



Meeting: **Cabinet**

Date/Time: **Tuesday, 29 March 2022 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr. M. Hand (Tel. 0116 305 2583)**

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Membership

Mr. N. J. Rushton CC (Chairman)

Mr. B. L. Pain CC Mrs H. L. Richardson CC
Mrs D. Taylor CC Mrs. P. Posnett MBE CC
Mrs. C. M. Radford CC Mr. R. J. Shepherd CC
Mr. O. O'Shea JP CC Mr. P. Bedford CC
Mr. L. Breckon JP CC

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– Notices will be on display at the meeting explaining the arrangements.

ORDER PAPER



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CABINET – TUESDAY 29 MARCH 2022

ORDER PAPER

ITEM **DETAILS**

APOLOGIES FOR ABSENCE

None.

1. MINUTES (Pages 3 - 12)

Proposed motion

That the minutes of the meeting held on 11 February 2022 be taken as read, confirmed, and signed.

2. URGENT ITEMS

None.

3. DECLARATIONS OF INTEREST

Members of the Cabinet are asked to declare any interests in the business to be discussed.

**4. ENVIRONMENT AND TRANSPORT DEPARTMENT'S 2022/23 HIGHWAYS AND
TRANSPORTATION CAPITAL PROGRAMME AND WORKS PROGRAMME.
(Pages 13 - 54)**

Proposed motion

- (a) That the Environment and Transport Department's 2022/23 Highways and Transportation Capital Programme and Works Programme be approved;
- (b) That the Director of Environment and Transport be authorised:
 - (i) Following consultation with the Director of Corporate Resources and the Cabinet Lead Members for Highways and Transportation and Corporate Resources, to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways and Transportation Capital Programme and Works Programme;
 - (ii) Following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Corporate Resources, to enter into such contracts as is necessary to progress schemes in the approved Highways and Transportation Capital

Programme and Works Programme to allow early contractor involvement to take place in advance of all external funding required to deliver the scheme being secured, subject to the key principles (a) to (g) set out in paragraph 41 of the report.

- (c) That it is important for members to note at a division level and from a wider, corporate perspective that high and growing cost inflation will deliver less, in terms of both major and minor schemes, and that external funders are unlikely to increase their contributions in the case of schemes currently programmed and yet to be programmed.

5. A511 GROWTH CORRIDOR PROPOSALS - BARDON LINK ROAD. (Pages 55 - 92)

Proposed motion

- (a) That the revised costs estimates for the A511 Major Road Network (MRN) project arising from the independent audit of the Highways and Transport Capital Programme be noted;
- (b) That the resultant financial approach developed to address the revised project costs be noted;
- (c) That the results of the informal consultation on the proposed Bardon Link Road be noted;
- (d) That the proposed route for the Bardon Link Road, as set out in Appendix A to the report, be approved and that the Director of Environment and Transport be authorised to make minor alterations to the route as necessary;
- (e) That the Director of Environment and Transport be authorised:
 - (i) Following consultation with the Director of Corporate Resources and the Cabinet Lead Member for Highways, Transportation and Flooding, to continue all necessary work to progress the A511 Growth Corridor scheme including submission of the Full Business Case to the Department for Transport (DfT) and submission of a planning application in respect of the route of the Bardon Link Road aligned to the programme for scheme delivery as required by the DfT;
 - (ii) Pursuant to (e) (i) above, in consultation with the Director of Law and Governance and following consultation with the relevant Cabinet Lead Members, to continue discussions with landowners and stakeholders, with a view to reaching voluntary agreement over the purchase and/or reservation of land for the Bardon Link Road elements of the A511 Growth Corridor MRN project;
 - (iii) To make preparations in parallel with (ii) above for the use of compulsory purchase powers pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981, taking all steps necessary to include the preparation of the Draft Compulsory Purchase Order, associated Side Roads Order and Statement of Reasons.

6. NATIONAL BUS STRATEGY - ENHANCED PARTNERSHIP PLAN AND SCHEME AND BUS SERVICE IMPROVEMENT PLAN. (Pages 93 - 152)

Proposed motion

- (a) That the outcome of the consultation undertaken by the County Council in respect of the Enhanced Partnership Plan and Enhanced Partnership Scheme be noted;
- (b) That the establishment of an Enhanced Partnership with bus service operators, based on the Enhanced Partnership Plan and Enhanced Partnership Scheme (Appendices A and B respectively to the report) be approved;
- (c) That registrations for local bus service changes and requests for funding to support local bus services continue to be assessed in line with the Council's adopted Passenger Transport Policy and Strategy (PTPS), pending a review of the PTPS once the Enhanced Partnership is in place.

