

Environment and Green Investment Committee Minutes

Date: 14 March 2024

Time: 10:00 a.m. – 12:15 p.m.

Venue: New Shire Hall, Alconbury Weald

Present: Councillors Lorna Dupré (Chair), Nick Gay (Vice-Chair), Anna Bradnam, Steve Corney, Steve Count, Piers Coutts, Stephen Ferguson, Ian Gardener, Mark Goldsack, Ros Hathorn, Brian Milnes, Catherine Rae, Mandy Smith and Steve Tierney

184. Apologies for Absence and Declarations of Interest

Apologies for absence were received from Councillor John Gowing (substituted by Councillor Goldsack).

There were no declarations of interest.

185. Minutes – 18 January 2024

The minutes of the meeting held on 18 January 2024 were agreed as a correct record and signed by the Chair.

While discussing the Minutes Action Log, Members were informed that a briefing note relating to minute number 180 (Business and Financial Plan 2024-2029) would be circulated in the next few weeks. The action for minute number 182 (Corporate Performance Report (Quarter 2- 2023-24)) had been completed, with a breakdown of individual rates now included for Performance Indicator 150a in the Corporate Performance Reports for the committee.

Members requested a timeline for the development of the Draft Interim Corporate Tree and Woodland Strategy, in relation to minute number 98 (Draft Interim Corporate Tree and Woodland Strategy), noting that a commitment to arrange a workshop had been made in October 2022. **Action required**

The Committee noted the Minutes Action Log.

186. Petitions and Public Questions

No public questions or petitions were received.

187. Low Carbon Heating Programme For Council Buildings

The Committee received a report that provided an update on the Council's low carbon heating programme, which aimed to reduce carbon emissions from its buildings. The report proposed proceeding with the next phase of the programme and for responsibility for the procurement and contracting for the required works to be delegated to the Executive Director of Place and Sustainability.

While discussing the report, individual Members:

- Welcomed the ongoing work to improve the energy efficiency of the Council's buildings, and the awarding of £3.4m from the government's Public Sector Decarbonisation Scheme. Attention was drawn to the importance of encouraging and supporting smaller local authorities, such as parish councils, to understand the potential for retrofitting buildings via a gradual and more financially achievable approach.
- Clarified that one of the investment criteria for building upgrades through the Decarbonisation Fund required there to be no plans for disposal within the next five years, with the Council's Property team having reviewed the final list of proposed buildings. One Member also suggested that it was more beneficial to replace certain buildings than to retrofit them, and it was confirmed that all the measures in the programme were expected to last for the duration of the twenty-year payback period anticipated for the total portfolio investment.
- Queried whether the use of reversible natural ventilation heat recovery units had been considered by the Council, and it was agreed to provide Members with a written response. **Action required**
- Requested that future updates include more detailed information on the buildings' locations across the county, rather than just their names. It was also suggested that it would be useful to be provided with the carbon cost per unit, given that different measures had different costs, although it was acknowledged that this had been considered during the development of the business case. The value had been calculated for the whole portfolio, rather than individual projects, using standard values for carbon emissions and savings published by the government.
- Queried how 137% of the March Library forecast capital cost was grant funded, as set out in Appendix 1 to the report. Members were informed that a grant had been received for a group of seven specific sites, and while the funding could not be spent on other projects, there had been no specification on how much was to be spent for each of the seven projects.

It was resolved by majority to:

- a) Agree to proceed with the projects, as set out in section 3.5 of this report; and
- b) Delegate authority to the Executive Director of Finance and Resources, in consultation with the Chair and Vice-Chair of the Environment and Green Investment Committee to enter into grant agreements, and to award and execute the required contracts for the provision of design, consultancy services and construction services for the delivery of the programme.

188. Cambridgeshire's Policy and Protocol for Enforcement Action under the Land Drainage Act 1991

The Committee received a report that presented the revised Policy and Protocol for Enforcement Action under the Land Drainage Act 1991, which set out the criteria for enforcement intervention and the principles of regulation and enforcement, and which would replace the current Flood Risk Enforcement Policy that was adopted in March 2013.

