). Although the Halton bid was unsuccessful, the DfT announced that the Mid-Mersey bid would be supported and a formal offer of funding (totalling £3.1 million), was sent to St Helen's Borough Council, as lead authority.

The report set out details of the capital and revenue funding for the current and next two financial years. The bid contained four elements with a number of schemes within each element. In addition, indicative allocations for each element were contained in the report, although Members noted that these were the subject of on-going discussions and could change.

The Board was advised that the overall aim of the project was to provide improved cross boundary travel for work and leisure purposes across the Mid-Mersey area and would support or enable the delivery of elements of the Local Transport Plan 3 (April 2011), which would improve facilities for the promotion of sustainable transport and active travel.

RESOLVED: That

1) the Department of Transport's offer of funding for the Mid-Mersey Local Sustainable Transport bid, with St Helen's MBC acting as Lead (Responsible) Authority be approved; and

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2) the Operational Director, Policy, Planning and Transportation, be granted delegated authority to work with St Helen's MBC and Warrington Borough Council representatives, and carry out such actions as are necessary to implement the bid proposals, including entering into any necessary legal agreements or contracts concerning the LSTF monies.

ENVIRONMENTAL SUSTAINABILITY PORTFOLIO

EXB67 NEW CREMATORS FOR WIDNES CREMATORIUM

The Board considered a report of the Strategic Director, Communities, on the replacement of existing cremators at Widnes Crematorium.

The Board was advised that the two cremators at Widnes Crematorium had become increasingly costly to maintain and unreliable, requiring regular repairs. In addition, the machines were no longer manufactured and replacement parts difficult to obtain, along with the anticipated replacement of linings within two years at a cost of approximately £50,000.

It was noted that the installation of new cremators would be more energy efficient, with an estimated gas consumption saving of between 40% to 50%. In addition, the savings in gas usage could be used to off-set replacement costs; the report provided further financial details for Members' consideration.

RESOLVED: That Council be recommended to approve the revision of the capital programme to incorporate the purchase of two new cremators at Widnes crematorium.

EXB68 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

1) whether members of the press and public should be excluded from the meeting of the Board during consideration of the following item of business in accordance with Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and

(2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed that in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following item of business in accordance with Section 100A(4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

PHYSICAL ENVIRONMENT PORTFOLIO

EXB69 ST MICHAELS GOLF COURSE RESTORATION (NORTHERN SECTION) - FUTURE SITE OPTIONS- KEY DECISION

The Board considered a report of the Strategic Director, Children and Enterprise, on the future site options for the restoration of the northern section of St Michael's Golf Course.

The Board noted that the options appraisal for lease to a private operator had been presented to Executive Board on 15 December 2011. The report updated Members on progress and the current position, and provided details of the three options which Officers had considered.

Reason(s) for Decision

The decision related to an opportunity to bring back into use the former St. Michael's Golf Course. Entering into a commercial partnership was the only viable way of achieving this aim.

Alternative Options Considered and Rejected

The three options were set out in the report in sections 3.3, 3.4 and 3.5, with Option 1 being considered as the most appropriate.

Implementation Date

The indicative timeline was set out in Appendix 2.

RESOLVED: That

- 1) progress and current position be noted;
- 2) the Board approve entering into three months of exclusive negotiation with Mersey Valley Golf and Country Club to provide a 9-hole golf course, driving range and associated facilities. This would be subject to the caveats as set out in paragraph 3.3 of the report; and
- 3) the Operational Director, Economy, Enterprise and Property, in consultation with the Leader and the Physical Environment Portfolio, be authorised to proceed to a formal lease offer.

Strategic
Director -
Children and
Enterprise

**ECONOMIC DEVELOPMENT PORTFOLIO AND
NEIGHBOURHOOD LEISURE AND SPORT
PORTFOLIO**

EXB73 NORTON PRIORY MUSEUM

The Board considered a report of the Strategic Director, Communities, on the successful stage one Heritage Lottery Fund bid for Norton Priory Museum.

The Board was advised that in April 2012, Norton Priory Museum Trust submitted a stage one application to the Heritage Lottery Fund for a project designed to preserve, restore, enhance, interpret and provide access to the 47 acre site on Norton Priory. As the application was successful, the Trust was invited to move to a stage two application, having been given funding at stage one, of £309,000 to help with the

development of the stage two bid.

The Board noted that the main focus of the project was the physical development of the site which included:-

- Preservation and restoration of the 12th Century undercroft;
- A new expanded museum building, creating 60% more exhibition space and linked to the undercroft; and
- Enhancement of the heritage features in the grounds.

The timetable for the development and delivery of the project was set out in the report with indicative start and finish times for the various phases of the work. The cost of the proposed development was £4,892,392 and budget expenditure details were also outlined in the report. It was further noted that the maximum grant available from the Heritage Lottery Fund was 75% of the total project cost, leaving £987,392 to be identified by Norton Priory before the submission of the stage two bid in July 2013.

Members were advised that Norton Priory had engaged with the Council throughout the bidding process and details of agreed assistance in helping to deliver a successful stage two bid were outlined in the report. Re-development of the site would produce a visitor attraction able to compete for visitors with a 60% increase forecast once the works were complete, and was designed to keep pace with the improvements and innovations at other visitor attractions across the country.

RESOLVED: That Council be recommended to support the project and stage two application by:-

- 1) acting as the delivery agent in the construction phase;
- 2) undertaking to cash flow the project and to draw down funding from the Heritage Lottery Fund accordingly;
- 3) assisting Norton Priory in realising targets set in their fund raising strategy;

Strategic
Director -
Communities

4) noting that a further report be brought to the Executive Board prior to the stage two submission, detailing the financial position and identifying any potential shortfall; and

5) acting as co-applicant for the stage two submission.

MERSEY GATEWAY EXECUTIVE BOARD

MGEB6 MERSEY GATEWAY BRIDGE - PROCUREMENT PROGRESS

The Board considered a report of the Chief Executive which gave Members advice on the progress of the Mersey Gateway procurement process.

The Board was advised that since the last report to the Mersey Gateway Executive Board, a significant number of Dialogue Meetings (split between Technical and Commercial elements) had taken place (supported by Bidder Submissions made in advance). Several meetings had taken place with each Bidder on a range of matters such as:-

Technical

- Proposals on dealing with various structures;
- Departures from Standard;
- Asset Management;
- Conceptual designs;
- Drainage;
- Landscaping;
- Traffic management;
- Contamination and remediation; and
- Construction methods.

Commercial

- Revenue Collection Service and Revenue

Collection Business Plan;

- Proposals on the ways in which the bidders would finance the project;
- Commentary on the draft contracts - Project Agreement (PA) and Demand Management Participation Agreement (DMPA);
- Proposals on how bidders would deal with contamination;
- Proposals on approach to insurance; and
- Employment and Skills Delivery Plans.

The Board was further advised that the project team remained on target to deliver Financial Close in the Autumn of 2013.

It was reported that bidders had also proactively engaged with the Halton Employment Partnership (HEP) in connection with developing their plans for the community engagement and social responsibility requirements. The HEP had been impressed with these Bidders' understanding of the various initiatives and the commitment to engagement. These Bidders were also exploring the possibility of various supply chain activities being provided by local businesses (with the assistance of the development and investment HEP partners).

It was also reported that in parallel with the Dialogue Meetings, the land acquisition programme continued to ensure the delivery of the required land, or necessary rights that the Project Company required in order to construct the Mersey Gateway. The programme was on schedule, and continued to acquire land both through agreement and by exercising of its Compulsory Purchase powers through the serving of General Vesting Declarations, of which five had been made to date. Negotiations also continued with a number of affected parties, with the ability to use Compulsory Purchase powers should it be necessary. In addition, it was reported that a significant number of

affected businesses had now identified relocation premises and the team were working with them to ensure they had relocated and vacated their existing premises by April 2013.

RESOLVED: That the Board noted that the Competitive Dialogue process is progressing to programme and that all bidders are engaged with the process and continue to develop their draft Final Submissions.

MGEB7 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

- 2) Whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following item of business in accordance with Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and
- 3) Whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed that in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following item of business in accordance with Section 100A(4) of the Local Government Act 1972 because it was likely that, in view of

the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

MGEB8 GOVERNANCE, OCIP PROCUREMENT AND ADVANCE WORKS

The Board considered a report of the Chief Executive which outlined recent actions that had been taken by the Mersey Gateway Team in conjunction with senior officers in respect of Advance Works and Governance Arrangements.

The report also advised of the approach to the procurement of Owner-Controlled Insurance (OCIP) and sought approval of the commencement of procurement of advance works and various Standing Order waivers.

RESOLVED: That

- (1) In respect of carrying out of the Mersey Gateway advance works by National Grid, for the purposes of Standing Order 1.8.3 (a) (on the basis that compliance with tendering Standing Orders is not on this occasion possible), the waiver of the Tendering requirements of Procurement Standing Orders be approved;
- (2) The Board authorise the Chief Executive to award the contract for these advance works as outlined in the report within a sum for which there is a budgetary provision and that the Preliminary Report aspects of this report be approved;
- (3) The Chief Executive's action in appointing Infrastructure UK Ltd / Local Partnership to provide commercial advice to the Mersey Gateway Team at the estimated cost detailed in the report be noted;
- (4) In respect of the action set out at (3) above in light of the exceptional circumstances (namely joint and partnership working

Chief
Execu
tive

arrangements) waiver of the Tendering requirements of Procurement Standing Orders for the purposes of Standing Order 1.8.3 (e) be approved; and

- (5) the intention to undertake the procurement of the Owner Controlled Insurance Programme in line with the Public Contracts Regulations 2006 be noted.

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 21 November 2012

REPORTING OFFICER: Chief Executive

SUBJECT: Specialist Strategic Partnership minutes

WARD(s): Boroughwide

1.0 PURPOSE OF REPORT

1.1 The Minutes relating to the relevant Portfolio which have been considered by the Environment and Urban Renewal Specialist Strategic Partnership are attached at Appendix 1 for information.

2.0 RECOMMENDATION: That the Minutes be noted.

3.0 POLICY IMPLICATIONS

3.1 None.

4.0 OTHER IMPLICATIONS

4.1 None.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

None

5.2 Employment, Learning and Skills in Halton

None

5.3 A Healthy Halton

None

5.4 A Safer Halton

None

5.5 Halton's Urban Renewal

None

6.0 RISK ANALYSIS

6.1 None.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

**8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE
LOCAL GOVERNMENT ACT 1972**

8.1 There are no background papers under the meaning of the Act.

Environment and Regeneration (E&R SSP) Meeting Minutes

Castlefields Community Centre, Village Square, Castlefields, Runcorn

2nd October 2012

Present:

Cllr John Gerrard	(JG) (Chair)	Halton Borough Council
Ian Boyd	(IB)	Halton Borough Council
Eleanor Carter	(EC)	Halton Borough Council
Hayley Dooley	(HD)	Job Centre Plus
Debbie Houghton	(DH)	Halton Borough Council
Allison Kirk	(AK)	Norton Priory Museum
Mick Noone	(MN)	Halton Borough Council
Nathan Renison	(NR)	Halton Borough Council
Jimmy Unsworth	(JU)	Halton Borough Council

Apologies:

Rhian Davitt	(RD)	HCA
Alan Graham	(AG)	Halton Borough Council
Claire Griffiths	(CG)	PlusDane Housing
Clare Olver	(CO)	Mersey Forest
Andrew Sharp	(AS)	STFC – Daresbury Labs
Karen Wickstead	(KW)	Cheshire Constabulary
Jim Yates	(JY)	Halton Borough Council

				<u>Actions</u>
1.	Apologies, Minutes & Matters Arising	1.1	The minutes of the previous meeting were approved as a correct record.	
		1.2	There were no matters arising that were not covered elsewhere on the agenda.	
2.	Environmental Update	2.1.	EC gave a brief update on HBC's progress on the installation of Solar PV, the financial savings this was bringing and potential future developments.	
		2.2.	DH gave an update on the draft Low Carbon Strategy that Halton BC is preparing. The document has seven separate yet mutually interdependent themes	
		2.2.1	1) <u>Carbon reduction/Council estate</u> : including reduction of energy consumption on Council premises, through the delivery of Council services e.g. street lighting and taking account of buying low carbon goods and services through the Council's procurement process.	

		2.2.2	2) <u>Low carbon economy</u> : including the development of the digital infrastructure in Halton and looking at potential of decentralised energy networks.	
		2.2.3	3) <u>Domestic Energy Efficiency</u> : including improving energy efficiency of housing stock and working towards reducing levels of fuel poverty.	
		2.2.4	4) <u>Sustainable transport and improved air quality</u> : including delivery of Air Quality Management Action (AQMA) Plan and promoting travel choices and support for sustainable public transport infrastructure.	
		2.2.5	5) <u>Waste</u> : including reducing the amount of waste going to landfill and developing the potential of energy recovery from waste.	
		2.2.6	6) <u>Planning</u> : including delivery of sustainable new development and ensuring security of energy supply, identifying opportunities for de-centralised energy schemes.	
		2.2.7	7) <u>Climate change resilience</u> : including building resilience into decisions on roads, businesses, buildings, public health, asset management and social care. This will include support for local businesses to be climate change ready.	
		2.3	The document was discussed and colleagues were asked to submit any case studies they may wish to be part of the finished document. It was agreed to circulate the document on the understanding that it is only a draft and has not yet had formal approval.	EC
		2.4	It was agreed that the group adopt this document and use it as the basis for a future work programme that will be drafted and circulated round the group for comment/discussion.	EC
		2.5	The opportunities presented by the upcoming "Green Deal" were briefly discussed and it was agreed to bring this item back to a future meeting.	EC/DH
		2.6	Membership of the group was discussed and it was agreed to extend the invitation for a future meeting widely to RSLs	EC
3.	Transport Update	3.1	It was noted that Halton BC was working in partnership with colleagues in St Helens and	

		3.2	Warrington on a £3.3m project funded by the Local Sustainable Transport Fund. A particular focus is improving the bus network between St Helens and Daresbury and improving the linkages between the three towns, and the practicalities/logistics of this was discussed in the group.	IB/DH
		3.3	Further discussion centred on there being a modest amount of funding available for improving travel plans for employment areas and the particular issues around Manor Park, Whitehouse and Daresbury.	
			It was noted that the Bus Service Operators Grant (BSOG) had been drastically reduced which has had a significant impact on financially “just breaking even” services and potentially on the delivery of the Local Transport Plan. It was agreed to use Arriva’s recent purchase of 10 new gas buses and their use of the Eco Manager systems as examples of good practice in the Low Carbon Plan.	
4.	Community Engagement Strategy	4.1	The Community Engagement strategy was formally adopted by the Halton Strategic Partnership Board in June 2011. Since then, an Operational Group has been established, a self-assessment tool and toolkit have been developed and champions from each organisation involved have been nominated to ensure implementation within their organisation.	
5.	Work Programme	5.1	It was agreed that a work programme be drafted and circulated to the group, based on the Low Carbon Strategy and then future meetings follow the implementation of the same.	EC
6.	Any Other Business	6.1	It was noted that a project was underway to bring Superfast Broadband to organisations and homes across Cheshire. It was agreed to bring progress back to the group to ensure that the benefits available from this are maximised.	EC
7.	Next Meeting & Future Diary Dates	7.1	To be confirmed	

REPORT:	Environment and Urban Renewal Policy and Performance Board
DATE:	21 November 2012
REPORTING OFFICER:	Strategic Director, Policy & Resources
PORTFOLIO:	Transportation
SUBJECT:	Annual Road Traffic Collision & Casualty Report.
WARDS:	Boroughwide

1.0 PURPOSE OF REPORT

- 1.1 To report road traffic collision and casualty numbers within the Borough in the year 2011 and to recommend a continuance of road traffic collision reduction work.

