

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 24 October 2023.

PRESENT

Mrs. D. Taylor CC (in the Chair)

Mr. B. L. Pain CC

Mrs. C. M. Radford CC

Mr. L. Breckon JP CC

Mr. P. Bedford CC

Mrs H. L. Richardson CC

Mrs. P. Posnett MBE CC

Mr. R. J. Shepherd CC

In attendance (including via MS Teams)

Mr. R. Ashman CC, Mrs. A. Hack CC, Mrs. R. Page CC, Mr. T. Parton CC, Mr. N. J. Rushton CC, Mr. C. Smith CC, Mrs. M. Wright CC

279. Minutes of the previous meeting.

The minutes of the meeting held on 15 September 2023 were taken as read, confirmed and signed.

280. Urgent items.

There were no urgent items for consideration. However, an update was provided on the recent flooding which had affected a number of communities in the County. The Cabinet's thanks to all the officers, flood wardens and other volunteers involved was recorded.

281. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mrs. D. Taylor CC declared a registrable interest in agenda item 7 (Charnwood Borough Council's Local Plan) as a member of Charnwood Borough Council and undertook to leave the meeting during consideration of that item.

Mrs. P. Posnett CC declared a registrable interest in agenda item 6 (Melton Mowbray Distributor Road South) as a former member of Melton Borough Council and undertook to leave the meeting during consideration of that item.

Mrs. C. Radford CC declared a non-registrable interest in agenda item 4 (Recycling and Household Waste Sites Proposed Consultation) as the local member for Shepshed.

282. Recycling and Household Waste Sites Proposed Consultation.

The Cabinet considered a report of the Director of Environment and Transport which presented proposals to achieve savings included within the Medium Term Financial Strategy 2023-27 in relation to the Recycling and Household Waste Site (RHWS)

Service, and sought approval to commence a public consultation exercise on these proposals. A copy of the report marked 'Agenda Item 4' is filed with these minutes.

Mr. Pain CC emphasised that efficiency savings were necessary across all departments due to the financial pressures being faced by all Councils. He stressed the value of the Recycling and Household Waste sites, and said that even if the three sites proposed for closure did close, there would still be eleven RHWS across the County, which was more than was provided in some larger counties. All were encouraged to engage in the consultation and assurance was given that all concerns would be considered.

Mrs. Radford CC, as the local County Councillor, expressed her concerns over the proposed closure of the RHWS at Shepshed, including an increase in fly tipping, less household recycling and longer journeys to get to other RHWS, which was against the Council's targets to reduce emissions. Mrs. Radford CC also commented on the amount of new housing in the Shepshed area, which would lead to an increase in demand locally for RHWS, and the fact that the Shepshed site had been improved over the last few years, at a significant cost to the Council.

Mrs. Radford CC wished it to be recorded that she had voted against the recommendations.

RESOLVED:

- a) That the commencement of a public consultation exercise on the following proposals be approved:
 - i. The closure of three of the Council's Recycling and Household Waste Sites at Market Harborough, Shepshed and Somerby.
 - ii. A permanent change of opening hours at the Bottesford RHWS from five to three days a week.
 - iii. The reduction of the summer opening hours at all RHWS in the County.
 - iv. The introduction of Christmas Eve closure at all RHWS.
- b) That a further report be submitted to the Cabinet in April 2024 detailing the outcome of the consultation and presenting the final proposal for approval.

(KEY DECISION)

REASONS FOR DECISION

The proposals have been developed to respond to the need for savings as set out in the agreed Medium Term Financial Strategy 2023-27.

A public consultation exercise will help to identify the possible effects of the changes for the public and stakeholders and to identify whether amendment to the proposals and/or any mitigating action is required.