7. LOCAL BUS SERVICE CHALLENGES AND IMPACTS (Pages 153 - 164)

Proposed motion

- (a) That the challenging situation regarding local bus services in Leicestershire and its implications for the County Council and bus operators be noted;
- (b) That the actions already taken to mitigate the impact of the challenges facing local bus services, including the payment of a higher level of concessionary travel reimbursement than actual concessionary use, be noted;
- (c) That it be noted that the Director of Environment and Transport, following consultation with the Cabinet Lead Member for Highways, Transportation and Flooding and Director of Corporate Resources will, using her existing delegated authority
 - (i) set the level of concessionary travel reimbursement from 1 June 2022 to 31 March 2023;
 - (ii) in accordance with the Council's Passenger Transport Policy and Strategy (PTPS), agree with existing supported service providers to extend contracts and where necessary, the payment of short-term increases to them until the new contracted arrangements are in place.
- (d) That the Director of Environment and Transport be authorised, following consultation with the Cabinet Lead Member for Highways, Transportation and Flooding and Director of Corporate Resources, to take the necessary steps to award contracts for supported bus services from July 2022;

- (e) That, noting the current issues affecting the local commercial bus market, the Director of Environment and Transport following consultation with the Cabinet Lead Member for Highways, Transportation and Flooding and Director of Corporate Resources, be authorised to take such action as necessary to ensure the continued provision of services in line with the PTPS;
- (f) That the links and dependencies of the local bus market with the Council's Bus Service Improvement Plan and formulation of its Enhanced Partnership (considered as part of a separate report on the Cabinet agenda), be noted;
- (g) That if the outcome of (d) and (e) above result in significant changes to local bus services or costs to the Council the Cabinet will consider a further report on the matter.
- (h) That the Cabinet notes the urgent action taken by the Chief Executive to agree an exception to the Contract Procedure Rules to enable the appointment of the providers Arriva Hinckley, Centrebus Ltd, Paul S. Winson Coaches, & Roberts Coaches Ltd for a period of four months with a value not to exceed £903,466 whilst a procurement activity is conducted. The Council's Constitution (Contract Procedure Rule 6 (b) ii provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to it being reported to the Cabinet.

8. LEICESTER CITY COUNCIL WORKPLACE PARKING LEVY BUSINESS CASE PROPOSALS (Pages 165 - 180)

- *Comments from Mr. Max Hunt CC, Leader of the Labour Group, are attached to this Order Paper, marked '8'.*

Proposed motion

- (a) That the concerns expressed by Members to date regarding Leicester City Council's (LCiC) Workplace Parking Levy Business Case proposals (the proposals) as set out in this report be noted;
- (b) That in the event of the Workplace Parking Levy being put in place in Leicester, LCiC be requested:
 - (i) To ensure that it establishes appropriate data collection and monitoring arrangements in respect of the impacts identified and in assessing the benefits of the enhanced passenger transport and cycling and walking measures funded by the Levy;
 - (ii) To develop the Displaced Parking Strategy and to establish a Displaced Parking Task Force (as indicated in the proposals) to mitigate the impact of any displaced parking, including in areas of the County; and

- (iii) Where there is evidence of adverse impacts in County areas, to identify appropriate mitigation measures and to implement those measures at no cost to the County Council;
- (c) That it be noted that LCiC has been in close discussion with the NHS which is currently considering its position on the WPL proposal;
- (d) That the County Council does not raise a formal objection to the proposals subject to the action in (b) above being taken by LCiC;
- (e) That the comments set out in Appendix B to the report be submitted to LCiC as the views of the County Council.

9. EXCEPTION TO CONTRACT PROCEDURE RULES - URGENT ACTION TAKEN BY THE CHIEF EXECUTIVE IN RELATION TO THE CONFIRM HIGHWAY MANAGEMENT SYSTEM. (Pages 181 - 184)

Proposed motion

That the action taken by the Chief Executive to agree an exception to the Contract Procedure Rules to enable the appointment of Confirm Solutions Limited for three years ending on 30 September 2025 be noted.

10. CHARGING FOR SOCIAL CARE AND SUPPORT POLICY. (Pages 185 - 246)

Proposed motion

- (a) That the revised Charging for Social Care and Support Policy be approved for implementation from 11 April 2022;
- (b) That it be noted that future revisions to the Policy to reflect any further changes in legislation and good practice will be made by the Director of Adults and Communities using his delegated powers.

11. LEICESTERSHIRE COUNTY COUNCIL'S STRATEGIC PLAN 2022 – 2026. (Pages 247 - 308)

Proposed motion

- (a) That the outcome of the consultation on the draft Strategic Plan 2022-26 be noted;
- (b) That the draft Strategic Plan 2022-26, appended to the report, be submitted to the County Council for approval on 18 May 2022.