2.0 RECOMMENDATIONS

2.1 It is recommended that:

- 1. the overall progress made on casualty reduction in Halton be noted and welcomed;**
- 2. the current programme of road traffic collision reduction schemes and road safety education, training and publicity be endorsed; and**
- 3. concerns with regard to the achievement of further casualty prevention, as a result of resource reductions, be noted.**

2. SUPPORTING INFORMATION

- 2.1 The report attached as Appendix 'A' sets out full details of the numbers of traffic collisions and casualties in the year 2011, and compares these figures with those for previous years. These results are exceptionally good. The report also gives details of casualty trends locally against national figures and highlights concerns regarding the resources available to continue road safety work in the future.
- 2.2 In summary during 2011:
- There were 278 road traffic collisions involving personal injury in Halton, this being the lowest number in over 20 years. These incidents produced 422 casualties;
 - 35 of the casualties were classed as serious, and there were 5 deaths, giving a total of 40 killed or seriously injured (KSI) which is the lowest in over 20 years;
 - The child serious injury (CKSI) total of 7 is one more than in 2010, but unlike 2010 when one child died on our roads, there were no child fatalities in 2011 and this number is in line with the trend for gradual on-going reductions year to year;
 - The number of people of all ages being slightly (SLI) injured fell from 423 in 2010 to 382;

- 2.3 Overall, the results confirm the success of our casualty reduction work, supported via revenue funds and the Local Transport Plan with targeted enforcement and local road safety education, training, publicity and traffic management initiatives undertaken independently and jointly with partner organisations
- 2.4 Halton's slight reduction in the local KSI total in 2011 bucks the national trend which saw the first annual increase (2%) in the number of people KSI in road accidents since 2003. Following the Coalition Government decision to cut road safety funding and abandon national casualty reduction targets, this reversal is a departure from a long-term national trend of decreasing road casualties
- 2.5 The Department for Transport 2011 comprehensive annual report on road casualties is available at <http://www.dft.gov.uk/news/press-releases/dft-press-20120927a>

4.0 TARGETS

- 4.1 Over the ten years leading up to 2010, there were nationally set targets for road casualty reduction work which Halton met and comfortably surpassed, as reported in last year's Annual Road Traffic Collision & Casualty Report to the Board in November 2011. Across the various targets, Halton was one of the most successful authorities and in March 2012, as one of the highest achievers, the authority hosted a visit from members of the Parliamentary Transport Select Committee. Their purpose was to explore how Halton had managed to achieve so much over the target period.
- 4.2 In 2010, the ten year casualty reduction targets set in 2000 expired. Although the DfT consulted on a series of road casualty reduction targets that it was proposing to set for the year 2020, with the change in national government these targets have not been confirmed. Rather, the new government published its Strategic Framework for Road Safety in May 2011 based on what the government describes as the "key principles" of localism, the "Big Society", non-regulatory approaches and deficit reduction. The Coalition Government aims to maintain on-going reductions in casualty numbers, whilst tackling specific issues such as those of cyclists and children from deprived areas.
- 4.3 Within the Government's Strategic Framework is an Outcomes Framework which does set out an expectation for progress on road casualty reductions. Without providing specific targets, and quoting a central KSI reduction forecast of 40% by 2020 based on a 2005-09 base average, the Framework sets out a belief that reductions can be made by encouraging best practice amongst local authorities and comparing local progress with national trends. The only other countries in the EU that do not have targets as part of their road safety strategies are Luxembourg and Malta. The national focus of future casualty reduction work remains unclear.
- 4.4 The Coalition Government's "Strategic Framework for Road Safety" is available at: <http://www.dft.gov.uk/publications/strategic-framework-for-road-safety/>

5.0 FUNDING CUTS

- 5.1 Since April 2011, Halton has suffered the loss of annual Government funded capital and revenue Road Safety grants of £75k and £396k respectively. This has resulted in a halving of the number of Road Safety Officers in Halton and loss of funding for a wide range of projects and initiatives. The cuts have also meant

Halton no longer provides any financial contribution to the local safety camera partnership (see below).

- 5.2 Whilst Halton's 2011 casualty figures are exceptionally good, the fear remains that these cuts will at some point have an impact on our ability to continue achieving year on year reductions, despite the best efforts to maximise resources through running initiatives jointly with our neighbours from Warrington Borough Council and other partner organisations such as Cheshire Police and Cheshire Fire & Rescue Service (CFRS) – organisations which in turn have had resources removed, most especially recently CFRS, which is facing cuts requiring a re-focussing of its core activities.
- 5.3 Nationally, Coalition Government budget cuts affecting road safety work may already be starting to impact on casualty levels, although in its annual casualty report (see para 3.5 above) the Department for Transport seeks to offer alternative reasons for the disappointing yearly casualty figures in 2011.

6.0 CHESHIRE ROAD SAFETY GROUP

- 6.1 In 2011, the loss of the Road Safety grant saw Cheshire Road Safety Group (CRSG) being formed to replace the former Cheshire Safer Roads Partnership (CSRPP). Its purpose is to operate the Cheshire East, Cheshire West & Chester, Halton and Warrington safety cameras. Due to the level of cuts it has experienced, Halton is unable to contribute financially to the Group but continues to participate in joint safety initiatives locally. The Speed Awareness Courses, are being expanded to include other moving traffic offences, and drivers can be referred to these instead of receiving a fine and penalty points; the courses are now being run by Cheshire Police. However, as a non-contributing partner, Halton does not get a share of any surplus revenue that may come from the Speed Awareness Courses. The other partners who do share the surpluses have however, decided to use them to fund the replacement of wet film cameras with digitalised ones, which in itself is an expensive operation.
- 6.2 Since April 2011, the fixed safety camera sites within Halton have not been operated by Cheshire Police. The CRSG is faced with having to replace its outmoded wet film equipment with digital cameras and new housings and a review of all existing camera sites is underway to establish which will be retained and which are no longer justified. Halton is actively engaged in this process, but the future of many of our safety camera sites is in considerable doubt as most of them lack the necessary recent accident history to warrant retention.

7.0 OTHER IMPLICATIONS

- 7.1 The work on casualty reduction is consistent with the policies and approaches incorporated in Halton's second Local Transport Plan.
- 7.2 There are no other direct social inclusion, sustainability, value for money, legal or crime and disorder implications resulting from this report

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES.

8.1 Children & Young People in Halton

By helping to create a safer environment, road safety casualty reduction work assists in the safeguarding of children and young people and in the achievement of accessible services.

8.2 Employment, Learning & Skills in Halton

There are no direct implications on the Council's 'Employment, Learning & Skills in Halton' priority.

8.3 A Healthy Halton

A reduction in road casualties will have the direct benefit of releasing health resources and thereby enable funding to be focused on other areas of health care.

8.4 A Safer Halton

Road safety casualty reduction work of all types supports this priority through the introduction of initiatives and interventions designed to deliver a safer environment.

8.5 Halton's Urban Renewal

There are no direct implications on the Council's 'Halton's Urban Renewal' priority.

9.0 EQUALITY & DIVERSITY ISSUES.

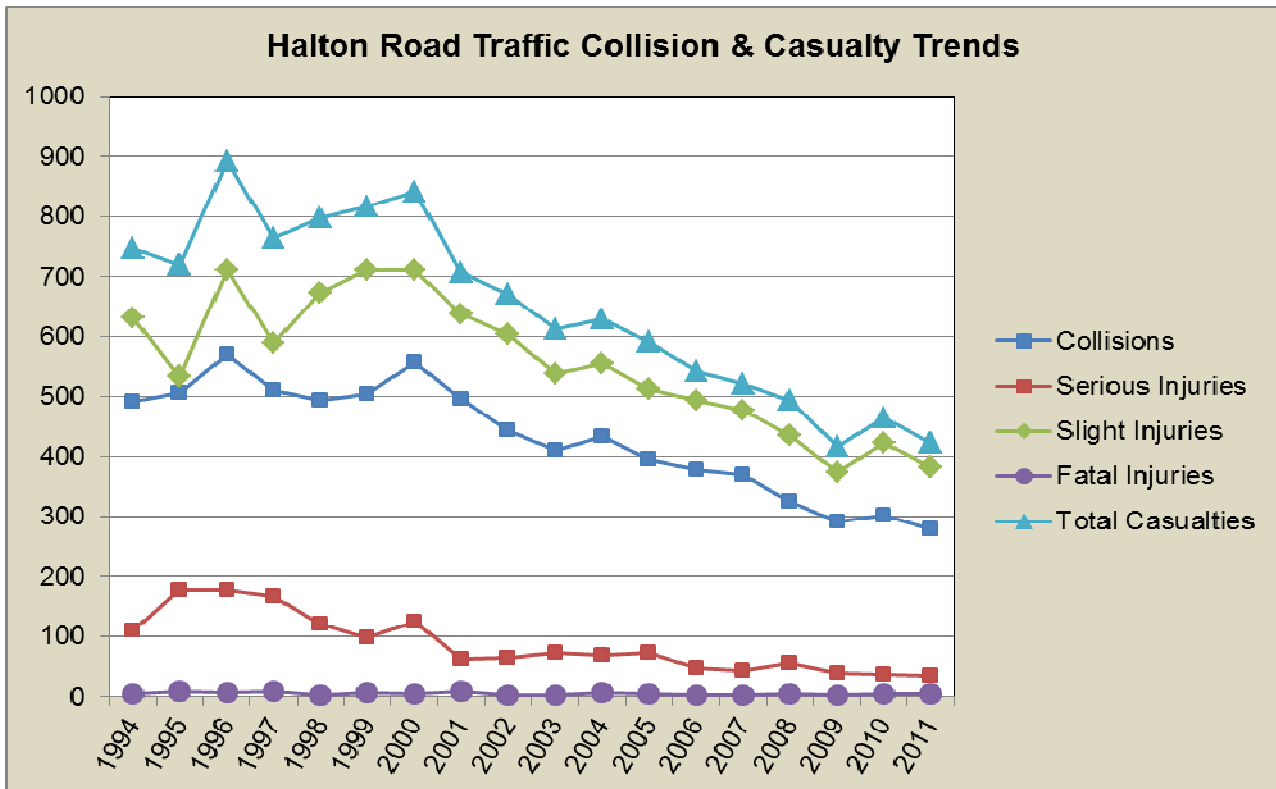
9.1 There are no direct equality and diversity issues associated with this report.

10.0 BACKGROUND PAPERS

10.1 The Annual Road Traffic Collision & Casualty Report to the E&UR PPB considered on 23 November 2011

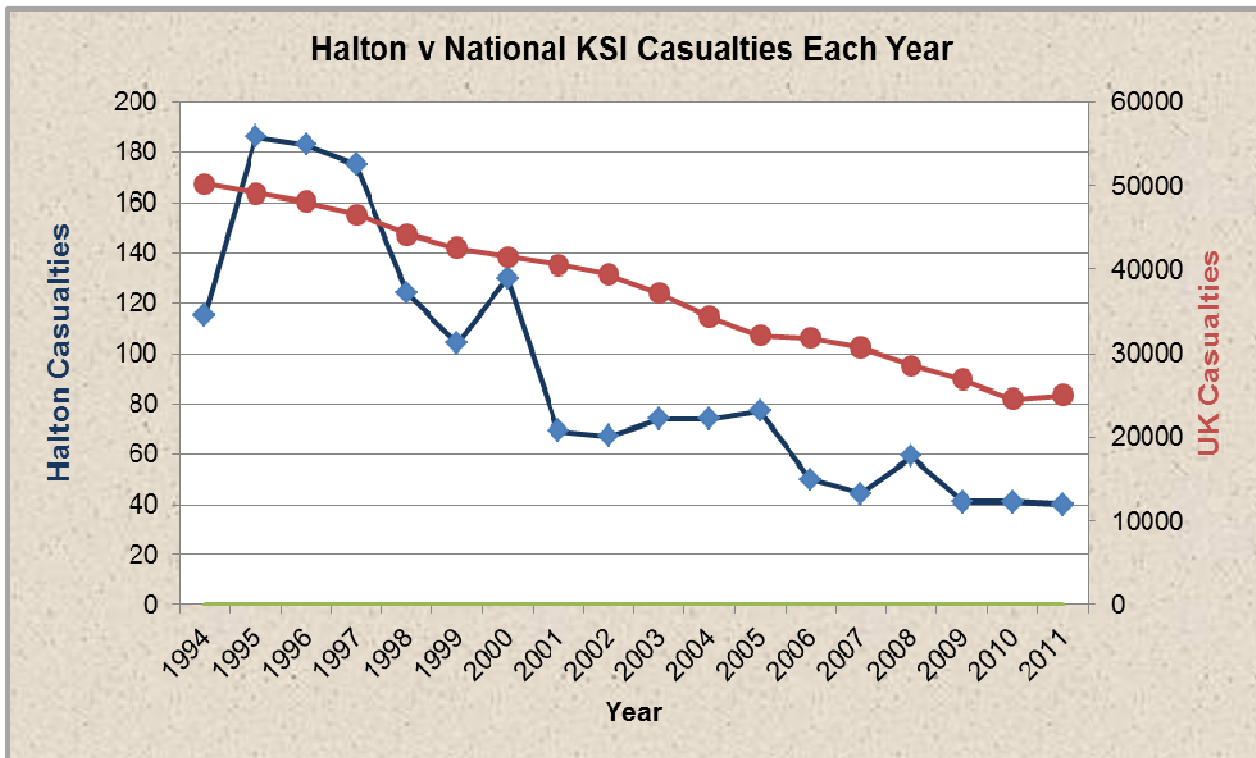
Halton 2011 Traffic Collisions Review

2011 saw a decrease in the number of road traffic accidents and casualties in Halton relative to the previous year and the general levels were in line with the overall trend for progressive, if fluctuating, reductions stretching back over a decade. Accidents and most particularly, serious injuries are now at their lowest level in over twenty years.



Year	Collisions	Deaths	Serious Injuries	Slight Injuries	Total Casualties
1994	491	5	110	631	746
1995	506	8	178	534	720
1996	569	6	177	710	893
1997	511	8	167	589	764
1998	493	3	121	673	797
1999	504	6	98	712	816
2000	558	4	126	712	842
2001	497	8	61	637	706
2002	444	3	64	603	670
2003	409	2	72	538	612
2004	432	6	68	555	629
2005	394	4	73	513	590
2006	377	2	48	493	543
2007	370	2	42	477	521
2008	326	4	55	435	494
2009	291	2	39	374	415
2010	303	4	37	423	464
2011	278	5	35	382	422

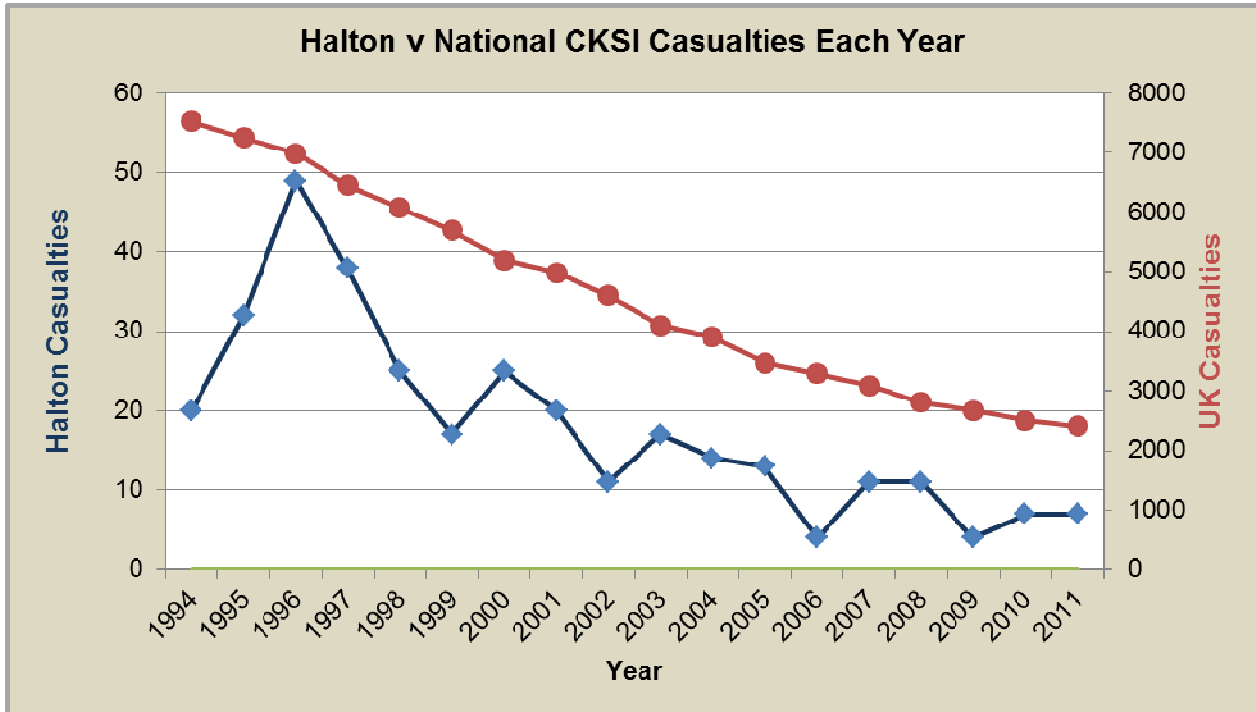
Killed & Seriously Injured, All Ages (KSI) (Local Indicator)



It is interesting to note that the national KSI total increased by 2% in 2011, the first increase in over twenty years coming in the immediate aftermath of the road safety funding cuts implemented by the coalition government.