283. Leicestershire Highway Design Guide Refresh - Approval of Policies and Principles.

The Cabinet considered a report of the Director of Environment and Transport which provided an update on the work of the Leicestershire Highway Design Guide (LHDG) refresh project and sought approval of the draft policies, principles and approaches for the purposes of engagement and consultation. Agreement was also sought for the

approach to consultation on the draft LHDG. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

RESOLVED:

- a) That the key influencing factors and work undertaken to date during the development of the new Leicestershire Highway Design Guide (LHDG), as set out in the report, be noted, with particular reference to:
 - i. the draft policies and principles developed in the context of changes to national policy and guidance and the potential for subsequent additional maintenance requirements for the Council.
 - ii. the proposed approach to commuted sums and road adoption.
- b) That the draft policies, principles and approaches presented in paragraphs 32-65 of the report and appended for the purposes of consultation on the draft LHDG be approved;
- c) That authority be delegated to make minor changes as needed in advance of the consultation to the Director of Environment and Transport, following consultation with the Cabinet Lead Member.
- d) That authority be delegated to agree non-material changes to core policy, principles, guidance and standards during future reviews to the Director of Environment and Transport, following consultation with the Cabinet Lead Member.

(KEY DECISION)

REASONS FOR DECISION

The LHDG needs updating following changes to national policy and guidance. A particular focus is required on the Council's approach to facilitating active travel and environmental sustainability elements of highway the Council adopts, alongside a detailed review of the commuted sums schedule and LHDG policy.

Changing national policy and guidance could increase pressures on diminished maintenance budgets due to the requirement to maintain additional assets within adopted highway that deliver environmental sustainability and active travel outcomes. The Council is supportive of the ambition to help tackle climate change and deliver on its carbon net zero commitments. In meeting this critical challenge additional burden on budgets should be minimised so that the Council can continue to provide its essential services.

The Government funding that contributes towards the maintenance of "standard" elements of the adopted highway (carriageway, footway etc.), has been in decline in real terms over recent years and is far from sufficient to cover the costs of maintaining even existing highway assets in their current states of condition.

Committed sums are attracted from new development for the future maintenance of alternative materials or areas that are "extra over" standard provision (that do not contribute to the safe functioning of the highway) within adopted highway. A Schedule of rates and items that the Council recovers maintenance income for is included in the LHDG. The rates and assets included under the Council's Schedule need reviewing,

particularly at a time when inflation is markedly increasing the costs of materials and labour.

Project development work has indicated additional areas for review and update, including how the Council permits new accesses onto the existing road network (current LHDG Policy IN5).

The confirmation of the policies and principles of the LHDG is critical in drafting the remaining detailed technical guidance and approval processes and will ensure that work progresses in the right direction. The delegation of authority to approve the undertaking of consultation on the draft LHDG, subject to non-material changes, to the Director of Environment and Transport will minimise the requirement for reporting to critical junctures in the project.

284. Melton Mowbray Distributor Road South.

(Mrs. P. Posnett CC, having declared a registrable interest in the report, left the meeting during consideration of this item).

The Cabinet considered a joint report of the Director of Environment and Transport and the Director of Corporate Resources which presented the latest position in relation to the Melton Mowbray Distributor Road South (MMDR S) project and sought approval for the proposed way forward in light of the financial implications detailed. The Cabinet also considered a supplementary report which clarified the position of Homes England regarding the project and its approach to the provision of grant funding in connection with the scheme. A copy of the report and the supplementary report, both marked 'Agenda Item 6', are filed with these minutes.

Mr. Breckon CC reiterated the Council's commitment to the delivery of the scheme. However, there was currently a high level of financial uncertainty and it was likely that costs associated with the project could increase further. Any additional funding by the Council would require further service reductions to be made as a consequence.