12. LEICESTERSHIRE COUNTY COUNCIL COMMUNITIES STRATEGY - OUR COMMUNITIES APPROACH 2022 - 2026. (Pages 309 - 334)

Proposed motion

- (a) That the outcome of engagement on the draft Communities Strategy: Leicestershire County Council - Our Communities Approach 2022-26 be noted;
- (b) That the draft Communities Strategy: Leicestershire County Council - Our Communities Approach 2022-26, appended to the report, be submitted to the County Council for approval on 18 May 2022.

13. RESPONSE TO THE HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE CONSULTATION. (Pages 335 - 348)

- *Comments from Mrs. M. Wright CC, the local member, are attached to this Order Paper, marked '13'. With the consent of the Chairman, Mrs. M. Wright CC, will also speak on the item.*

Proposed motion

- (a) That the comments set out in the Appendix to the report to be submitted to Tritax Symmetry as the views of the County Council, as the Local Highway Authority, on the proposed Hinckley National Rail Freight Interchange be noted;
- (b) That it be noted that minor amendments may be made to the comments by the Director of Environment and Transport in consultation with the Director of Law and Governance (using their delegated powers) to reflect, for example, comments of the Cabinet, prior to their submission to Tritax Symmetry on 8 April.

14. RESPONSE TO THE HINCKLEY AND BOSWORTH BOROUGH COUNCIL PRE SUBMISSION LOCAL PLAN (2020 - 2039) REGULATION 19 CONSULTATION. (Pages 349 - 380)

Proposed motion

- (a) That the County Council's response to the Hinckley and Bosworth Borough Council (H&BBC) Pre-submission Regulation 19 Local Plan consultation, set out in paragraphs 36 to 67 inclusive and the Appendix to the report be noted;
- (b) That the County Council at this stage considers insufficient evidence has been provided to demonstrate that the Local Plan meets the tests of soundness as set out in paragraph 35 of the National Planning Policy Framework and strongly discourages H&BBC from submitting its Local Plan while relevant significant issues are still to be resolved;

- (c) That it be noted that should H&BBC proceed with the submission of its Local Plan to the Planning Inspectorate at this stage without addressing the concerns raised by the County Council, the County Council will object at H&BBC's Local Plan Examination;
- (d) That it be noted that the County Council will continue to work with H&BBC to try to resolve issues to help develop a Local Plan that is sound (in planning terms) and deliverable.

15. RESPONSE TO NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL LOCAL PLAN REVIEW: DEVELOPMENT STRATEGY AND POLICY OPTIONS (REGULATION 18) CONSULTATION. (Pages 381 - 420)

Proposed motion

- (a) That the County Council's response to the North West Leicestershire District Council's (NWLDC) Development Strategy and Policy Options consultation, set out in paragraphs 39 to 92 inclusive and the appendices to the report be approved;
- (b) That the Chief Executive, following consultation with the Cabinet Lead Member, be authorised to submit further NWLDC Regulation 18 consultation responses as the views of the County Council unless there are substantive issues raised which need to be considered by the Cabinet;
- (c) That NWLDC be advised that the County Council considers that partnership working arrangements between the District Council, the County Council and other partners are vital in the preparation of its new Local Plan and the ongoing commitment to the Growth Collaboration Agreement between the County Council and NWLDC is encouraged.

16. ITEMS REFERRED FROM OVERVIEW AND SCRUTINY

None.

17. ANY OTHER ITEMS WHICH THE CHAIRMAN HAS DECIDED TO TAKE AS URGENT

None.

Officer to contact

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Submission to Cabinet29th March 2022

From Max Hunt CC, Leader of the Labour Group

**Item 8: Leicester City Council Workplace Parking Levy
Business Case Proposals**

This paper reflects the disjoint between City and County transport planning. This is something to be tackled under “*combined control of appropriate local transport functions, as outlined in the LU White Paper, in one functional economic area*”.

The City has already published its own fourth generation Local Transport Plan, whilst we are still struggling to meet LTP3.

Even now it is quite difficult to identify a clear transport policy in the County. We abandoned our own parking strategy and at best we are guided by a set of unconnected publications (growth, bidding, rail, buses, cycles, and walking) none of which are reliably resourced or well connected, or address the challenges of climate change.

As a result, with no alternative policy of our own, the County is powerless to effectively oppose the City proposals and more significantly has no alternative of its own to cope with the significant increase in demand for travel due to the substantial housing growth required by our respective Local Plans.

In these circumstances we support the recommendations in the report.