As the annual KSI numbers fall in Halton, so the total becomes more vulnerable to fluctuations from year to year caused by the intermittent occurrence of rare, but not unknown, accidents in which several people are seriously injured simultaneously. However the distribution of KSI casualties over different modes of travel displays established downward trends for motorcyclists, pedestrians and car users, though no real pattern for cyclists:

Mode	2007	2008	2009	2010	2011
Motorcycle	12	14	12	10	7
Pedestrians	14	11	10	13	10
Cyclists	3	7	3	3	6
Car Users	12	26	16	13	13



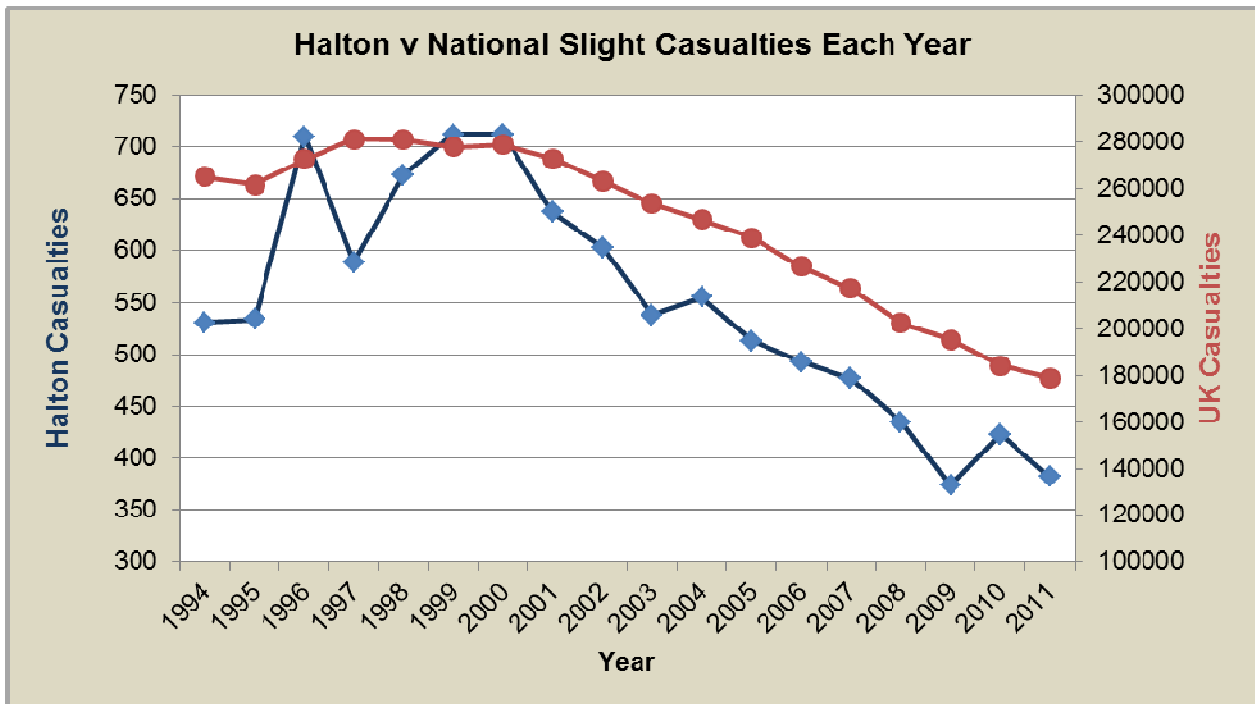
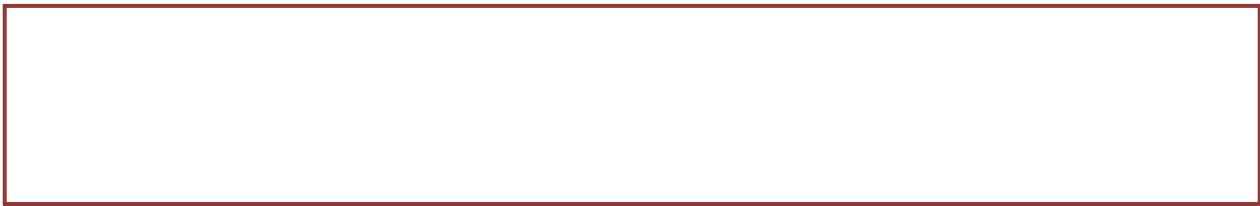
Nationally, the rate of reduction of child fatalities & serious injuries has been slackening in recent years and given this trend and the large scale reductions in the level of road safety education work that is now possible due to funding cuts. It is reasonable to envisage a time soon when CKSI casualties could increase, as has already happened with (all age) KSI numbers.

The majority of CKSI casualties nationally (66%) are pedestrians, and the same is true in Halton: of the seven CKSI casualties locally in 2011, six were pedestrians and the other one a cyclist. It is now four years since a child was seriously injured as a passenger in a car in Halton.

Road Safety education work with children relies heavily on direct contact, mainly in the classroom, and this involvement is an area of contact that has been most severely affected by cuts in the numbers of road safety officers resulting from the Coalition Government austerity measures.

Intensive work with children can affect their behaviour on the roads for the rest of their lifetime, and falling levels of involvement could be storing up problems for future years.

Slight, All-Age Casualties (SLI) (Local Indicator)



The large reductions in SLI casualties in recent years have not been evenly distributed across the various modes of travel, with most of the reductions being in the car user category:

SLIGHT CASUALTIES					
Mode	2007	2008	2009	2010	2011
Motorcycle	25	16	17	18	25
Pedestrians	31	31	31	28	34
Cyclists	22	23	24	22	21
Total without car users	78	70	72	68	80
Car users only	338	296	264	296	243

Value of Prevention

The Department for Transport published the average value of prevention of reported road accidents, in 2011. In built-up areas these figures are £1.87 million for a fatal accident and £215,223 for a serious collision. Lastly there is a figure of £22,587 for slight damage incidents. These figures include the costs for loss of output, medical and other emergency service costs, and finally human costs. They are essentially the costs (both local and national) to the community of them happening. Converting these to Halton, the total value of prevention of the 2011 total of 5 fatal, 33 serious and 240 slight accidents was £21.8 million (note this does not mean that Halton would save this amount of money if it did not have any road traffic accidents).

Strategic Framework for Road Safety

The Strategic Framework for Road Safety published by the Coalition Government in May 2011 set out a proposed outcomes framework designed to help government, local organisations and citizens to monitor any progress towards improving road safety and decreasing the number of fatalities and seriously injured casualties. This identified six key indicators which relate to road deaths which were intended to measure the key outcomes of the strategy at a national level. However, the DfT, recognising that at a local level the number of road deaths is small and subject to fluctuation, instead opted for a set of three indicators based not just on deaths and serious injuries and proposed use of the following as key indicators:

- Number of KSI casualties
- Rate of KSI per million people
- Rate of KSI per billion vehicle miles

Data for these three key indicators is available via the DfT., allowing performance in Halton to be compared to neighbouring authorities, using the 2005-09 average figures as a base.

Number of KSI casualties:

	2005-09 average	2010	2011	2011 change over 2010	2011 change over 2005-09 base average
Cheshire East	284	245	242	-1%	-15%
Cheshire West & Chester	238	185	228	23%	-4%
Halton	54	41	40	-2%	-26%
Knowsley	58	55	41	-25%	-29%
Liverpool	218	229	195	-15%	-11%
Manchester	222	166	174	5%	-21%
St. Helens	65	45	73	62%	12%
Warrington	104	103	107	4%	2%

Whilst at present Halton may appear to be comfortably placed under this new measurement regime, as a small area with very low annual KSI totals we are particularly vulnerable to fluctuations in our reported performance. For example, should one car full of people be involved in a serious accident that generated five serious injuries, this would cause a 10% degradation in our annual performance figure. The reality is that the year to year KSI performance fluctuations that this authority has experienced in the past and that similarly afflict our neighbours (NB. Cheshire West & Chester and St. Helens figures above) seriously undermine the validity of this method of comparison which is an unreasonable yardstick to use, particularly for the smaller, and to date very successful authority.

As has been pointed out to the DfT in the course of earlier consultation exercises, those authorities that achieved the highest rates of casualty reduction under the previous government's 2000-2010 Road Safety Strategy are now in a very weak position to achieve further reductions and they will compare badly with others that achieved little up

to 2010. It is the view of officers that the basis of the new Key Outcomes indicators is therefore flawed.

It is difficult to see how Halton can perform well under this new Framework, especially given the degree to which the authority has been penalised by removal of the road safety grant funding and reduction in the number of road safety staff. These concerns have been formally expressed to the DfT.

REPORT TO:	Environment and Urban Renewal Policy and Performance Board
DATE:	21 November 2012
REPORTING OFFICER:	Strategic Director Policy and Resources
PORTFOLIO:	Transportation
SUBJECT:	Results of the National Highway and Transportation Survey 2012
WARDS:	All wards

1.0 PURPOSE OF THE REPORT

- 1.1 To report the results of the National Highway and Transportation Survey 2012 and in particular Halton's performance in relation to other local highway authorities and in comparison with the 2009 survey, when Halton last took part. A more detailed presentation of the results will be provided at the meeting.

2.0 RECOMMENDATION: That

- 1. the report of the NHT Survey Results be noted; and**
- 2. a further 'Proposals' report be prepared and presented to the Board in March 2013**

3.0 SUPPORTING INFORMATION

Background

- 3.1 The National Highway and Transportation (NHT) survey is a Public Satisfaction Survey, which collects public perspectives on, and satisfaction with, highways and transportation services in local authority areas. The Survey asks questions in respect of the following themes:
- Accessibility
 - Public Transport
 - Walking and Cycling
 - Tackling Congestion
 - Road Safety
 - Highways Maintenance & Enforcement.
- 3.2 The survey has been run for five consecutive years, commencing in 2008 when just 33 authorities participated. This year 75 took part. Halton participated in the survey in 2009 and again this year. A summary off the survey statistics over the period is shown in Appendix 1.

- 3.3 The survey is a postal survey, administered by Ipsos Mori on behalf of the NHT Network. 5000 survey questionnaires were issued to households across the Borough in June 2012, selected by postcode cluster sampling, to ensure that the survey is spread evenly across the Borough.
- 3.4 The Survey should help individual authorities to identify:
- What service areas need improving the most;
 - Which service areas have most potential to improve;
 - Who improvements should be targeted at;
 - Where improvements should be made;
 - How improvements can be delivered.
- 3.5 A total of 545 responses were received. This represents a return rate of 10.9% which is unfortunately, below the average response rate for Unitary Authorities. The number of responses received provides a reasonable degree of certainty – a plus or minus 4% degree of accuracy on the responses received. However, care will need to be exercised when drawing conclusions from the survey and applying them to guide strategies, plans and the direction of future funding, particularly in view of the profile of respondents to the survey.
- 3.6 Halton's participation in the 2012 survey follows a period of significant highway and transport funding reductions for the Borough. Following in-year budget cuts in 2010, arising from the comprehensive spending review, the transport block settlement for 2011/12 resulted in a significant reduction in transport funding from previous years. The Integrated Transport budget was cut by 61% (from £1.76m down to £680k) and Highway Capital Maintenance cut by 9% in relation to the 2010/11 allocations. In 2010, the Road Safety Capital grant from Government was cut entirely (£75,114) whilst the Revenue grant was reduced by £90k only to be followed the next year by the removal of the remainder. This meant a total revenue loss for Road Safety of approximately £396k (of which approximately £238k went to the Cheshire Safer Roads Partnership for camera enforcement) which very quickly led to a 50% reduction in dedicated Road Safety officers.
- 3.7 Because of the government's austerity measures, revenue budgets for highway maintenance, supported bus services, community transport and street lighting have also been reduced to find further Council savings. It is difficult to say whether this significant reduction in funding accounts for the deterioration in respondents' views on some aspects of service provision, especially as such a small survey sample is involved. However, it is possible that the reductions are now impacting on the public's perception of certain services and that in some cases these impacts are likely to be real and felt on a daily basis e.g. by the removal of local bus services (see table in 3.10 below).

Survey Results

3.8 A summary profile of the responses received to the survey is as follows:

- Approximately half of the respondents to the survey were over the age of 60 and a further one third between the ages of 45 and 59;
- 43% of respondents were in employment, 49% either retired or unemployed, and the remaining 8% in training / education (or did not state);
- There was a roughly equal balance of responses from men & women;
- 80% had access to a car in the household;
- 29% declared a disability or infirmity;
- 46% of the responses came from Widnes postcodes and 54% from Runcorn;
- there was a reasonable range of responses across all the Borough's wards ranging between a maximum of 41 from Farnworth Ward to 8 from Windmill Hill.

3.9 The survey results are publicly available on the NHT website at: www.nhtsurvey.org. and the results for each authority can be viewed in a wide variety of pre-prepared reports.

3.10 A PowerPoint presentation summarising Halton's key results and trends will be delivered to members at the meeting. However, overall satisfaction and 'headline' results across the six 'themes' listed in 3.1 above can be summarised as follows:

- Overall satisfaction with Halton's Highway and Transport services averaged 58.3%. The average Unitary Authority score is 53.8%
- Halton is ranked 9th of 40 Unitary Authorities and 14th of all 75 participating authorities;
- Although the overall level of satisfaction is down from 2009, and the Council dropped from 1st to 9th, Halton is still in the top 25% of Unitary Authority rankings.
- In line with all other authorities, the condition of roads in Halton is considered to be the most important aspect of the H&T service – and also the aspect most in need of improvement.
- Pavements & footpaths and Safety on Roads are next in importance to the public.
- In general, levels of satisfaction have deteriorated in approximately 54% of the individual categories although in most cases these changes are small.

The following table provides a summary of some of the key results:

Headlines from 2012 survey.	Good	Not so Good
	<u>Disabled ease of access</u> Satisfaction score 75% Ranked 7th	<u>Accessibility generally</u> Average ranking 25 th
	<u>Community Transport (CT)</u> Satisfaction score 63% Ranked 2nd	<u>Public transport</u> as an overall theme (except taxis & community transport) has the largest scope to improve (i.e. the gap from the BEST national score is the largest in any category)
		<u>Local bus services</u> Ranked 26 th Scope to improve 21% (The gap from the BEST national score is, the largest in any category)
	<u>Road Safety</u> Satisfaction score 64% Ranked 6th	<u>Road safety education</u> Particularly young drivers Satisfaction score 46% Ranked 28th
	<u>Condition of Highways (comparatively)</u> Satisfaction score 47% Ranked 4th	<u>Cold weather gritting</u> Below average score. Ranked 31st
	<u>Overall Performance</u> Satisfaction score 58% Ranked 10th	<u>Cycle routes and facilities (aspects)</u> Ranked 29 th ; <u>Rights of Way (aspects)</u> Ranked 25 th <u>Street Lighting</u> Ranked 23 rd
Comparison against historic 2009 results	Improved	Deteriorated
	<u>Walking & Cycling</u> Improved across all indicators – average of 1.75% improvement	<u>Overall Performance</u> Satisfaction down by around 2%. Drop from 1 st overall
	<u>Road safety generally</u> Improved across all indicators – average of 3.4% increase	<u>Accessibility</u> Satisfaction down, especially ‘access without a car’ – down 5%
		<u>Public Transport theme (except community transport)</u> Satisfaction down by average 7% (but CT up 3%)
	<u>Response Rate</u> Down from 15% (820 responses) to 10.9%	

- 3.11 A number of factors may be said to be influencing the survey results. Some of these factors apply nationally, across all authorities and some, apply only to Halton compared to the other 39 unitary authorities:
- Successive severe winters between 2008 and 2011 resulted in public satisfaction (nationally) with gritting services deteriorating - initially by 20% but recovering last year to an average satisfaction score of 51%. Across this period satisfaction with Halton's gritting dropped by 5%, but we are still behind both national and unitary averages and 14 percentage points off the best performer.
 - Similarly the harsh winters, and the toll taken on the condition of the highway infrastructure has affected satisfaction with the condition of roads. Perception of the speed of repairs also dropped. Again Halton results reflect the national trend, although Halton's satisfaction level fell by just 5% over the period compared with 9% nationally.
 - Satisfaction with the condition of pavements (footways) in Halton has improved by over 2% since 2009, which may demonstrate the additional investments made in footway maintenance over this period. By comparison, nationally, satisfaction dropped marginally. Halton is ranked 10th of Unitary Authorities in this respect.
 - Satisfaction with Public transport is generally on an even keel, although peoples' perception of personal safety on buses has improved, possibly due to modern bus fleets with CCTV monitoring.
 - Halton's results indicate that satisfaction with the frequency of bus services has deteriorated (minus 4%) but satisfaction with the state of bus stops has improved by 5%. These results probably reflect the budget cuts for supported bus services and conversely, the investments made in bring stops up to DDA compliant standard.
 - National results indicate that the Road Safety and Tackling Congestion themes are on an upward trend – again this is reflected locally. However, whilst public satisfaction with road safety is improved across the board, including road safety & education (by 4%) we are still ranked below average against other Unitaries and nationally. This may be due to the significant cuts in Halton's Road Safety budgets across the period.
- 3.12 The survey has provided a wealth of useful statistical information about Halton residents' perceptions and satisfaction with highway and transportation service. There are clearly some areas of the service which warrant further, closer investigation.
- 3.13 It is proposed that, following further analysis of the results and a more detailed investigation into the issues arising from the survey, a 'proposals report' is prepared and presented to the Board in the new year, to enable any interventions to be planned and budget allocations targeted to address the findings.
- 3.14 As stated earlier, the NHT survey is undertaken annually. Some authorities participate every year, and some, like Halton choose to stagger their participation. Your officers' view is that the year-on-year changes across the themes are typically small, which makes it difficult

to identify trends and also the impact of any influences or interventions on public perception.

- 3.15 The cost of the survey this year to Halton was £8000, which although representing good value in terms of coverage and quality of survey output, is quite costly on a 'per response' basis. This was the primary reasons for non-participation in 2009, 2010 and 2011. At this stage, it is not planned to participate in 2013, instead, specific themes or topics that we want to address could be surveyed locally through the Halton 2000 panel or by other local means.

4.0 POLICY IMPLICATIONS

- 4.1 There are no direct policy implications at this stage, however further more detailed analysis of the results will be undertaken, which may be used to guide future policy and budget provision for highway and transportation services.