RESOLVED:

- a) That the County Council's ongoing commitment to Melton Borough Council's (MBC) Local Plan strategy be confirmed;
- b) That Homes England (HE) be informed that despite the best efforts of the County Council, it is unable to meet the terms and conditions within the Grant Determination Agreement in order to draw down any further grant monies from the Housing Infrastructure Fund (HIF);
- c) That it be noted that:
 - i. funding of £0.9m has been drawn down out of a total HIF grant offer of £18.2m;
 - ii. there is therefore no unspent funding to be returned to HE;
 - iii. in the absence of further grant to fill the funding gap of a scheme whose total estimated cost is now £70.5m, the County Council will be unable to proceed at present with construction of the Melton Mowbray Distributor Road South (MMDR S);
 - iv. MBC and other stakeholders be advised accordingly;

- d) That the County Council's Capital Programme 2023-27 be amended, as set out in paragraph 20 of the Original Report, noting that this will include funding for development of an alternative delivery strategy (£0.5m), costs incurred on the programme which will be unrecoverable (£1.3m) and withdrawal of the existing strategy (£1.7m) for the MMDR S at a likely total cost of £3.5m;
- e) That the MMDR North and East scheme be amended as required;
- f) That the Director of Environment and Transport and the Director of Corporate Resources, following consultation with the relevant Cabinet Lead Members, be authorised to pursue discussions to seek additional funding, including with MBC, the local Member of Parliament, the Department for Transport and developers.

(KEY DECISION)

REASONS FOR DECISION

The published Report to the Cabinet explained the up-to-date financial position regarding the MMDR S scheme and the Council's options in light of that position. The supplementary report revises certain references to the position of Homes England following the publication of the report.

Homes England wrote to the Council on 16 October 2023 advising that it was of the view that it would be incorrect to state that it had withdrawn from the MMDR S project.

Statements to the effect that Homes England had withdrawn the grant were set out in paragraphs 2 c), 5 and 36 of the Original Report.

The Council accepts that Homes England has not communicated an intention to withdraw from the Grant Determination Agreement (*in the sense of being unwilling to perform its obligations under the Grant Determination Agreement*) and the published report should be read in light of that.

Homes England also pointed out that the position under the GDA is an issue for Homes England and the County Council and did not extend to Melton Borough Council and recommendation (b) above has been amended to reflect that.

(Mrs. P. Posnett CC returned to the meeting).

285. Charnwood Borough Council's Local Plan.

(Mrs. D. Taylor CC, having declared a registrable interest in the report, left the meeting during consideration of this item).

Mr. L. Breckon CC – in the Chair

The Cabinet considered a joint report of the Chief Executive and the Director of Environment and Transport which provided an update on the current status of Charnwood Borough Council's Local Plan, the County Council's position in respect of the latest period of consultation and the progress made on the Interim Transport Contributions Strategy. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

RESOLVED:

- a) That the latest position regarding Charnwood Borough Council's Local Plan Examination be noted;
- b) That the County Council's initial response to the Charnwood Local Plan consultation, as outlined in paragraphs 36-50 of the report, be agreed as a basis for the formal response to the consultation;
- c) That the Chief Executive, following consultation with the Cabinet Lead Member, be authorised to submit the County Council's formal response to the Charnwood Local Plan consultation, setting out its latest position, by 8 November 2023;
- d) That the revisions made to the draft Interim Transport Contributions Strategy (ITCS) designed to manage the risks associated with the delay in implementing the Local Plan be approved;
- e) That a six week consultation exercise be held on the revised draft ITCS;
- f) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to make such refinements to the revised draft ITCS as might be required to implement it following the consultation exercise;
- g) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to make such refinements to the ITCS as might be required for it to become the Transport Contributions Strategy, at the point of the Charnwood Local Plan being adopted.

REASONS FOR DECISION

The revised draft ITCS will ensure the County Council's interests remain protected, on a policy basis, during the period of Charnwood Borough Council having no adopted Local Plan, and following its adoption.

On 26 September 2023, Charnwood Borough Council confirmed further consultation would take place on elements of its Local Plan, to run from 27 September to 8 November 2023. The consultation includes viability work which could affect the ability of the plan to provide sufficient contributions to deliver education and highways and transport requirements.