While discussing the report, individual Members:

- Queried whether district councils had been consulted in the drafting of the document. Members were assured that the Council liaised regularly with the district councils and that they were aware of the document, and it was confirmed that it had been presented at a recent quarterly meeting of the Cambridgeshire and Peterborough Flood and Water Management Partnership.
- Queried whether the Council had sufficient resources to fulfil what was set out in the document, particularly regarding any works at the end of the process. Members were informed that there was currently capacity to carry out inspection and maintenance, but if works were required at the end of the process, it would probably be contracted externally through existing frameworks.
- Highlighted the importance of engaging with landowners and developers to remind them of their responsibilities and ensure they appropriately delegate riparian responsibilities when dealing with the transfer of land parcels and the sale of plots. It was suggested that the Council could engage with solicitors and conveyancers to ensure purchasers were made aware and to emphasise that the Council would carry out enforcement if such responsibilities were not followed. Members were informed that the Council engaged landowners and developers at the pre-application stage, although as this was not a statutory requirement it did not always happen. It was also a new potential objection point in the planning process. Efforts were being made through the Law Society to engage with conveyancers and it was agreed to check if there were any further updates from the Law Society on this matter to enable an update to be provided to Members. **Action required**
- Noted that a grant scheme had previously been in place for riparian right owners to apply to for funds to carry out maintenance work, and it was suggested that the provision of a ditch being handed over by the developer in a good condition could be added as a planning condition for new developments by the districts, and it was agreed to investigate the suggestion of this planning point and also feed back on the allocation and success of the grant scheme. **Action required**
- Drew attention to work that had been successfully undertaken to prevent flooding in many parts of the county, including mapping of drains, as well as work that had been undertaken by the Lead Local Flood Authority team to help areas that had experienced flooding.

- Sought clarification on the legal powers that the Council had for enforcement with persistent offenders. Members were informed that the policy and protocol had been written with input from Pathfinder Legal Services to ensure that it was legally robust. However, as it had not yet been tried it was difficult to say how successful it would be and officers acknowledged that the Land Drainage Act 1991 was limited in this regard. It was noted that such action was not generally carried out by other authorities, so officers did not have examples of any wider success rates. The policy had sought to make informal efforts as strong and as effective as possible.
- Queried whether the policy would allow the Council to take action against people raising their land adjacent to a brook to prevent it flooding their land, or against people removing clay pits, which acted as flood reservoirs, for development purposes. It was confirmed that the policy only applied to blockages or structures within the channel of the watercourse in line with the legislation and did not apply to anything on the side of the banks or clay pits.
- Clarified that the policy only applied to ordinary watercourses and therefore did not apply to EA rivers or Internal Drainage Board (IDB) drains.
- Argued that the Council would fail to comply with its own policy if it did not properly unblock culverts that then led to flooding issues. Members were assured that blockages were cleared when they were brought to our attention, and that the Council required landowners to unblock them if it was their responsibility.
- Expressed concern that there was not more information in the policy about risk prevention, the processes that would be undertaken or internal controls, suggesting that it was too focused on enforcement, although it was acknowledged that the document was part of a wider set of water management policies.
- Argued that the Council should not wait so long to review and update the policy the next time as it had since the current version was adopted in 2013.

It was resolved unanimously to:

Adopt the Policy and Protocol for Enforcement Action under the Land Drainage Act 1991, attached at Appendix 1 of this report.

189. East Park Energy Solar Farm Proposal

The Committee received a report which provided an overview of the East Park Energy Solar Farm Development Consent Order application. It set out the background and geographical areas of the proposal, as well as the Nationally Significant Infrastructure Projects (NSIP) process and its accompanying risks and implications for the Council.

While discussing the report, individual Members:

- Noted that affected parish councils had already initiated dialogue with the developer, and sought clarification on when the statutory consultation would commence. It was

confirmed that the formal statutory consultation was scheduled to commence in July 2024, although it was emphasised that parish councils could become involved in the pre-application stage to help shape proposals earlier in the process.

- Observed similarities with the Sunnica Energy Farm, and highlighted the importance of taking lessons from issues that had arisen during that project's development, and it was suggested that the Council should do everything it could, as a statutory consultee, to ensure a smooth and efficient flow of information. Members were informed that the Council had already communicated with the developer to help shape the consultation process.
- Expressed concern about the general NSIP process, arguing that it was not conducive to encouraging local input or understanding. It was requested that local Members be kept fully informed by the Council as the process continued, and it was agreed to organise a briefing session for local Members, although open to all Members, once the developer submitted a proposed consultation document. **Action required**
- Sought clarification on whether the developer had considered the significant delays that were possible when establishing the final wire connection. Members were assured that such factors would have been considered as part of the proposals' development, but it was agreed to seek clarification from the developer. **Action required**
- Drew attention to the issue of some battery storage systems not effectively flowing back into the grid and solar energy subsequently being lost, and queried whether such issues could arise with East Park Energy Solar Farm. It was clarified that due to its size the project would connect through the transmission network, rather than the distribution network, and that issues with transferring or storing energy were usually related to problems with a particular connection, such as over-capacity or over-subscription. It was agreed to raise the issue with the developer and provide Members with a briefing note. **Action required**