5.0 OTHER IMPLICATIONS

5.1 Resource Implications

There are no financial resource implications at the present time. The cost of the survey was wholly funded from Highway and Transportation revenue budget for LTP Development. There are no on-going costs in relation to this year's survey. Reporting and analysis of the survey responses and results is being undertaken in-house by the Council's Research and Intelligence Unit.

5.2 Sustainability Checklist

The survey results will assist in the development of sustainable travel strategies and policies.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

There are no direct implications arising from the recommendation. The survey results will assist in targeting road safety training and education and in developing schemes to improve walking and cycling to school.

6.2 Employment, Learning and Skills in Halton

There are no direct implications arising from the recommendation. The survey results will assist in improving accessibility, sustainable travel and tackling congestion that could potentially contribute towards local economic growth.

6.3 A Healthy Halton

There are no direct implications arising from the recommendation. The survey results will assist in the development of sustainable travel modes and the health benefits that accrue from such improvements.

6.4 A Safer Halton

There are no direct implications arising from the recommendation. The survey results will assist will assist in targeting road safety training and education, and in the development of highway and traffic schemes that promote safe use of the network.

6.5 Halton's Urban Renewal

There are no direct implications arising from the recommendation. The survey results will assist will assist in the development of highway schemes that contribute to the improvement of the urban fabric and infrastructure.

7.0 EQUALITY AND DIVERSITY ISSUES

There are no equality and diversity implications arising as a result of the proposed action. The survey results will assist in targeting accessibility and infrastructure improvements that would have a positive impact on the older and disabled sections of Halton's community.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no background papers in connection with this report. Results and details of responses to the NHT Survey 2012 are available publicly at www.nhtsurvey.org

Appendix 1 Summary Survey Statistics

	2008	2009	2010	2011	2012
Total number of Authorities taking part in survey	33	76	95	70	75
By Authority Type					
County Councils	15	23	24	22	22
London Boroughs	1	8	10	4	2
Metropolitan Boroughs	2	13	16	9	11
Unitary Authorities	15	32	45	35	40
By Region					
East Midlands	4	6	7	6	7
East of England	2	4	10	7	6
London	1	8	10	4	2
North East	1	12	12	3	10
North West	0	7	6	7	7
South East	6	10	12	14	12
South West	14	15	14	14	15
Wales	0	0	6	0	0
West Midlands	2	8	10	7	7
Yorkshire & Humber	3	6	8	8	9
Summary Response					
Total Surveys Issued	148,500	371,026	479,300	325,200	377,500
Total responses Received	27,682	69,310	81,614	60,626	60,624
Average Sample Size	4,500	4,882	5,045	5,028	5,026
Average No. of Responses	839	912	859	886	808
Average Response Rate	19.0%	18.7%	17.0%	17.6%	16%

REPORT TO: Environment & Urban Renewal Policy and Performance Board

DATE: 21st November 2012

REPORTING OFFICER: Strategic Director Policy & Resources

PORTFOLIO: Resources

SUBJECT: Business Planning 2013-16

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 To offer a timely opportunity for Members to contribute to the development of Directorate Business Plans for the coming financial year.

2.0 RECOMMENDATION:

That the Board indicates priority areas for service development and improvement over the next 3 years.

3.0 SUPPORTING INFORMATION

- 3.1 Each Directorate of the Council is required to develop a medium-term business plan, in parallel with the budget, that is subject to annual review and refresh. The process of developing such plans for the period 2013-2016 is just beginning.
- 3.2 At this stage members are invited to identify a small number of priorities for development or improvement (possibly 3-5) that they would like to see reflected within those plans. Strategic Directors will then develop draft plans which will be available for consideration by Policy and Performance Boards early in the New Year.
- 3.3 Whilst providing a Directorate context each of the Directorate Business Plans will contain appendices identifying specific Departmental activities and performance measures and targets that would provide a focus for the on-going monitoring of performance throughout the year. Directorate Business Plans will be subject to annual review and refresh in order that they remain fit for purpose taking account of any future change in circumstances, including any future funding announcements that may emerge.
- 3.4 It is important that Members have the opportunity to provide input at this developmental stage of the planning process, particularly given the

anticipated funding announcements, to ensure that limited resources may be aligned to local priorities.

- 3.5 It should be noted that plans can only be finalised once budget decisions have been confirmed in March and that some target information may need to be reviewed as a result of final outturn data becoming available post March 2013.
- 3.6 To assist the Board the Operational Director Policy, Planning and Transportation will give a short presentation on the issues and challenges facing the areas that fall within the Boards remit over the period of the next plan and will circulate the outline of that presentation in advance of the meeting.
- 3.7 The timeframe for plan preparation, development and endorsement is as follows:

	Information / Purpose	Timeframe / Agenda on Deposit
PPB	Discussion with relevant Operational / Strategic Directors concerning emerging issues, proposed priorities etc.	October/ November 2012 PPB round
Portfolio Holders	Strategic Directors to discuss with Portfolio Holders emerging issues, proposed priorities etc.	October/ November 2012
Directorate SMT's	To receive and endorse advanced drafts of Directorate Plans	SMT dates to be agreed with all Strategic Directors w/c 3rd Dec. 2012
Corporate Management Team	To receive and comment upon / endorse advanced drafts of Directorate Plans	11thDecember 2012
Portfolio Holders	Strategic Directors to discuss with Portfolio Holders advanced draft plans, including relevant departmental service objectives/ milestones and performance indicators.	Late December 2012/ January 2013
PPB's	Advanced draft plans including details of relevant departmental service objectives/milestones and performance indicators	January 2013 PPB Cycle
Executive Board	To receive advanced drafts of Directorate Plans	7th February 2013
Full Council	To receive advanced drafts of Directorate Plans	6th March 2012

4.0 POLICY IMPLICATIONS

- 4.1 Business Plans form a key part of the Council's policy framework. Plans also need to reflect known and anticipated legislative changes.
- 4.2 Elected member engagement would be consistent with the new "Best value guidance", announced in September 2011, to consult with the representatives of a wide range of local persons.

5.0 OTHER IMPLICATIONS

- 5.1 Directorate Plans will identify resource implications.
- 5.2 Arrangements for the provision of Quarterly Monitoring Reports to Members would continue with each Department being required to produce a report. Key Objectives/ milestones and performance indicators would then be aligned by priority, (in accordance with the new corporate performance framework introduced from 2012/13); and reported in line with the remit of each respective Policy and Performance Board. Departmental Reports would continue to be available to members via the intranet, containing all details stated within the Appendices of the Directorate Business plans.

6.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 6.1 The business planning process is the means by which we ensure that the six corporate priorities are built into our business plans and priorities, and thence cascaded down into team plans and individual action plans.

7.0 RISK ANALYSIS

- 7.1 The development of a Directorate Plan will allow the authority to both align its activities to the delivery of organisational and partnership priorities and to provide information to stakeholders as to the work of the Directorate over the coming year.
- 7.2 Risk Assessment will continue to form an integral element of Directorate Plan development. This report also mitigates the risk of Members not being involved in setting service delivery objectives.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 Those 'high' priority actions in regards to equality and diversity are included as an Appendix within relevant Directorate Action Plans will be routinely monitored through Departmental Performance Monitoring Reports.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no relevant background documents to this report.

REPORT TO: Environment and Urban Renewal
Policy & Performance Board

DATE: 21 November 2012

REPORTING OFFICER: Strategic Director, Policy and Resources

PORTFOLIO: Transportation

SUBJECT: Petition regarding surface water drainage
issue, Heath Road and Coronation Road,
Grange

WARDS: Grange

1.0 PURPOSE OF THE REPORT

- 1.1 To inform the Board of a petition that has been received from residents of Coronation Road regarding surface water drainage problems and the actions that have been taken to resolve issues raised.

2.0 RECOMMENDATION: That

- (1) the petition be noted; and**
- (2) the Board note the work that the Council's Property Services Department has undertaken to date and the further work that is required; and**
- (3) the Petitioners and local ward Members be informed of the outcome of the Board's consideration of the petition**

3.0 SUPPORTING INFORMATION

- 3.1 Halton Borough Council received a petition on 30 July 2012 signed by 6 residents concerning surface water drainage problems ranging from Heath Road through to an area near 44 Coronation Road.
- 3.2 Copies of the petition will be available for members at the meeting. In summary, the petition raises seven separate issues relating to flooded land which have been investigated and, where appropriate, addressed.
- 3.3 The Council owns land in the area of concern, as shown on the plan at Appendix 1. The land comprises three elements: part of a car park serving the health centre / doctors surgery at 78 Heath Road, Runcorn; the road known as Heath Road Crescent; and open space land at the rear of Heath Road / Langdale Road, which abuts properties in Coronation Road occupied by the petitioners and Halton Housing Trust's

sheltered housing. The land is administered and maintained by Property Services.

- 3.4 The car park area at the rear of the doctor's surgery is drained by a road gully that had been reported as blocked. The plan at Appendix 2 shows the location of the car park and gully. The problem was investigated by Property Services earlier in the year following a request for action from the Doctor, who owns & occupies the car park. The gully connection was traced and it was determined that the line of the drain runs in a northerly direction, toward Coronation Road. The pipe was found to be blocked by tree roots and in a state of collapse. This was causing flooding within the car park and meant that it was not possible to survey the entire length of the drain, or to locate its connection to the existing drainage system.
- 3.5 Property Services have explored alternative routes to re-connect the gully to the surface water sewer system. The installation of underground drainage across the open space area could place a constraint on the future use and development of this land.
- 3.6 Initially, the owners of the doctor's surgery were approached to investigate the suitability of a connection to a nearby manhole chamber within their land, however this was refused, we think because of the potential disturbance to the block paved surface of their car park. Halton Housing Trust has been approached to allow connection of the gully to the drainage system which serves their housing development off Coronation Road, although this is a longer route, involving greater cost. HHT have indicated that they would require a formal way-leave agreement for this arrangement. At the time of writing this report, these matters are being progressed, but remain unresolved. An update will be provided for Members at the meeting.
- 3.7 In the meantime, a section of kerbing has been removed from the back of the car park to allow water to drain onto the grassed area as a temporary measure. Whilst this may be reducing the risk of flooding to the paved area, it may have had the effect of increasing groundwater over the adjoining grassed area.
- 3.8 It should be noted that the summer months (defined as June, July and August) have been the wettest since 1912 (Met.Office figures). The heavy rainfall during the period, combined with the additional discharge of surface water from the car park, may have caused the grassed area to become saturated to the point where it cannot absorb further rainfall. Whilst ground is in this condition, any further rainwater will pond or will run off as natural surface water which may have resulted in the minor external property flooding listed in the petition.
- 3.9 The risk of flooding will be reduced when the car park gully is re-connected as described in paragraph 3.6. This will remove any additional surface water discharge onto the adjacent land.

Unfortunately, at the present time, the connection of ground water or land drainage into the United Utilities sewer systems is not permitted, and neither is it practicable to drain this land to other drainage systems or watercourses. If the open space land is developed in the future, the nature of this land and how it drains will change.

- 3.10 The Council unfortunately cannot solve the problem of flooding arising from the open space land if it becomes saturated solely due to heavy or prolonged rainfall, but residents do have the option of taking their own steps to prevent ingress of water to reduce the risk of flooding, for example by raising levels or reducing the extent of paved areas within their gardens.
- 3.11 In addition to the saturated ground and problems of flooding raised by the residents, which are being dealt with as described above, the petition itemises two other issues: Firstly, the tree referred to in the petition was removed by the Council's Open Spaces Department as it was diseased and rotten. This tree may have contributed to the problem of tree roots in the drain. Finally, the gully within the car park serving the HHT sheltered housing development has been cleaned and the connection checked to ensure that it is in working order. When heavy rainfall occurs, the sewer system can become surcharged and the outlet flow from gullies may be temporarily obstructed or slow.
- 3.12 It is proposed that the petitioners are informed of the investigations and the work that has been undertaken by The Property Services Department to date and the proposals for further work to resolve the surface water drainage in Heath Road Crescent.

4.0 POLICY IMPLICATIONS

There are no policy implications arising from the report.

5.0 OTHER IMPLICATIONS

5.1 Resource Implications.

As stated in paragraphs 3.5 and 3.6, Property Services Department are currently pursuing a solution to the reconnection of the gully. There are both staff resource and financial implications in relation to reaching way-leave agreements with existing landowners and costs associated with the implementation of the repair works themselves.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

There are no implications on the Council's 'Children and Young People in Halton' priority.

6.2 Employment, Learning and Skills in Halton

There are no implications on the Council's 'Employment,

Learning & Skills in Halton' priority.

6.3 A Healthy Halton

There are no implications on the Council's 'Healthy Halton' priority.

6.4 A Safer Halton

There are no implications on the Council's 'Safer Halton' priority.

6.5 Halton's Urban Renewal

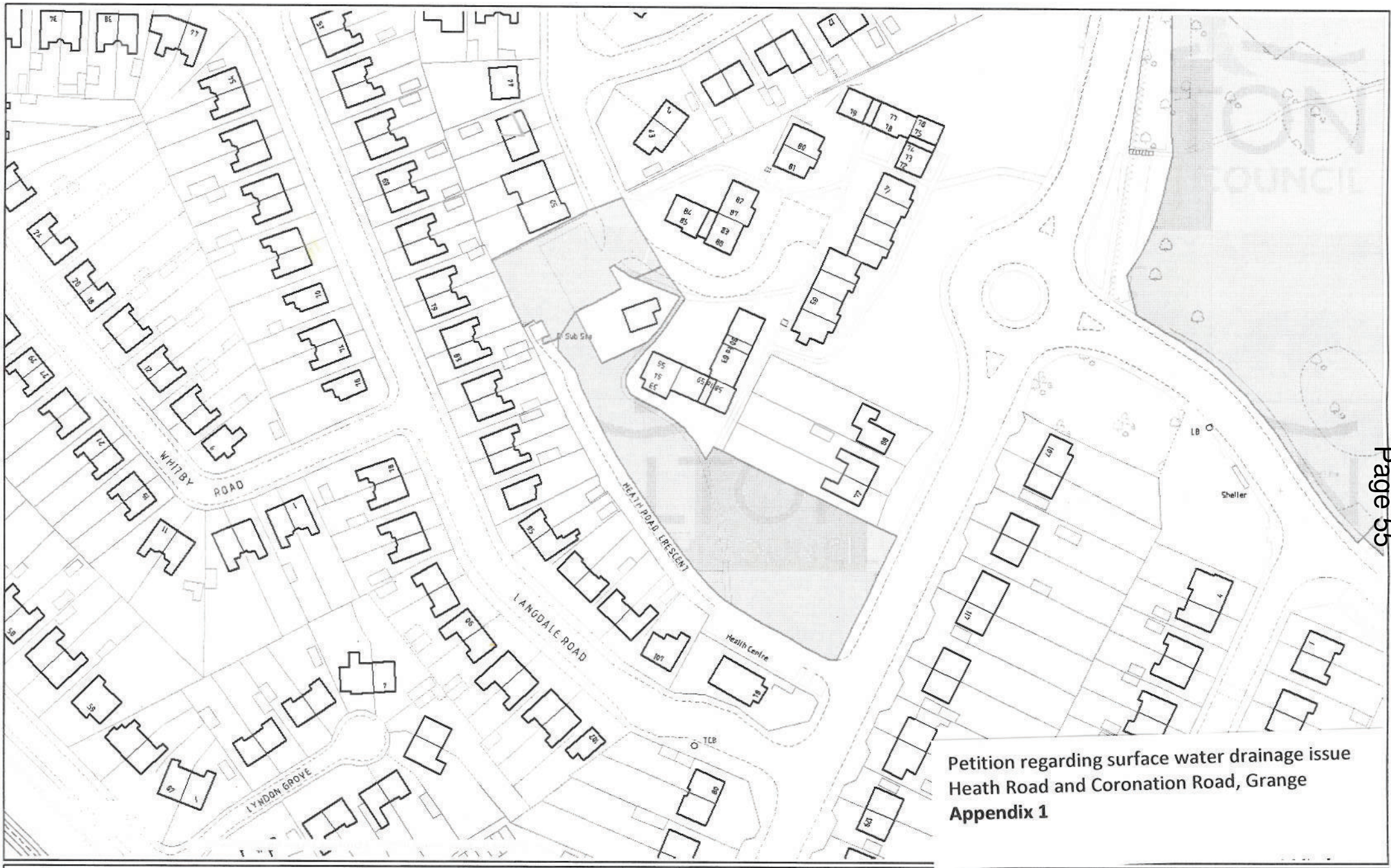
There are no implications on the Council's 'Urban Renewal' priority.