Delegating authority to submit the County Council's formal response to the consultation post-Cabinet will provide additional time for officers to consider and respond to the Inspectors in the most productive manner, using the latest available information.

Non-implementation of the ITCS risks further developer contributions being missed and continued difficulties in covering shortfalls to key infrastructure mitigation, increasing levels of financial risk to the County Council.

A 6-week consultation with the industry, relevant local planning authorities and a public consultation (via the County Council's website) would provide appropriate weight to the ITCS.

Authority to make refinements to the ITCS post-consultation, and to produce the Transport Contributions Strategy at the point of the Charnwood Local Plan being

adopted, would minimise delays and maximise the County Council's opportunity to secure education and highways contributions from new development.

(Mrs. D. Taylor CC returned to the meeting).

Mrs. D. Taylor CC – in the Chair

286. Latest Position on the Hinckley National Rail Freight Interchange Development Consent Order.

The Cabinet considered a joint report of the Chief Executive and the Director of Environment and Transport which provided an update on the progress of the Hinckley National Rail Freight Interchange (HNRFI) proposal to date, and confirmed the County Council's formal position on the application at this stage. A copy of the report, marked 'Agenda Item 8' is filed with these minutes.

Mrs. Taylor CC reported that she had received an email from Tritax Symmetry which gave some further information in relation to the HNRFI, which she understood had also been received by other members. She stated that the decision of the Cabinet would be communicated to Tritax Symmetry after the meeting.

RESOLVED:

- a) That the current position regarding the Hinckley National Rail Freight Interchange (HNRFI) proposal and the upcoming Examination timetable for further consideration of the application by the Planning Inspectorate be noted;
- b) That the County Council's position (as a consultee) regarding the HNRFI proposal be agreed as follows:
 - i. that it has no objection to the principle of Strategic Rail Freight Interchanges;
 - ii. that it accepts the need for a Strategic Rail Freight Interchange to be located in south Leicestershire;
 - iii. that based on the information submitted by the applicant to date, the HNRFI site in Blaby District cannot be endorsed as an appropriate location given the issues raised by the County Council, including in its role as the Local Highway Authority;
 - iv. that given the significant concerns which remain unresolved, particularly in relation to highways and transport matters, the Council objects to the HNRFI proposal as submitted by Tritax Symmetry to the Planning Inspectorate in March 2023 and considers the Examining Authority should recommend refusal to the Secretary of State;
- c) That the County Council enters into a Statement of Common Ground with the applicant setting out the position on the principle of development and other matters as specified by the Examining Authority;
- d) That the Chief Executive in consultation with the Director of Environment and Transport, following consultation with the relevant Cabinet Lead Members, be authorised to submit the final Statement of Common Ground to the Planning Inspectorate prior to 8 March 2024 (deadline 8 of the Examination Timetable).

REASONS FOR DECISION

To keep the Cabinet updated with the progress being made with the HNRFI proposal through the Development Consent Order process.

The Council recognises and supports Government policy to deliver a network of Strategic Rail Freight Interchanges (SRFIs) as set out in national policy. SRFI provision has been made in Leicestershire through the delivery of the East Midlands Gateway Strategic Rail Freight Interchange and it is recognised in a recent local study (Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change, April 2021, amended March 2022) that a further SRFI is needed in the County.

The lack of information provided by the applicant at the submission stage in April 2023 and in the period to date means there is insufficient information to fully consider and resolve significant concerns, particularly in relation to highways and transport matters.

The Planning Inspectorate as Examining Authority has asked the applicant, Tritax Symmetry, to enter in Statements of Common Ground (SoCG) with certain Interested Parties.

Delegation to the Chief Executive to agree and submit the SoCG will enable the County Council to respond in a timely manner to the Planning Inspectorate.

287. Items referred from Overview and Scrutiny.

There were no items referred from the Overview and Scrutiny bodies.

2.00 - 2.37 pm
24 October 2023

CHAIRMAN