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Cabinet – 29 March 2022 – Agenda Item 13

Comments on Hinckley Rail Freight Interchange Consultation

Mrs Maggie Wright – County Councillor Stoney Stanton and Croft Division

I completely agree with this report's findings and recommendations. I commend Officers for their work on this NSIP pre-application to the Planning Inspectorate as a statutory consultee as the Local Highway Authority and recognise the significant draw on resources. A "blackhole" would be a fair description. I welcome this robust reply and recognise from my own experience and that of my residents how difficult it has been to engage with the developer Tritax and have transparent and open debates. Particular and unnecessary anguish has been caused by the unsympathetic and unprofessional issue of notices under the compulsory purchase act.

Highways issues, poor mitigation plans and raised pollution levels are major concerns for my residents associated with this enormous proposed Rail Freight Interchange development. This report and appendices capture and highlights these concerns. However, as Divisional Member I must stress that this project carries other major areas of concern other than Highways matters. The loss of an extensive green field site next to the amenity of Burbage Wood, localised health implications (the close proximity of LCC's Aston Firs residential caravan park 90m away, the adjacent settlement of Elmesthorpe 300m away and the larger settlements of Sapcote, Burbage, and Stoney Stanton a mile. Concern is of exposure to 24/7 light, noise and emissions pollution). There are no plans to electrify the Nuneaton, Leicester and Peterborough rail line which will increase localised pollution from trains being loaded and unloaded on the site in addition to overwhelming HGV movements. This will impact our carbon neutral ambitions. The scheme is pursuing carbon offsetting but providing no attempt to reduce localised pollution. There are also the many concerns associated with the level crossing at Narborough and the conflicting information coming out of the Rail Report in relation to other consultation material. When will the trains actually run, through the day or night? Imagine the impact of noise on residents in addition to highway implications. There is also major impact on Ecology, flooding and drainage, heritage and social economic factors. And, the lack of multi-modal commuting plans to ensure the proposed 8,400 employees don't all drive to work.

The overarching impact of this development will be colossal and straddles several District Council areas, County Council Divisions, National Highways and the National Rail network with far reaching serious consequences. Partnership working and engagement is therefore essential.

The words "totally inadequate" sum up this consultation and justifies the County Council letter sent to Tritax on 23 December 2021. Expressing concerns that "the material was extremely limited and skirts around the major issues to the extent it is of little use to residents wishing to form a view on the scheme". This was also backed up by similar letters sent by Blaby DC and Hinckley and Bosworth Borough Council. This has indeed proven to be the case.

To quote my residents, “There are huge discrepancies and contradictions within the consultation materials”. “Limited or no evidence to back up questionable conclusions”. “Not yet modelled, awaiting findings or not yet planned”. How can any consultee make informed decisions or comments when fundamental information about the function of the site is not made available? We know the proposed design but not the actual function or markets. It raises the frequently asked question, is this a genuine Rail Freight Interchange or a way of circumnavigating local planning systems to get an extensive Warehousing Distribution Centre on a green field site?

Tritax have provided the bare minimum of information at this first stage meaning there could be a massive difference between consultation and submission documents if a second consultation does not take place. We cannot trigger or challenge this because it lies solely within the developers remit.

To emphasise we could be faced with an application submission that bears little resemblance to that consulted on. This itself does not align with Government guidelines (Planning Act 2008 Guidance on the pre-application process – points 19/20 page 6) for pre-applications on nationally significant infrastructure projects. I quote “to be of the most value, consultation should be based on accurate information that gives consultees a clear view of what is proposed including any options. Shared at an early stage so that the proposal can still be influenced, sufficiently developed to provide some detail on what is being proposed” The public have not been given this clear view therefore Tritax must undertake a further round of public consultation on a revised PEIR (preliminary Environmental Impact Report).

I acknowledge point 9 of the report which makes reference to the Warehousing and logistics in Leicester and Leicestershire (managing growth and change study April 2021) However, I would point out that these are high level studies and it must be remembered that they are subject to site specific review of actual proposals so not conclusive that a Rail Freight Interchange is needed or appropriate at this site. It is imperative to get the location right. Especially with Rail Interchanges already being established at Dirft and SEGRO Logistics Park East Midlands Gateway in close proximity. The proposed HNRFI is at least 30 miles from its nearest major marketplace so fails to meet paragraph 4.84 of the NPSNN. The site also lies less than 10 miles from Magna Park (the largest distribution centre in Europe growing up to 16 m sq. ft., employing 15,000 people). It also has direct access to the M1 and A5. With over 70 million sq. feet of warehousing within a 50-mile radius of the proposed HNRFI, how can such a development on a green field site be justified?

I ask Cabinet members to note and acknowledge these comments and concerns so the Planning Inspector is aware of them at this early stage of the Planning process.

Thank you, Leader and Cabinet members, for listening to my comments.