7.0 EQUALITY AND DIVERSITY ISSUES

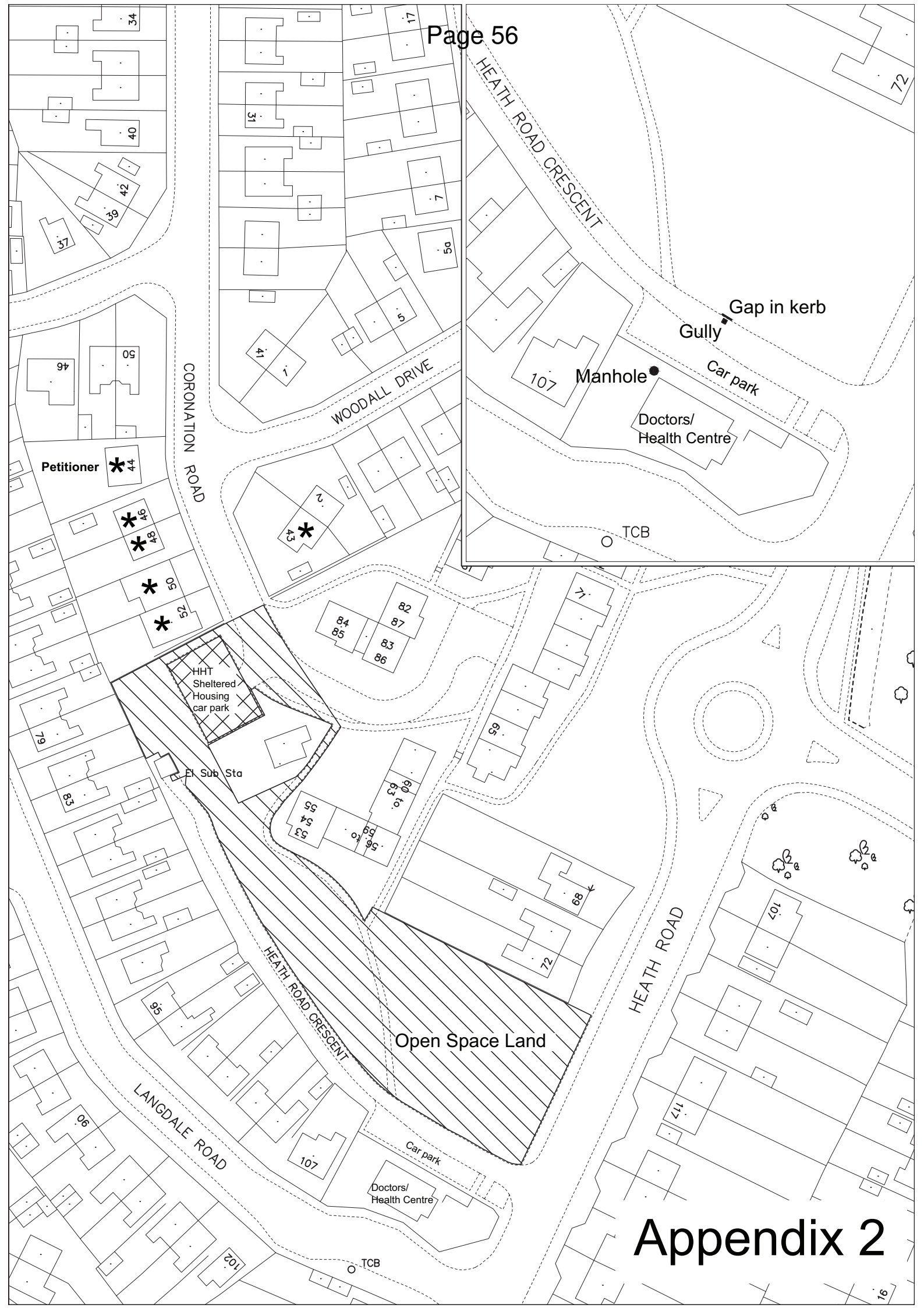
There are no Equality and Diversity implications.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no background papers within the meaning of the Act.



Petition regarding surface water drainage issue
Heath Road and Coronation Road, Grange
Appendix 1



REPORT TO: Environment and Urban Renewal
Policy and Performance Board

DATE: 21st November 2012

REPORTING OFFICER: Strategic Director Policy and Resources

PORTFOLIO: Transportation

SUBJECT: Land Drainage Act – Watercourse
Regulation and Byelaws

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform the Board about recent changes to the Council's regulatory powers under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010) and to seek its endorsement to the proposal to consult on a set of local land drainage byelaws.
- 1.2 To consider a policy for the regulation of ordinary watercourses.

2.0 RECOMMENDATION: That

- 1. the Board notes the changes to the Council's regulatory Powers under the Land Drainage Act (1991);**
- 2. the Board supports the proposals set out in the report for the regulation of ordinary watercourses; and**
- 3. a report on the adoption of byelaws, be submitted to the Executive Board.**

3.0 SUPPORTING INFORMATION

Background

- 3.1 On 6th April 2012, under the provisions of the Flood and Water Management Act 2010 (F&WMA), amendments to the Land Drainage Act (LDA) were enacted, which transferred certain powers in relation to the regulation of watercourses, from the Environment Agency (EA) to Halton Council as Lead Local Flood Authority for the area. As a consequence, the Council became responsible for consenting certain works, and for the enforcement of unsatisfactory or un-consented works on Ordinary Watercourses.
- 3.2 An Ordinary Watercourse is a watercourse (eg. a stream, ditch, drain culvert etc.) that is not part of a Main River (these are usually the larger, arterial watercourses) which come under the jurisdiction of the EA.

Within Halton, Main Rivers include: Ditton Brook (and its tributaries); Rams Brook; Keckwick Brook; Bowers Brook and sections of Stewards Brook. All other watercourses within Halton now come under the Council's jurisdiction for consenting and enforcement purposes.

- 3.3 The purpose of ordinary watercourse regulation is to control certain activities that might result in flooding or increase flood risk.

Consenting Duty and Enforcement Powers

- 3.4 'Consenting' is the process whereby landowners or occupiers may apply to the regulatory body to undertake works within or close to a watercourse. The Environment Agency has produced guidance for applicants on the type of works or activities that are considered to require formal Consent, and has applied these assessment criteria over a period of time, such that land owners and developers are familiar with the 'rules' applied by the EA.
- 3.5 The range of works is illustrated as typical cross-sections, shown in Appendix A. It is proposed that for the purposes of regulating works on ordinary watercourses, the Council adopt the same approach as that used by the EA.
- 3.6 The same criteria would be used to assess works to ordinary watercourses that have been undertaken without consent, and whether the Council should consider enforcement action in those cases.
- 3.7 Generally, it is the more rural areas which tend to generate the most applications for consent. Historically, there have been a very low number of consent applications from within the Borough to the EA. According to their records, no applications were received by them in 2010/11. Therefore, it is not envisaged that the new duty will impose a significant demand on our existing resources.
- 3.8 The Environment Agency has adopted a proportionate and risk-based approach in relation to watercourse regulation, and it is expected that they will continue to do so in relation to Main River regulation. Partner authorities of the Cheshire & Mid Mersey Flood Risk Management Group have agreed that a similar, and consistent, sub-regional approach should be applied, as this will provide clarity for prospective applicants, developers and land owners.
- 3.9 A suite of documents comprising letter and notice templates, to be used in connection with ordinary watercourse regulation has been produced by the EA for adaptation and use by Lead Local Flood Authorities and these have been adopted for use within Halton.
- 3.10 A fee is payable by applicants for watercourse consent. The F&WMA amends the Land Drainage Act (LDA) to determine the fee in

accordance with a “prescribed charging scheme”. Currently, the fee for applications for consent is £50.

- 3.11 The Council also has enforcement powers under the LDA for ordinary watercourses. Enforcement action may be taken where damaging (or potentially damaging) works have been carried out without consent, or the works are in contravention to a consent that has been issued. As outlined in paragraph 3.5, the range of works described in Appendix A would be used to assess acceptability.
- 3.12 Due to current resource and budgetary constraints, there are no plans at present to undertake routine regular inspections of ordinary watercourses within the Borough. Any enforcement action undertaken would therefore generally only be considered when:
- Works have been carried out in relation to a watercourse, that are not in accordance with a granted consent; or
 - The Council becomes aware of contraventions to the Land Drainage Act as a result of other surveys and inspections or through notification or information provided by third parties.

Land Drainage Byelaws

- 3.13 Additionally, the Flood and Water Management Act amends Section 66 of the Land Drainage Act to allow local authorities to make byelaws for the following purposes:
- To secure the efficient working of a drainage system in its area;
 - To regulate the effects of a drainage system on the environment;
 - To secure the effectiveness of flood risk management work (carried out under either the Land Drainage Act or the Flood and Water Management Act)
- 3.14 In preparation for the transfer of duties and powers described above, Defra have prepared a set of Model Land Drainage Byelaws and have issued guidance for Local Authorities on making byelaws under Section 66 (LDA). The byelaws are broadly similar to those operated for many years by the Environment Agency and are appended as Appendix B to this report.
- 3.15 Partner members of the Cheshire and Mid Mersey Flood Risk Management Group have considered the model byelaws and have agreed that they would be a very useful tool across the partnership region for regulation of ordinary watercourses. The making of Byelaws is not mandatory but it is seen as a key element at a tactical level to deliver flood risk management. Without byelaws, the application of the consenting and enforcing powers and duties will be very difficult.
- 3.16 The model byelaws contain (inter-alia) provisions to control a range of factors that might affect (or have the potential to affect) the flow of water in a watercourse and therefore may impact on flood risk, such as:

- The introduction and control of flow into and within watercourses;
- Alterations to watercourses;
- Activities within and close to the banks of watercourses;
- Damage and obstruction to watercourses, and associated structures and property.

4.0 POLICY IMPLICATIONS

- 4.1 The EA's policies and practices for watercourse regulation as described in paragraph 3.8 have been adopted by Halton for the consenting and enforcement of works relating to watercourses. The suite of documents referred to in paragraph 3.9 has been drafted for use for applications for works within Halton.
- 4.2 The procedure for making byelaws is outlined in section 236 of the Local Government Act 1972. Also, Defra has published guidance for local authorities on making byelaws under section 66 of the Land Drainage Act 1991. They recommend an early consultation with Defra on the draft documents, however as the adoption of the 'Model' byelaws is proposed, this should be a formality. There is then a need to consult initially with the canal and river navigation authorities (to avoid conflict or interference with their byelaws) and Natural England.

Subject to the Board's endorsement, it is recommended that a report on the adoption of land drainage byelaws for the Borough of Halton be presented to Executive Board.

Under the Council's Constitution "making and amending bye-laws" is reserved to full Council. Objections to the proposed byelaws are considered by and dealt with by the Council. Ideally, any objections will be resolved and withdrawn before the byelaws are submitted to the appropriate Minister within Defra for confirmation.

5.0 OTHER IMPLICATIONS

5.1 Resource Implications

Applications for consent for works undertaken in relation to ordinary watercourses are subject to a fee, currently £50. This level of fee is unlikely to cover the actual costs incurred by the Council in processing an application. It should be noted that (i) in future, fees may be determined in accordance with a charging scheme (prescribed by order) and (ii) historically, the number of applications submitted in relation to works within Halton has been low. It is anticipated that the workload associated with applications for watercourse consent can, at present, be managed within current staffing resources.

As stated in paragraph 3.12, due to existing budgetary constraints and staff resource issues, there are no plans at present to undertake routine

regular inspections of ordinary watercourses. The workload associated with enforcement powers will be restricted typically to the circumstances described in 3.12.

5.2 Sustainability Checklist

The regulation of works to ordinary watercourses is a key consideration in the sustainable development of new sites and in the regeneration of existing sites across the Borough. The use of sustainable drainage techniques, including surface water collection, treatment and run-off to watercourses, and the adoption of such systems in the future is a key duty under the F&WMA legislation.

5.3 Legal Implications

The Environment Agency has provided guidance to local authorities on applying sanctions in relation to the regulation of ordinary watercourses. Notices may be served to deal with the repair, removal of obstruction and maintenance of flow in watercourses. An offence is committed under the Land Drainage Act 1991 by failure to comply with a notice and not by the deed itself. Failure to comply with notices served under Section 24 (abatement/removal of un-consented works from ordinary watercourses) and Section 25 (Requiring works to maintain flow of an impeded ordinary watercourse) of the Land Drainage Act may result in legal action being taken through the Magistrates Courts.

Byelaws also create criminal offences which can be prosecuted in Magistrates Courts. Breaches of byelaws can lead to a fine, the maximum being generally between £500 and £2,500.

5.4 Community Impact Review & Assessment (CIRA)

Based upon the principal aims of watercourse regulation contained in the amendments to the Land Drainage Act and the proposed byelaws, the potential impact of the policies and practices are judged to be neutral and low across all equality strands. Therefore, a CIRA is not required in this instance.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

There are no implications for Halton's Children and Young People priority.

6.2 A Healthy Halton

There are no implications for Halton's health priority.

6.3 Employment, Learning and Skills in Halton

There are no implications for Halton's Employment, Learning and Skills priority.

6.4 A Safer Halton

Local regulation of watercourses through the revisions to the Land Drainage Act and by the adoption of proposed byelaws will enable the Council to maintain safe and secure environments around ordinary watercourses and to manage flood risk across the Borough.

6.4 Children and Young People in Halton

There are no implications for Halton's Children and Young People priority.

6.5 Environment and Regeneration in Halton

Local regulation of watercourses through the revisions to the Land Drainage Act and by the adoption of proposed byelaws will enable the Council to maintain a high quality and sustainable environment, and protect and enhance key areas and public spaces around ordinary watercourses. The procedures will help to support the planning and development process, protecting the physical and natural environment as sites are brought forward for development and regeneration.

6.6 Corporate effectiveness and business efficiency

The application of the Environment Agency's existing policies and practices, and the adoption of the model set of byelaws in relation to watercourse regulation across the Cheshire and Mid Mersey sub-region, will enable effective and consistent management of watercourse regulation.

7.0 EQUALITY AND DIVERSITY ISSUES

There are no equality and diversity issues arising from the report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Land Drainage Act 1991	HBC Highways Offices Rutland House, Runcorn	Dave Cunliffe
Flood and Water Management Act 2010	HBC Highways Offices Rutland House, Runcorn	Dave Cunliffe
EA Advice Note and Appendix Ordinary Watercourse Regulation February 2012	HBC Highways Offices Rutland House, Runcorn	Dave Cunliffe
Letter and Notice templates for watercourse regulation in Halton	HBC Highways Offices Rutland House, Runcorn	Dave Cunliffe
Halton Borough Council Consents (EA Spread sheet)	HBC Highways Offices Rutland House, Runcorn	Dave Cunliffe
Cheshire and Mid Mersey Flood Risk Management Sub Regional Group – minutes of meetings.	HBC Highways Offices Rutland House, Runcorn	Dave Cunliffe
Defra Guidance for Local Authorities on making byelaws under section 66 of the Land Drainage Act 1991	HBC Highways Offices Rutland House, Runcorn	Dave Cunliffe

Cross sections of consentable activities



Pipe Culvert (including extension and removal of)- Consent Required under Section 23 (1)(b).



Oversized Box Culvert (including extension and removal of)- Consent Required under Section 23 (1)(b).



Trash Screens - Consent Required as it is an alteration to a culvert and has the potential to obstruct flow under Section 23 (1)(c)



Bank Protection Works - Not Consentable under LDA 91, (Temporary works may require consent).



Pipe Crossing (in channel)-Consent Required under Section 23 1(a) if placed on bed and under Section 23 (1)(b) if above bed



Pipe Crossing (above bank) - Not Consentable under LDA 91 as it does not affect the watercourse.



Pipe Crossing (below bed) - Not Consentable under LDA 91 as it does not affect the watercourse – Potential temporary works consent.



Protruding Pipe Outfall - Not Consentable under LDA 91 as it will not act like a dam/weir or like obstruction.



Outfall within Bank profile - Not Consentable under LDA 91 as it does not act like a mill dam or weir.



Weir/Dam or impoundment or temporary works that obstruct flow - Consent Required under Section 23 1(a)



Bridge (where soffit level is below bank top level) - Consent Required under Section 23 1(b) as it acts like a culvert.



Bridge (abutments not reducing flow area/width) - Not Consentable under LDA 91 as does not interfere with flow.



Bridge (Abutments restricting flow) - Consent Required under Section 23 1(b) as it acts like a culvert



Clear span bridge - Not Consentable as it does not affect the watercourse



Bridge with support in channel - Not Consentable under LDA 91 as it will not act like a dam/weir or like obstruction. Need to consider size of pier against size of watercourse, but would want to discourage the use of a pier in the watercourse.

Note: This is based upon Environment Agency interpretation of legislation and "flow" should be determined as bank full flow conditions

MODEL LAND DRAINAGE BYELAWS

LOCAL AUTHORITIES

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2. Application of Byelaws
3. Control of Introduction of Water and Increase in Flow or Volume of Water
4. Control of Sluices etc
5. Fishing Nets and Angling
6. Diversion or Stopping up of Watercourses
7. Detrimental Substances not to be Put into Watercourses
8. Lighting of Fires
9. Notice to Cut Vegetation
10. No Obstructions within Metres of the Edge of the Watercourse
11. Repairs to Buildings
12. Control of Vermin
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14. Vehicles not to be Driven on Banks
15. Banks not to be Used for Storage
16. Not to Dredge or Raise Gravel, Sand etc
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19. Interference with Sluices
20. Mooring of Vessels
21. Unattended Vessels
22. Removal of Sunken Vessels
23. Navigation of Vessels
24. Damage to Property of the Council
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27. Savings for Other Bodies
28. Saving for Crown Lands
29. Arbitration
30. Notices
31. Limitation
32. Revocation
33. Interpretation

Common Seal

Penalty Note

Amended July 2012

.....**COUNCIL LAND DRAINAGE BYELAWS**

TheCouncil under and by virtue of the powers and authority vested in them by section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for [one or more of] the following purposes:-

- a) securing the efficient working of a drainage system in the Council’s area,
- b) regulating the effects on the environment in the Council’s area of a drainage system,
- c) securing the effectiveness of flood risk management work within the meaning of section 14A of that Act, or
- d) securing the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010 (incidental flooding or coastal erosion),

together, “the Purposes”;-

1. **Commencement of Byelaws**

These Byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Secretary of State.