It was resolved unanimously to:

- a) Delegate authority to the Executive Director for Place and Sustainability to submit Nationally Significant Infrastructure Project related responses to the Planning Inspectorate, in consultation with the Chair and Vice-Chair of the Environment and Green Investment Committee, where there is not enough time for a report to be delivered to the Environment and Green Investment Committee; and
- b) Where delegated powers are used, circulate the response to Local Members and members of the Environment and Green Investment Committee for information.

190. Place and Sustainability Risk Register

The Committee received a report on the approach adopted by the Place and Sustainability Directorate with regards to the management of risk within its services, which included details of relevant risks for the Committee and their links to the Corporate Risk Register.

While discussing the report, individual Members:

- Drew attention to the way in which the Council's Green Investment and Utilities Group presented and managed risk, and suggested that its approach could be adopted more widely across the Council.
- Requested further information on the new requirements around the Schedule 3 Sustainable Drainage System (SuDS) Approval Body (SAB) role, as detailed in Risk 6 of the report. Members were informed that further information was awaited from the government, including the level of funding that would be provided, and it was agreed to provide Members with a briefing note providing more information, followed by a workshop once greater clarity had been provided by the government. **Action required**
- Expressed concern about the high number of risks rated as red, with one Member arguing that the Committee should demand more urgent action to mitigate or overcome the risks, including through additional resources being allocated as reserve contingencies and more regular update reports. It was noted that some of the causes for the risks were longstanding or external, and Members were assured that there was active management of all risks at a senior officer level, with assurance plans in place to lower them, while the Committee would continue to receive updates to ensure transparency and accountability. The development of the risk register supported this and demonstrated the Council's commitment to identify issues and make improvements.
- Suggested that Risk 5, related to the project delivery of the directorate's capital programme, should be rated as red rather than amber, due to significant project overruns and overspends. It was acknowledged as necessary for assurance to be provided that projects were managed effectively, and Members were informed that processes were continuously improved based on learning from individual projects, including the development of clear gateway reviews and detailed profiling, to ensure that projects only went ahead if there was certainty on their deliverability, cost and ability to achieve their outcomes. Schemes would only be included in the capital programme if such assurances had been provided

It was resolved unanimously to:

Note the summary of the key risks being overseen by the Place and Sustainability Directorate that relate to this Committee.

191. Corporate Performance Report (Quarter 3 - 2023-24)

The Committee received a report providing an update on the performance of services within its remit over Quarter 3 of the 2023/24 financial year.

While discussing the report, individual Members:

- Suggested that the Council could investigate making savings and achieving carbon reductions by targeting energy use in its buildings with low occupancies, through measures such as reactive lighting or heating only certain areas of the buildings.
 - Considered whether the Connecting Cambridgeshire scheme continued to be practical or whether technology had now evolved to a stage where alternative, cheaper types of connections could be considered. Members were informed that the current measures were aligned to the Combined Authority's Digital Strategy and the funding arrangement for the programme, although it was noted that a revised strategy was being developed, which would consider different technologies and monitoring measures.
 - Requested information on the level of gainshare funding that had been received through the Connecting Cambridgeshire scheme and how it was being used, although it was acknowledged that any funding would go back into the overall financing of the scheme, rather than being available for reallocation elsewhere.
- Action required**

It was resolved unanimously to:

Note and comment on performance information and act, as necessary.

192. Finance Monitoring Report – January 2024

The Committee received the Finance Monitoring Report to the end of January 2024 for the services within its remit, with a reduced forecast revenue overspend of £1.759m across the Place and Sustainability directorate and a £24.5m variation on the directorate's capital programme, with an additional £4.2m in-year slippage now being forecast. The report also proposed a recommendation to the Strategy, Resources and Performance Committee for an additional £1.8m capital allocation to the North Angle Solar Farm project, funded by borrowing.

It was resolved unanimously to:

- a) Review and comment on the report; and
- b) Recommend to the Strategy, Resources and Performance Committee that an additional capital budget of £1.8m is allocated to the North Angle Solar Farm project, funded by borrowing.

193. Environment and Green Investment Committee Agenda Plan and Appointments

The Committee noted its agenda plan.

Chair
18 April 2024