2. **Application of Byelaws**

- (a) These Byelaws shall have effect within the Area;
- (b) the watercourses referred to in these Byelaws are watercourses which are for the time being vested in or under the control of the Council.

3. **Control of Introduction of Water and Increase in Flow or Volume of Water**

No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended (“the 1990 Act”)) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the Area so as to directly or indirectly increase the flow or volume of water in any watercourse in the Area (without the previous consent of the Council).

4. **Control of Sluices etc**

Any person having control of any sluice, water control structure or appliance for introducing water into any watercourse in the Area or for controlling or regulating or affecting the flow of water in, into or out of any watercourse shall use and maintain such sluice, water control structure or appliance in accordance with such reasonable directions as may from time to time be given by the Council with a view to securing or furthering one or more of the Purposes.

5. **Fishing Nets and Angling**

No person shall angle or set any nets or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this Byelaw “nets” includes -

- (a) a stake net, bag net or keep net;
- (b) any net secured by anchors and any net, or other implement for taking fish, fixed to the soil or made stationary in any other way;
- (c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

6. **Diversion or Stopping up of Watercourses**

No person shall, without the previous consent of the Council, take any action, or knowingly permit or aid or abet any person to take any action to stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse.

7. **Detrimental Substances not to be Put into Watercourses**

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank -

- (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
- (b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

8. **Lighting of Fires**

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any vegetation including trees growing on land forming the banks of the watercourse.

9. **Notice to Cut Vegetation**

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Council requiring him so to do, cut down and keep cut down all vegetation, including trees, growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such vegetation, including trees, from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

10. **No Obstructions within 9¹ Metres of the Edge of the Watercourse**

No person without the previous consent of the Council shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure.

11. **Repairs to Buildings**

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Council that because of its state of disrepair -

- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse;
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

12. **Control of Vermin**

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Council by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Council consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild mammal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

13. **Damage by Animals to Banks**

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Council to prevent the bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Council.

14. **Vehicles not to be Driven on Banks**

¹ A distance of 9 metres is the maximum that is agreed without the Council making a special case and supplying technical data about soil stability etc. Many Councils have found a lesser distance adequate.

N.B: This footnote is for the guidance of Councils and is **not** for inclusion in the Byelaws

No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

15. **Banks not to be Used for Storage**

No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Council or the right of the Council to deposit spoil on the bank of the watercourse.

16. **Not to Dredge or Raise Gravel, Sand etc**

No person shall without the previous consent of the Council dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other material from the bed or bank of any watercourse.

17. **Fences, Excavations, Pipes etc**

No person shall without the previous consent of the Council -

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in or over any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;
- (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Council in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Council may give with regard thereto.

18. **Tidal Outfalls²**

No person shall place or cause to be placed or abandon or cause to be abandoned upon the foreshore any trees, roots of trees, branches, timber, tins, bottles, boxes, tyres, bricks, stones, soil, wire, rubbish or other object or matter whatsoever which (whether immediately or as a result of subsequent tidal action) may impede or be likely to impede the flow of water through the sluices or outfall pipes through the tidal banks or through the watercourses on such foreshore or impede or be likely to impede the operation of such sluices or outfall pipes or may cause or be likely to cause damage thereto.

19. **Interference with Sluices**

No person shall without lawful authority interfere with any sluice, or other water control structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

20. **Mooring of Vessels**

No person shall moor or place any vessel in any watercourse or to or upon the bank of any watercourse in such manner or by such method as to cause or be likely to cause injury to such bank or in such manner as materially to obstruct or impede the free flow of water in, into or out of any watercourse.

21. **Unattended Vessels**

No person shall leave any vessel unattended without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in, into or out of any watercourse or any sluice in any bank.

22. **Removal of Sunken Vessels**

No person who is the owner of a vessel sunk, stranded, damaged or adrift in a watercourse or, in the case of a sunken vessel which is abandoned, who was the owner immediately before the abandonment shall, after ten days from the day on which the Council serves on him notice in writing that the vessel is causing obstruction, permit the vessel to remain in the watercourse in such a manner as to impede or harmfully divert the flow of water in, into or out of the watercourse.

23. **Navigation of Vessels**

No person shall navigate any vessels in such a manner or at such a speed as to injure the bank of any watercourse and where the Council have by notice erected at any place limited the speed of vessels passing such place no person shall navigate a vessel at a speed over the bed of the watercourse greater than the speed so limited.

² This byelaw need only be included where a Council's area has a coastline or tidal river. (If it is not included, the subsequent Byelaws should be re-numbered accordingly).

N.B: This footnote is for the guidance of Councils and is **not** for inclusion in the Byelaws

Provided that the Council shall not exercise their powers under this Byelaw so as to limit the speed of -

- (a) vessels in any tidal waters except after consultation with the Department for Transport, or
- (b) vessels navigating waterways of the British Waterways Board for which speed limits are prescribed by the Byelaws of such Board.

24. **Damage to Property of the Council**

No person shall interfere with or damage any bank, bridge, building, structure, appliance or other property of or under the control of the Council.

25. **Defacement of Notice Boards**

No person shall deface or remove any notice Board, notice or placard put up by the Council.

26. **Obstruction of the Council and Officers**

No person shall obstruct or interfere with any member, officer, agent or servant of the Council exercising any of his functions under the Act or these Byelaws.

27. **Savings for Other Bodies**

Nothing in these Byelaws shall -

- (a) conflict with or interfere with the operation of any Byelaw made by the Environment Agency or an internal drainage board or of any navigation, harbour or conservancy authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by -
 - (i) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
 - (ii) the undertakings of the Environment Agency and of any water undertaker or sewerage undertaker;
 - (iii) any public gas transporter within the meaning of part I of the Gas Act 1986;
 - (iv) any navigation, harbour or conservancy authority;
 - (v) any person who acts as the operator of a relevant railway asset, with respect to the construction, use or maintenance and repair of any such asset, or the free, uninterrupted and safe use of any such asset and the traffic (including passengers) thereof;
 - (vi) any local authority;

- (vii) any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
 - (viii) any undertaking engaged in the operation of a telecommunications system;
 - (ix) a relevant airport operator within the meaning of Part V of the Airports Act 1986;
 - (x) the Civil Aviation Authority and any subsidiary thereof;
 - (xi) the British Waterways Board;
 - (xii) the Coal Authority;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;
 - (d) restrict, prevent, interfere with or prejudice any right of a licence holder within the meaning of Part I of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
 - (e) affect any liability arising otherwise than under or by reason of these Byelaws.

28. **Saving for Crown Lands**

- (a) Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.
- (b)³ Nothing contained in any of the foregoing byelaws should be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over such foreshore, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in over and in respect of the seashore.

29. **Arbitration**

- (a) Where by or under any of these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council, he may within 21 days after the service of such

³ Byelaw 28 (b) need only be included where a Council's area has a coastline or tidal river. (If it is not included, the subsequent Byelaws should be re-numbered accordingly).

N.B: This footnote is for the guidance of Councils and is **not** for inclusion in the Byelaws

notice on him give to the Council a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Council the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Council the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw;

- (b) where by or under these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Council shall be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party;
- (c) where by or under Byelaws 3, 6, 10, 16 or 17 any person is required to refrain from doing any act without the consent of the Council such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Council may consider appropriate and where any dispute arises as to whether in such a case the consent of the Council is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or local authority and the Council be referred to the Secretary of State whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

30. **Notices**

Notices and any other documents required or authorised to be served or given under or by virtue of these byelaws shall be served or given in the manner prescribed by section 71 of the Act.

31. **Limitation**

- (a) Nothing in these Byelaws shall authorise the Council to require any person to do any act, the doing of which is not necessary for securing or furthering one or more of the Purposes, or to refrain from doing any act, the doing of which does not affect the environment, or adversely affect either (i)the efficient working of the drainage system of the area (ii)the effectiveness of flood risk management work within the meaning of section 14A of the Land Drainage Act 1991, or (iii) the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010.
- (b) If any conflict arises between these Byelaws and
 - (i) sections 61A to E of the Land Drainage Act 1991 (which relates to the Council’s duties with respect to the environment), or

(ii) the Conservation of Habitats and Species Regulations 2010⁴

the said Act and the said Regulations shall prevail.

32. **Revocation**

The Byelaws made by the Council on the _____ day of _____ are hereby revoked.

33. **Interpretation**

In these Byelaws, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

“the Act” means the Land Drainage Act 1991;

“Animal” includes any horse, cattle, sheep, deer, goat, swine, goose or poultry;

“Area” means the area under the jurisdiction of the Council;

“Bank” includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

“Consent of the Council” means the consent of the Council in writing signed by a proper officer of the Council;

“Council” means the _____ Council;

“Occupier” means in the case of land not occupied by any tenant or other person the person entitled to the occupation thereof;

“Owner” includes the person defined as such in the Public Health Act 1936;

"Relevant railway asset" means

(a) a network which was transferred, by virtue of a transfer scheme made under Section 85 of the Railways Act 1993, from the British Railways Board and vested in the company formed and registered under the Companies Act 1985 and known, at the date of vesting, as Railtrack PLC,

(b) a station which is operated in connection with the provision of railway services on such a network, or

(c) a light maintenance depot.

Expressions used in this definition and in the Railways Act 1993 have the same meaning in this definition as they have in that Act, and a network such as is described

⁴ SI 2010/490

in (a) above shall not cease to be such a network where it is modified by virtue of having any network added to it or removed from it.

“The Secretary of State” means the Secretary of State for the Department for Environment, Food and Rural Affairs;

“Vegetation” means trees, willows, shrubs, weeds, grasses, reeds, rushes, or other vegetable growths;

“Vessel” includes any ship, hovercraft (as defined by the Hovercraft Act 1968), lighter, keel, barge, tug, launch, houseboat, pleasure or other boat, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float of timber or any other craft whatsoever, and howsoever worked, navigated or propelled;

“Water control structure” means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, dam, pump, or pumping machinery; and other expressions shall have the same meanings as in the Act.

THE COMMON SEAL OF THE

**COUNCIL was hereunto affixed on the
in the presence of:**

**The Chief Executive (or other
authorised officer)**

PENALTY NOTE

By section 66(6) of the Act every person who acts in contravention of or fails to comply with any of the foregoing Byelaws is liable on summary conviction in respect of each offence to a fine not exceeding the amount prescribed from time to time for level 5 on the standard scale referred to in section 37 of the Criminal Justice Act 1982 and a further fine not exceeding Forty pounds for every day on which the contravention or failure is continued after conviction. By section 66(7) of the Act if any person acts in contravention of or fails to comply with any of these Byelaws the Council may without prejudice to any proceedings under section 66(6) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

(N.B. This note may accompany the Byelaws, but is not part of them)

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 21st November 2012

REPORTING OFFICER: Strategic Director, Policy and Resources

PORTFOLIO: Economic Development / Environmental Sustainability

SUBJECT: Liverpool City Region Covenant of Mayors and Climate Local

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

The report outlines the benefits and implications of signing up to two climate change commitments:

- The EU Covenant of Mayors, which commits the Council to preparing a Sustainable Energy Action Plan (please see accompanying report on LCR SEAP) and taking action to reduce carbon emissions within the Borough and;
- The Local Government Association's 'Climate Local' which requires commitments and actions in terms of both carbon reduction and adapting to future climate change.

2.0 RECOMMENDATIONS: That the Board review the EU Covenant of Mayors and LGA 'Climate Local' pledges and recommend the signing of these to Executive Board.

3.0 BACKGROUND

3.1 The European Commission launched the Covenant of Mayors in 2008 to endorse and support the efforts deployed by local authorities in the implementation of sustainable energy policies. It was recognised that action at a local level was vital to achieve the EU's carbon reduction targets and local authorities played a major role.

3.2 The Covenant of Mayors is a charter of commitments, signed by the local authority Mayor or other authorised representative (Appendix A). The key commitments outlined in the Adhesion Form (Appendix B) are as follows:

- To go beyond the objectives set by the EU for 2020, reducing CO₂ emissions by at least 20%;
- To submit a Sustainable Energy Action Plan (SEAP) within one year of signing, outlining how the objectives will be reached;
- To submit with the SEAP a Baseline Emission Inventory (BEI);
- To submit an implementation report at least once every two years;
- To organise community 'Energy Days' to encourage energy efficiency; and

- To attend and contribute to the annual EU Conference of Mayors for a Sustainable Energy Europe (this has been confirmed as optional with the Covenant of Mayors Office).
- 3.3 The scope of the local SEAP is action at a local level within the competence of the local authority, covering the whole geographical area of the authority, with the main target sectors being buildings and transport.
- 3.4 The local SEAP should outline which structures are in place within the local authority to implement the actions and monitor the results and the financial resources that will be made available. Signing the Covenant allows access to alternative European funding schemes and advice/support from the Covenant of Mayors Office.
- 3.5 Liverpool Council signed the Covenant in October 2011 and are the only Liverpool City Region authority to do so to date. The City Region SEAP, launched in July 2012, included as a key recommendation that all LCR authorities sign the commitment. A total of 33 UK local authorities are registered as signatories.
- 3.6 The LGA launched 'Climate Local' in June 2012 as a replacement to the Nottingham Declaration on Climate Change which the Council signed in 2007. This again requires the signing of a commitment to address climate change (Appendix C) but is wider in scope than the Covenant of Mayors in that it also addresses climate resilience and managing the future impacts of climate change such as extreme weather. Two authorities have signed the commitment with 16 others signalling an intention to sign.
- 3.7 For Climate Local, the Council is required to submit its commitments and actions within 6 months of signing.

4.0 Implications for Halton Borough Council

- 4.1 The EU target is a 20% reduction in CO₂ emissions by 2020 based on 1990 levels. It is recognised that the majority of areas do not have data relating to 1990, so the guidance states that the first year for which the authority has reliable data should be used as the baseline year. The Government have provided data on local area emissions since 2005 and it is proposed that this is used as the baseline year. The latest data available relates to 2010, where a 11% reduction had been achieved from the 2005 baseline year. This means that a target reduction of at least 20% by 2020 is a challenge but not unrealistic.
- 4.2 Data supplied by the Government on borough wide emissions, in addition to that collated on the council's carbon emissions, means that preparation of the required Baseline Emissions Inventory should not be an onerous task.
- 4.3 The development of the Council's Carbon Management Plan, Halton's Low Carbon Plan, and LCR SEAP will all provide strong foundations for the development of the Halton local SEAP which must be produced within one

year of signing. Additional work will be required, particularly around quantifying the carbon reduction of projects, developing the SEAP document itself and completing the required templates for submission.

- 4.4 The Council already engages with registered housing providers and the Energy Savings Trust to engage with the local community on energy efficiency at events and continuation of this work will fulfil the requirement to hold 'Energy Days'.
- 4.5 For Climate Local, all that is required is publication of the Council's commitments and actions within 6 months of signing with a regular refresh as local priorities develop. The Council's Carbon Management Plan and Halton's Low Carbon Plan will form the foundations for this document.

5.0 CONCLUSION

- 5.1 The Covenant of Mayors and Climate Local initiatives both secure and highlight the commitment of local authorities to addressing climate change in their areas. Signing up to these initiatives links closely to the Council's existing low carbon work through the Carbon Management Plan, Low Carbon Plan, regeneration programme and is a key recommendation in the Liverpool City Region SEAP, launched in July 2012 (subject of a further report to this Board). It would also provide access to additional support on energy reduction from the Covenant of Mayors' Office and EU funding schemes. The main requirement of the Covenant is to commit to a carbon reduction target and develop a SEAP within one year of signing, with Climate Local requiring publication of commitments and actions within six months of signing.

6.0 POLICY IMPLICATIONS

- 6.1 Signing up to the Covenant of Mayors will require the council to produce a local Sustainable Energy Action Plan identifying actions to meet a 20% carbon reduction by 2020. For Climate Local, the Council is required to submit its commitments and actions within 6 months of signing. Both actions will support the wider work of the council in developing the Borough's low carbon economy.

7.0 OTHER IMPLICATIONS

- 7.1 At this stage there are no other implications associated with the Covenant of Mayors or Climate Local.

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 8.1 The Covenant of Mayors and Climate Local will assist in the delivery of the Sustainable Community Strategy through support for the development of the Borough's Low Carbon economy, regeneration programme, and the outcome of improving energy efficiency in homes.

9.0 RISK ANALYSIS

9.1 As the Covenant of Mayors and Climate Local initiative assist with the delivery of existing strategic objectives and the required activity can be accommodated within existing resource levels the risks associated with undertaking these actions are low.

10.0 EQUALITY AND DIVERSITY ISSUES

10.1 Vulnerable groups are at a greater risk from the effects of climate change such as extreme weather events (heat waves, flooding etc). Reducing carbon emissions and the effects of climate change will therefore have a positive impact.

11.0 LIST OF BACKGROUND PAPERS UNDER SECTIONS 100D OF THE LOCAL GOVERNMENT ACT

Appendices:

- Appendix A: Covenant of Mayors Text
- Appendix B: Covenant of Mayors Adhesion Form
- Appendix C: Climate Local Commitment



www.eumayors.eu

COVENANT OF MAYORS

WHEREAS the Inter-Governmental Panel on Climate Change has confirmed that climate change is a reality and that the use of energy for human activities is largely responsible for it;

WHEREAS on 9 March 2007 the EU adopted the Energy for a Changing World package, committing unilaterally to reduce its CO₂ emissions by 20% by 2020, as a result of a 20% increase in energy efficiency and a 20% share of renewable energy sources in the energy mix;

WHEREAS the “European Union Action Plan for Energy Efficiency: Realising the Potential” includes the creation of a «Covenant of Mayors», as a priority;

WHEREAS the EU Committee of the Regions stresses the need to join local and regional forces, as multilevel governance is an effective tool to enhance the efficacy of actions to be taken against climate change, and therefore promotes the involvement of regions in the Covenant of Mayors;

WHEREAS we are willing to follow the recommendations of the Leipzig Charter on Sustainable European Cities, concerning the need to improve energy efficiency;

WHEREAS we are aware of the existence of the Aalborg Commitments, at the basis of many ongoing urban sustainability efforts and Local Agenda 21 processes;

WHEREAS we recognise that local and regional governments share the responsibility of fighting global warming with national governments and must be committed thereto independently of the commitments of other parties;

WHEREAS towns and cities account directly and indirectly (through the products and services used by citizens) for more than half of the greenhouse gas emissions derived from energy use related to human activity;

WHEREAS the EU commitment to reduce emissions will be achievable only if local stakeholders, citizens and their groupings share it;

WHEREAS local and regional governments, representing the closest administration to the citizen, need to lead action and to show example;

WHEREAS many of the actions, on energy demand and renewable energy sources, necessary to tackle climate disruption fall within the scope of competence of local governments, or would not be attainable without their political support;

WHEREAS the EU Member States can benefit from effective decentralised action at local level in order to meet their commitment to greenhouse gas emission abatement;

WHEREAS local and regional governments throughout Europe are reducing global warming pollutants through energy efficiency programs, including sustainable urban mobility, and the promotion of renewable energy sources;



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WE, THE MAYORS, COMMIT TO:

Go beyond the objectives set by the EU for 2020, reducing the CO₂ emissions in our respective territories by at least 20%, through the implementation of a Sustainable Energy Action Plan for those areas of activity relevant to our mandates. The commitment and the Action Plan will be ratified through our respective procedures;

Prepare a baseline emission inventory as a basis for the Sustainable Energy Action Plan;

Submit the Sustainable Energy Action Plan within the year following each of us formally signing up to the Covenant of Mayors;

Adapt city structures, including allocation of sufficient human resources, in order to undertake the necessary actions;

Mobilise the civil society in our geographical areas to take part in developing the Action Plan, outlining the policies and measures needed to implement and achieve the objectives of the Plan. An Action Plan will be produced in each territory and shall be submitted to the Covenant of Mayors Office within the year following signing up;

Submit an implementation report at least every second year after submission of the Action Plan for evaluation, monitoring and verification purposes;

Share our experience and know-how with other territorial units;

Organise Energy Days or City Covenant Days, in co-operation with the European Commission and with other stakeholders, allowing citizens to benefit directly from the opportunities and advantages offered by a more intelligent use of energy, and to regularly inform the local media on developments concerning the action plan;

Attend and contribute to the annual EU Conference of Mayors for a Sustainable Energy Europe;

Spread the message of the Covenant in the appropriate fora and, in particular, encourage other Mayors to join the Covenant;

Accept termination of our membership of the Covenant, subject to prior notice in writing by the Secretariat, in case of either:

- i) failing to submit the Sustainable Energy Action Plan within the year following formally signing up to the Covenant;
- ii) non-compliance with the overall CO₂ reduction objective as set in the Action Plan, due to failure to implement or insufficient implementation of the Action Plan;
- iii) failing to submit a report in two successive periods.

WE, THE MAYORS, ENDORSE

The European Commission's decision to implement and fund a structure of technical and promotional support, including implementation of evaluation and monitoring tools, mechanisms to facilitate sharing of know-how between territories and tools to facilitate replication and multiplication of successful measures, within their budget;

The European Commission's role to assume co-ordination of the EU Conference of Mayors for a Sustainable Energy Europe;

The European Commission's declared intention to facilitate the exchange of experience among the participating territorial units, the provision of guidelines and benchmark examples for possible implementation, and linking to existing activities and networks that support the role of local governments in the field of climate protection. These benchmark examples should become an integral part of this Covenant, to be stipulated in its annexes;

The European Commission's support providing for recognition and public visibility of the cities and towns taking part in the Covenant through the use of a dedicated Sustainable Energy Europe logo and promotion through the Commission's communication facilities;

The Committee of the Regions' strong support for the Covenant and its objectives, in representation of local and regional authorities in the EU;

The assistance which those Member States, regions, provinces, mentor cities and other **institutional structures** supporting the Covenant provide to smaller municipalities in order that the latter may comply with the conditions set out in this Covenant;

WE, THE MAYORS, INVITE

The European Commission and the national administrations to set up co-operation schemes and coherent support structures which help the signatories to implement our Sustainable Energy Action Plans.

The European Commission and the national administrations to consider the activities in the Covenant as priorities in their respective support programmes, and inform and involve the cities in the preparation of policies and funding schemes concerning the local level in the scope of its objectives.

The European Commission to negotiate with the financial actors to set up financial facilities aimed at aiding accomplishment of the tasks within the Action Plans.

The national administrations to involve local and regional governments in the preparation and implementation of the National Energy Efficiency Action Plans and of the National Action Plans for Renewable Energy Sources.

The European Commission and the national administrations to support implementation of our Sustainable Energy Action Plans consistent with the principles, rules, and modalities already agreed upon, and those which may be agreed upon by the Parties for the future at the global level, in particular within the UN Framework Convention on Climate Change (UNFCCC). Our active involvement in the CO₂ emissions' reduction could also result in a more ambitious global target.

WE, THE MAYORS, ENCOURAGE OTHER LOCAL AND REGIONAL GOVERNMENTS TO JOIN THE INITIATIVE OF THE COVENANT OF MAYORS, AND OTHER MAJOR STAKEHOLDERS TO FORMALISE THEIR CONTRIBUTION TO THE COVENANT.

APPENDIX

1. Roles of local governments in implementing work

Energy efficiency measures, renewable energy projects and other energy-related action can be introduced in various activity areas of local and regional governments.

- consumer and service provider

Local governments occupy many buildings which use substantial amounts of energy, such as for heating and lighting. Introducing energy saving programmes and actions in public buildings is an area where considerable savings can be achieved.

Local and regional governments also provide energy-intensive services such as public transport and street lighting where improvements can be made. And even where the authority has contracted these services to other providers, measures to reduce energy use can be implemented through procurement and service contracts.

- planner, developer and regulator

Land use planning and organisation of the transport system are responsibilities of most local and regional governments. Strategic decisions concerning urban development such as avoiding urban sprawl can reduce the energy use of transport.

Local and regional governments can often have a regulator role for example by setting energy performance standards, or stipulating incorporation of renewable energy equipment in new buildings.

- advisor, motivator and role model

Local and regional governments can help to inform and motivate residents, businesses and other local stakeholders on how they can use energy more efficiently. Awareness-raising activities are important to engage the whole community to support sustainable energy policies. Children are an important audience for energy saving and renewable projects: they will pass on the lessons learnt also outside the school. It is equally important that the authority should lead by example, and play an exemplary role in sustainable energy activities.

- producer and supplier

Local and regional governments can promote local energy production and the use of renewable energy sources. Combined Heat and Power (CHP) district heating systems using biomass are a good example. Local and regional governments can also encourage citizens to implement renewable energy projects by giving financial support for local initiatives.

2. Benchmarks of Excellence (BoE)

'Benchmarks of Excellence' are defined as those initiatives and programmes which represent a worldwide model of successful implementation of sustainable energy development concepts in urban settings. Representatives of the Benchmarks of Excellence through the Covenant state their willingness to share their experience and to help cities to implement similar approaches when applicable and convenient, and commit to facilitate know-how transfer through the distribution of information, including guidelines, participation in events of the Covenant signatories and, in general, day-to-day co-operation with the Covenant.

3. Supporting structures

The Covenant of Mayors is open to cities of all sizes in Europe. Those cities and towns which due to their size do not have the resources to prepare an inventory, or work on and draft an action plan should be supported by administrations with such capacities. These supporting structures can be regions, counties, provinces, agglomerations, NUTS III areas, or mentor cities. Each supporting structure will be explicitly recognised by the Commission as a key actor in the Covenant. The degree of involvement in the Covenant, as well as the specific conditions of such involvement, including decision making powers, will be detailed in a specific written agreement.



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ADHESION FORM

I, **[Name of the Mayor or other authorised representative]**, **[Mayor or Job title]** of **[Name of the city/town/region/territorial unit]** inform you that the **[City Council or equivalent decision-making body]** decided at the meeting on **[date]** to mandate **[me / legal representative: Mayor, President,..]** to sign up to the Covenant of Mayors, in full knowledge of all commitments, in particular:

- to **go beyond the objectives set by the EU for 2020**, reducing the CO₂ emissions in our respective territories by at least 20%;
- to **submit a Sustainable Energy Action Plan** including a baseline emission inventory which outlines how the objectives will be reached, within one year of the abovementioned date;
- to **submit an implementation report** at least every second year following the submission of the Action Plan for evaluation, monitoring and verification purposes;
- to **organise Energy Days**, in co-operation with the European Commission and with other stakeholders, allowing citizens to benefit directly from the opportunities and advantages offered by a more intelligent use of energy, and to regularly inform the local media on developments concerning the action plan;
- to **attend and contribute to the annual EU Conference of Mayors** for a Sustainable Energy Europe.

[Name and complete address of the city/town/region/territorial unit]

[Name, e-mail and phone number of the contact person]

[Date],

SIGNATURE

Climate Local [insert council(s) name]:

Our commitment to taking action in a changing climate

We recognise that our council has an important role to help our residents and businesses to capture the opportunities and benefits of action on climate change. These include saving money on energy bills, generating income from renewable energy, attracting new jobs and investment in 'green' industries, supporting new sources of energy, managing local flood-risk and water scarcity and protecting our natural environment.

We will progressively address the risks and pursue the opportunities presented by a changing climate, inline with local priorities, through our role as:

- Community leader – helping local people and businesses to be smarter about their energy use and to prepare for climate impacts;
- Service provider – delivering services that are resource efficient, less carbon intensive, resilient and that protect those who are most vulnerable to climate impacts;
- Estate manager – ensuring that our own buildings and operations are resource efficient, use clean energy, and are well prepared for the impacts of a changing climate.

In signing this commitment, **we will:**

- **Set locally-owned and determined commitments** and actions to reduce carbon emissions and to manage climate impacts. These will be specific, measurable and challenging;
- **Publish our commitments, actions and progress**, enabling local communities to hold us to account;
- **Share the learning from our experiences and achievements** with other councils; and
- **Regularly refresh our commitments and actions** to ensure they are current and continue to reflect local priorities.

[Date]
[Name of council or group of councils]
[Signature of Leader or Mayor of Council]

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 21st November 2012

REPORTING OFFICER: Strategic Director, Policy and Resources

PORTFOLIO: Economic Development / Environmental Sustainability

SUBJECT: Liverpool City Region Sustainable Energy Action Plan

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 This report should be read in conjunction with the agenda item on the EU Covenant of Mayors as the Sustainable Energy Action Plan forms an action under that pledge.
- 1.2 This report provides a briefing on the Liverpool City Region (LCR) Sustainable Energy Action Plan (SEAP) and the substantial benefits that could be delivered for the City Region and its districts, including Halton. The report sets out how, through the Local Enterprise Partnership (LEP) Low Carbon Economy Committee, the SEAP will be implemented.

2.0 RECOMMENDATION: That the Board

- 1. review the Liverpool City Region Sustainable Energy Action Plan, which forms a programme and framework for the City Region to advance its sustainable energy activity;**
- 2. recommend that Executive Board endorse the SEAP document; and**
- 3. receive progress reports on the SEAP Programme at appropriate periods.**

3.0 SUPPORTING INFORMATION

- 3.1 A Sustainable Energy Action Plan (SEAP) has been prepared for the City Region by the Merseyside Advisory service (MEAS) and consultants ARUP, using external funding from the CLASP (Climate Change Skills Fund). It is in response to the substantial opportunities that a low carbon economy could bring to the region both in terms of economic prosperity and sustainability. The SEAP was officially launched in July 2012. The LCR SEAP is a live document and will be updated on a periodic basis as and when required.
- 3.2 The SEAP has been welcomed by both the public and private sector, including potential investors and energy companies as it provides a larger

scale and more co-ordinated response to the energy agenda for the City Region.

3.3 The SEAP sets out a number of prioritised actions across the City Region to deliver a low carbon economy, with the potential to add value through:

- Joint applications for EU funding and investment opportunities.
- Efficiencies in procurement of goods and services to deliver energy projects.
- Combining projects to increase the scale of energy projects will improve rates of return for investors and help to de-risk investment decisions.
- Development of a LCR heat network.
- Support for integrated programmes of action such as the development of a domestic, industrial and commercial retrofitting programme and alternative fuel strategy for transport and energy infrastructure.
- If appropriate, to design and develop proposals for a Special Purpose Vehicle (SPV) to reduce risk, attract subsidies, create revenues and deliver economies of scale in the delivery of the programme.
- Work across administrative boundaries and ensure co-ordination.
- Signal to investors and energy companies that the LCR considers the SEAP to be a key priority and driver of the City Region's low carbon ambition.

3.4 A co-ordinated approach across LCR is particularly important due to scale and size considerations for three main reasons. Firstly, given the scale of investment opportunities and the potential economic benefits they could bring we are looking at project values of £10M's to £100M's. For example, the UK Green Investment Bank is looking at a minimum project value of £50-£100M and a minimum investment of £25M. It is understood that other investment funds are similarly significant in their investment aspiration. Secondly, the nature of legal agreements, mechanisms and infrastructure requirements becomes less sensitive to investment scale, therefore biggest investment projects tend to deliver greater efficiency and economic benefit. Thirdly, investors are looking for return on investment (ROI), the larger the project, the required ROI may be smaller but more attractive to investors.

3.5 The LCR SEAP is both a framework and a programme and it also provides significant flexibility within which individual district's projects or plans can be advanced but with the support of the LCR Programme and with potentially significant benefits of joining with other LCR projects over time. Examples of the joint working potential include: procurement, sharing of skills and resources, joining and expansion of heat network infrastructure, delivery of heat to customers outside of a Local Authority boundary, project delivery vehicles, joint funding applications and attracting new developments to an area because there is access to modern, resilient energy infrastructure. A

further benefit of the LCR SEAP is to provide reporting on baseline emissions.

4.0 Governance and Reporting Arrangements

- 4.1 The Low Carbon Economy Committee (LCEC) of the Local Enterprise Partnership, has now taken ownership of the SEAP and views it as a key strategic part of the Low Carbon agenda. Progress with the SEAP Programme will be reported to and monitored by the LCEC and reported to the LEP Board and City Region Cabinet.
- 4.2 The existing SEAP Steering Group will continue to meet to ensure that joint project opportunities are identified and to explore the benefits and options for E.U. Covenant of Mayors signatory.
- 4.3 Reports on progress with the SEAP programme will be reported to Halton's Environment and Regeneration PPB.

5.0 Project Opportunities

- 5.1 A number of projects across the sub-region have been identified as part of the ARUP study. 12 projects with a total investment value conservatively estimated at £200 - £500M have been identified as having immediate potential. Two of these projects are within Halton, one at Runcorn Docks and the other at Daresbury Park. These are listed in Appendix 1. A further 'long-list' of 33 projects with longer-term potential is also being monitored.
- 5.2 Many of these projects are still at a relatively early stage of development. Considerable technical work remains to be done to move the potential projects towards propositions capable of attracting investors to take them forward as commercial / investment-ready propositions. In the interim, and to maintain momentum, funding has been secured to advance work on some projects and ensure that project opportunities do not stall. Additional resources secured subsequently from LEP or other sources will be deployed with the agreement of LCEC and Steering Group at the appropriate time.

6.0 Halton Low Carbon Projects

- 6.1 There are a number of low carbon projects within the borough, all at various stages of development. These are listed below:-
 - **Project Viridis** – Joint Merseyside housing project led by the registered housing providers. Project proposes to use ECO funding from the energy companies to install energy efficient measures in homes across the sub region
 - **Widnes Biomass-Fired Combined Heat & Power Plant** - part of the 3MG Stobart Park development. The proposed plant will supply heat and power to local businesses occupying the park and also possibly supply of heat to the local community via a district heating scheme. The Plant will be utilising recycled wood chip sourced from recovered wood.

- **PDM Group (Granox)** proposed anaerobic digestion plant in Widnes
- **The Heath Business Park, Runcorn** – Opportunities for expansion and growth at the site to make use of renewable energy sources and maximise the benefit of water and heat conservation.
- **Castlefields New Build Homes** - To date 1243 unpopular and energy inefficient deck access flats have been demolished and these have been replaced by over 800 new homes. All new homes have been designed to high energy conservation standards and include the 1st new build properties in Halton with solar thermal heating, rain-water harvesting and heat recovery. Measures designed not only to help the environment, but keep household bills low. Success can be seen in recent research which demonstrates fuel poverty in Castlefields is improving, with one of Castlefields three lower super output areas ranked as 89th best in the country for fuel poverty reduction (out of 32,482 areas).
- **Castlefields Retained Properties** - retrofit 500 retained two-storey concrete system built properties. Phase 1 of this project is being delivered by Plus Dane and LHT working with EON and EDF respectively. Phase 1 aims to provide external wall insulation (EWI) to up to 240 homes, about 30% of which are within private ownership. Phase 1 has been made possible by accessing both CESP (Community Energy Saving Programme) and REECH (Renewables and Energy Efficiency in Community Housing), the latter is a European Funding scheme aimed at stimulating the low carbon economy.
A key benefit of the using EWI is that it not only reduces heat loss from a home without the need for major internal work to the property; it also provides an opportunity to improve external visual appearance of properties. Using EWI on retained stock will enhance the neighbourhood as whole, by complementing new build homes. Partners are currently working to secure funding for a phase 2 EWI project to address remaining two-storey system built properties.
- **Daresbury Park** – An Energy Masterplan will be developed to determine how best to meet the energy demands from the future expansion at Daresbury Park and the wider Daresbury area.
- **Runcorn Docks** – This site is allocated within the Core Strategy for a large residential development, which is likely to bring commercial development opportunities which collectively could benefit from a district heating scheme
- **Brookvale Leisure Centre** – proposed new biomass plant to meet the energy demand of the site
- **Solar panels** – Solar panels have already been installed on a number of council owned buildings, including the Stobart stadium. These are helping meet the energy demands of the site and reducing energy costs as well as generating an income for the council from the Feed In Tariffs (FITs)

7.0 POLICY IMPLICATIONS

- 7.1 There are no direct policy implications associated with the SEAP as the SEAP aims to implement the existing policy direction to mitigate climate change and boost the low carbon economy.

8.0 OTHER IMPLICATIONS

8.1 At this stage there are no other implications associated with the SEAP.

9.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

9.1 The SEAP will support the delivery of Halton's Sustainable Community Strategy particularly in connection to economic prosperity, sustainability and the low carbon agenda. It will bring added economies of scale when coupled with schemes across the sub region. This will bring added value for all, including job and training opportunities, additional funding and the benefits from working in partnership, with each bringing their own resources, knowledge and skills to this agenda.

9.2 The SEAP includes projects that are identified within the Borough's Core Strategy and provide an additional catalyst to deliver these developments.

10.0 RISK ANALYSIS

10.1 Not applicable.

11.0 EQUALITY AND DIVERSITY ISSUES

11.1 Not applicable.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTIONS 100D OF THE LOCAL GOVERN

12.1 Liverpool City Region Sustainable Energy Action Plan (SEAP) – link to the full document is below:

<http://www.liverpoollep.org/PDF/LiverpoolCityRegionSEAP1stEdition190712WEB.pdf>

Project Opportunities Identified

Sub Region LA	Location Description	Space-types Potential customers/partners	Approx Viable Capacity	Potential Constraints	Comments
Halton	Green-field area in Daresbury to West of A56	Existing Business Park Science Park Emerging New employment land build-out New residential	≈ 0.6 MWe	Planned build-out area is relatively large at approx 2KM in length	Existing load centres are at either end of planned development area, with feasibility of connection dependent upon new- build elements and precise types New-build scheme providing opportunity to introduce DH from the start
Halton	Runcorn Docks	<i>Planned</i> Large Residential area Likely requirement for complimentary non-residential spaces	≈ 0.2 - 0.7 MWe (based solely on residential build-out of between 1,200 – 4,000 homes)	Pure residential would not provide suitable mix to maximise plant size	Scheme at this scale is likely to require provision of associated additional Community, Commercial and Retail spaces New-build scheme providing opportunity to introduce DH from the start
Liverpool	City centre area to West of Lime Street station and East of Prince's Dock	Commercial buildings Retail (shopping centres) Hotels Town Hall Law Courts and prisons Leisure facilities Residential buildings (flats)	≈ 3 MWe	Likely costs of pipework installation in dense urban area Mix of land ownership Built heritage Air quality	Any CHP capacity will depend heavily on take-up within identified area SHLAA plans feature new build-out areas in close proximity to priority zone Need to identify potential energy centre sites
Liverpool	Royal Liverpool Hospital & University of Liverpool	Hospital University Campus	≈ 3.5 MWe	Requirement to cross Lime St rail cutting to link to South of University Campus	Royal Liverpool Hospital represents key anchor load
Knowsley	Knowsley Business Park & South of Industrial Park	Existing Commercial buildings Light Industry Emerging New employment land build-out Energos energy-from- waste plant	9.0 MWe (proposed by Energos)	Potential requirement to cross East Lancashire road to access emerging Industrial Park load centres	Significant benefit offered by the commitment of Energos to install generation plant Heat availability not necessarily limited by emergence of related demands
Sefton	Development	Existing Hospital	≈ 1.5 MWe	Planned Kew	Southport &

Sub Region LA	Location Description	Space-types Potential customers/partners	Approx Viable Capacity	Potential Constraints	Comments
	areas around Southport & Formby District General Hospital	Emerging New College Residential Light Industry Hotel		Southport residential development is awaiting cleanup of contaminated land Build-out dates for new King George V College not known	Formby District General Hospital represents key anchor load Good mix of space-types planned within close proximity to Hospital
St Helens	Area around Sutton Leisure Centre and Lea Green distribution centre	Existing Leisure Centre Sports College Distribution Centre Emerging New employment land build-out	≈ 0.5 MWe	Viability will depend on build-out phasing on employment land	Leisure Centre represents potential anchor load
Wirral	Wirral Waters (Peel)	Planned Commercial/Office space Retail & Leisure Residential Hotels	≈ 3.5 MWe	Extent to which heat network could serve entirety of site could depend on timing & phasing of scheme Any anchor load(s) would ideally emerge early within scheme build-out	Potential to size plant against sizeable and mixed heat loads New-build scheme providing opportunity to introduce DH from the start
Sefton	Bootle Docks	Biomass energy plant with allied energy requirements and commercial case energy export needs. Capacity >100MWe.	Application in progress with Major Infrastructure Unit.	Work in Progress	Tie-in potential to Peel Liverpool Waters development (DES 12) Proximity to Renewable Energy Systems Proximity to Sefton Council Public buildings
Liverpool	Liverpool Waters	High density, large scale mixed-use development to modern standards of energy efficiency.	Work in Progress	Work in Progress. Depends on model adopted, could be on-site energy centre or link to existing heat network.	Tie-in potential to Sefton EMR (DES 11) energy centre supplies of energy forming links with wider Sefton community
Liverpool	Eldonian Village	Dual fuel energy centre proposed with district heating network. ESCo arrangement under development.	28MWe (based on information from Eldonian Group.	Engineering constraints.	Tie-in with Liverpool Waters and other local areas.
Knowsley	Jaguar Land Rover		Work in Progress	Work in Progress	

REPORT TO:	Environment and Urban Renewal Policy and Performance Board
DATE:	21 st November 2012
REPORTING OFFICER:	Strategic Director – Policy and Resources
PORTFOLIO:	Physical Environment
SUBJECT:	Site Allocations and Development Management Local Plan
WARDS:	Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 The report provides the Environment and Urban Renewal PPB with an overview of the next key document to be produced in Halton's Local Development Framework. The 'Site Allocations and Development Management Local Plan' will replace and update policies in the current Unitary Development Plan to ensure they carry fully weight in the planning process and in appeals.

2.0 RECOMMENDATION: That the content of the report is noted.

3.0 SUPPORTING INFORMATION

- 3.1 It is a statutory requirement for local authorities to produce a development plan for their area. A development plan establishes what land use(s) would be acceptable on parcels of land across the area. The development plan is then the starting point for any decisions on planning applications, in what is known as a plan-led approach. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is for this reason that the National Planning Policy Framework (NPPF) states that it is highly desirable that local planning authorities have an up-to-date plan in place.
- 3.2 The NPPF was introduced in March 2012 and brought further changes to the planning policy system. The previous approach, introduced in 2004, was based around a Local Development Framework (LDF) which could be described as a set of planning policy documents which together made up the development plan. Documents in the LDF could be produced and reviewed at different timescales dependent on the priorities of an area. The NPPF has moved away from local authorities having multiple documents for planning policy and advocates a single local plan for its area, with additional development plan documents only used where clearly justified.

- 3.3 The Council began to produce a Core Strategy under the 2004 system with the intention that it would be accompanied by a series of other Development Plan Documents, making up the Local Development Framework. These documents would replace the current Unitary Development Plan (UDP) in order to provide an up-to-date basis for determining planning applications. Following a lengthy production process, the Core Strategy is proposed to be adopted at the meeting of Full Council on 12th December 2012. In line with the 2004 system, and as the Core Strategy only provides high level planning policy guidance, the Council now needs to produce another Local Plan to cover the allocation of sites and detailed policies for the determination of planning applications – the ‘Site Allocations and Development Management Local Plan’. These documents are still known as ‘Development Plan Documents’ in the legal legislation and regulations.

Site Allocations and Development Management Local Plan

- 3.4 Work has already commenced on the Site Allocations and Development Management Local Plan, as the planning policy document which will replace the remainder of the UDP. This document will detail sites across the Borough to be allocated for a specific purpose, such as housing, employment or green space. Policies will also give protection to certain areas across the Borough, including important open spaces and town centres. In addition to those policies which relate to a specific area of the Borough as shown on an accompanying Proposals Map, more general policies setting out development principles will be included. These will be a key tool when assessing planning applications for all forms of development across Halton and will cover a broad range of topics such as design, car parking standards and contaminated land.

Green Belt Review

- 3.5 Following the outcome of the examination into the soundness of the Core Strategy, the Council has committed to undertake a partial review of the Borough’s Green Belt boundaries around Widnes and Hale. The Inspector examining the plan ruled that this was necessary as insufficient development land exists within the urban areas of Widnes/Hale to deliver the level of housing needed to meet the town’s identified needs. Sufficient sites exist in Runcorn for future housing development and so a review of Runcorn’s Green Belt is not necessary.
- 3.6 The Inspector ruled that the Green Belt review should take place in the early part of the Core Strategy’s plan period (2010-2028). Therefore the Green Belt review will need to be conducted as part of the next planning policy document - the Site Allocations and Development Management Local Plan. The amount of land that may need to be released from the Green Belt has not yet been determined, as although there is an identified shortfall in housing land in Widnes/Hale, Green Belt boundaries should endure beyond the lifetime of the current plan, and therefore the Council will need to look ahead to consider future development needs and pressures. Land needed for longer-term

development needs can be identified as 'safeguarded land' to make clear that it is not allocated for development in the short term.

3.7 In assessing the potential of areas to accommodate new growth, consideration will be given to the five purposes that land designated as Green Belt must serve. These are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Any areas with potential for future growth will be analysed to establish the extent to which they meet any or all of the five purposes above and also which sites are the most sustainable.

3.8 Given that the Widnes/Hale Green Belt abuts the neighbouring authorities of Liverpool, Knowsley, St Helens and Warrington, the Council has committed to work in partnership with these authorities to ensure that a coordinated and strategic approach is taken. Knowsley Council have already conducted a Green Belt Study as part of their Core Strategy as there is a severe shortage of developable land for housing in their Borough. St Helens Council is also likely to need to review their Green Belt boundaries to meet development needs in the longer term. The Council's intention is to adopt the same methodology used by Knowsley, Sefton and West Lancashire Councils in their Green Belt Studies to ensure a consistent approach. In line with this methodology public consultation, including specific workshop events, are likely to be used to inform the Green Belt Review.

Production Process

3.9 The production of a Local Plan must follow the Town and Country Planning (Local Planning) Regulations 2012. The process is similar to that followed for the Core Strategy, with consultation taking place on draft documents. A period of informal public consultation is required prior to formal consultation on the version of the plan that the Council intends to submit and subsequently adopt. A draft Green Belt Review document will need to be completed prior to the first round of public consultation on the Local Plan to inform the selection of sites and associated policies.

3.10 Preliminary work has begun on the Green Belt Review and on drawing together all sources of information that will be used to inform the allocation of sites. Assessment of the use and coverage of the existing policies in the UDP has also been carried out to discern the key policies that are needed for development management purposes. Similarly, the existing UDP site allocation and protection policies will need to be reviewed for their appropriateness and necessity into the future.

- 3.11 Impact assessments, namely Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitat Regulations Assessment, Health Impact Assessment and Equalities Impact Assessment will need to be carried out at each stage of the document's production. The assessments should form part of the iterative process of policy writing as policies are drafted and sites to be allocated are selected.

Timetable

- 3.12 The timetable for producing the Site Allocations and Development Management (SA&DM) Local Plan is a challenging one. The document is a year behind the milestone dates published in the Local Development Scheme. As such, the following new timetable is proposed for the production of this Local Plan.

Stage (associated Local Planning Regulation)	Date
Preparation of Green Belt Review and drafting of document	Now - Spring 2013
Initial Public Consultation (Reg 18)	Spring 2013
Finalise Green Belt Review and redraft document	Summer – Autumn 2013
Publication for formal Public Consultation (Reg 19)	Winter 2013
Submission to the Secretary of State (Reg 22)	Spring 2014
Examination (Reg 24)	Summer 2014
Adoption (Reg 26)	Autumn 2014

- 3.13 The deadlines are achievable if this work is prioritised against current resource levels. It is a risky strategy to delay Site Allocations as it is the Council's mechanism for demonstrating it is making land available for growth and development.
- 3.14 The SA&DM Local Plan allows the Council to demonstrate it is making a supply of land available to meet growth and development needs. Without this planning document adopted it will be left to the market to bring forward sites to meet the quantum of development set out in the Council's Core Strategy. If the Council disagrees with the sites being proposed by the market then the only option to resist unsuitable developments would be to defend planning appeals against the market. Without this Local Plan, the Planning Inspector's hearing an appeal would look for evidence of a deliverable supply of development land. Without this evidence they may decide to go against the Council.

4.0 POLICY IMPLICATIONS

- 4.1 The Site Allocations and Development Management Local Plan is set to replace the remainder of the Unitary Development Plan that has not already been replaced by the Halton Core Strategy or the forthcoming Joint Waste Local Plan. It will therefore be a key policy document for the

future development of the Borough and the Council's investment and economic prosperity strategies.

5.0 OTHER IMPLICATIONS

- 5.1 The key non-policy implications of producing the Site Allocations and Development Management Local Plan relate to resources. The production of this Local Plan will be the key project for officers in the Places Team in the Policy and Development Services Division over the coming years. Involvement from other Council departments such as Open Space Services, Commissioning and School Place Planning, will also be vital to ensure that sites are allocated to meet the whole range of community needs.
- 5.2 Aside from the financial implications of producing material for public consultations and hosting events, it may be necessary to use planning consultancy services where specialist expertise or independent scrutiny is required. This is particularly likely for the specialist environmental assessments highlighted at paragraphs 3.10 and 3.11. Additionally, the Knowsley, Sefton and West Lancashire Green Belt Study involved the use of independent consultants to validate the study methodology, the work carried out by the authorities and the detailed boundary review. The financial implications of the above can be met from within existing budgets.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children & Young People in Halton

No specific implications identified.

6.2 Employment, Learning & Skills in Halton

No specific implications identified.

6.3 A Healthy Halton

No specific implications identified.

6.4 A Safer Halton

No specific implications identified.

6.5 Halton's Urban Renewal

The Site Allocations and Development Management Local Plan will be a key tool in bringing forward development on sites in the urban area by setting out allocations for specific land uses. It will also be vital in ensuring a high standard of development across the Borough, through development management policies on matters such as design, access and parking.

7.0 RISK ANALYSIS

- 7.1 The main risk to the production of the Site Allocations and Development

Management Local Plan is the need to prioritise resources to produce the document. There is a possibility that the timetable outlined above will not be met, and thus the eventual adoption of the document will be delayed. Financial resources are available for limited external support with some elements of the production of the document, which may be beneficial where specific expertise is not available within the Council.

7.2 Members will be aware of the sensitivities surrounding land in the Green Belt, particularly following recent announcements at the national level. It is anticipated that the Green Belt Review will generate a high level of interest both among residents and in the local press. Clear communication and public involvement will therefore be necessary at all stages.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The policies in the forthcoming Site Allocations and Development Management Local Plan will be applied equally to all sections of Halton's communities. Equality Impact Assessments will be carried out during the production of the document to identify the potential impact of proposed policies on Halton's residents. Consultation on draft policies will take place with the stakeholders and the Borough's population and efforts will be made to ensure that all sectors of the community are reached.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
The Town and Country Planning (Local Planning) (England) Regulations 2012	Places, Economy and Transport Team, Municipal Building, Widnes	Alasdair Cross
National Planning Policy Framework (2012)	Places, Economy and Transport Team, Municipal Building, Widnes	Alasdair Cross
Halton Core Strategy Local Plan (<i>to be adopted</i> December 2012)	Places, Economy and Transport Team, Municipal Building, Widnes	Alasdair Cross
Report on the Examination into Halton Core Strategy Local Plan (October 2012)	Places, Economy and Transport Team, Municipal Building, Widnes	Alasdair Cross