

RURAL FORUM

30 OCTOBER 2013

Present: Councillors Christine Bateson (Chairman), David Coppinger and David Hilton.

Colin Batchelor (Superfast Berkshire), Robert Byde (local farmer), Geoffrey Copas (local farmer), James Copas (local farmer), Richard Copas (local farmer), Michael Craig (local farmer), John Emmett (local farmer), William Emmett (local farmer), Alan Keene (Bisham Parish Council), Annie Keene, (Farmer), Philip Mortimer (local farmer), Tim Parry (CCB), Nick Philip (local farming co.), Alan Randall (local farmer), Richard Simmonds (local farmer), Barbara Story (Sunninghill and Ascot Parish Council) and Christopher Westacott (Hurley Parish Council).

Officers: Suki Coe, Rob Cowan, Andrew Green, Eric Livingstone and Karen Williams.

PART I

01/13 APOLOGIES FOR ABSENCE

Apologies were received from Councillors David Evans, Lynne Jones and Colin Rayner, Philip Everett (The Crown Estates), Jane Jennings (NFU Mutual).

02/13 DECLARATIONS OF INTEREST

There were no declarations of interest.

03/13 MINUTES

The Minutes of the meeting held on 25 March 2013 were approved.

04/13 CHAIRMAN'S INTRODUCTION

The Chairman welcomed all to the meeting and those present introduced themselves.

The Chairman reminded the Forum that the Rural Walk had previously been cancelled due to poor availability of Members. The Chairman therefore requested a new date be set.

The Forum suggested early June 2014 as the best available time for the farming community, and it was agreed that a date would be selected from around this period.

William Emmett, local farmer, considered the need for a more personal approach to the invitation process, requesting that the farming community write personal letters to the Members, inviting them to the walk. This idea was welcomed by the Forum.

Alan Randall stated that Randall Farms was happy to host the Rural Walk.

Action: Rural walk to be arranged for Early June 2014.

05/13 REDUNDANT FARM BUILDINGS

Suki Coe, Development Control Manager, gave a verbal presentation which outlined the rules and legislation about permitted development rights regarding agricultural buildings.

The Officer contextualised the issue for the Royal Borough of Windsor and Maidenhead. The Forum was reminded that much of the agricultural land in the Borough was situated in the metropolitan Green Belt. The purpose of this protection was to make sure the land remained for agricultural use and so landscape value was retained. There was also an aim to retain the value of heritage sites such as Clifton views, and the visibility of Windsor Castle.

Suki Coe considered the planning policies that were in place. General restrictions were in place on new developments in the Countryside and Green Belt. The National Planning Policy Framework (NPPF) was described as seeking to control development in the Green Belt. Though the NPPF had developed a reputation for becoming more lenient in recent years, the Forum was advised that this was a misconception and that development controls were still strong. The Officer stated that the RBWM's policies, GB1-8, had remained the same for some time, however they were still relevant and supported by the Government. Some development was allowed, however it had to be justified that it could not be accommodated in town as the development was directly connected to the land, such as developments concerning farming or quarries. Also, the land had to be the next closest location sequentially. The Forum was informed that the Borough was creating a new plan with a continued restrictive attitude to Development Control though, again, some appropriate development would be allowed relating to, for example, farming and quarries. The new plan was scheduled for consultation in November 2013.

The Forum was reminded of the expectations of residents. The Officer outlined the continued resistance from residents to development on Green Belt land, as they wished to maintain the local woodlands and countryside for their enjoyment. However residents also wanted their communities to grow and develop sustainably, with access to modern services such as superfast broadband, reliable bus services as well as access to shops, jobs and training. Therefore a tension was created by the two competing interests and the Officer highlighted the work of Councillors and the Planning Department in trying to balance the two interests.

The Forum received clarification regarding Permitted Development specifically. Permitted Development was relaxed in May 2013 allowing for more development to take place without the need for planning permission. This included changing the use of buildings which were in use from 3 July 2013, or had been in use for ten years, and were a maximum of 500 square metres in size. The Forum was advised that the landowner must notify the Local Authority regarding the change of use before making any changes and approval would be subject to certain factors which were transport issues, noise impact, contamination of land (both from the new use and the previous uses of the land which might have an impact on the new use) and flooding. The Officer advised that landowners would contact RBWM to discuss the matter first, before making plans or spending money. Once approval was granted the landowner would not need a certificate of lawful use, however this was not the case in surrounding Local Authorities. Acceptable changes of use were; a shop, financial services, a restaurant, an office, a distribution or storage facility, a non-residential institution or a facility for leisure and assembly.

The Officer detailed the potential changes to the rules regarding the future of Permitted Development. There were no changes to the NPPF and as the Borough Local Plan (BLP) conformed to the NPPF, it continued to approach development in the Green Belt restrictively. However, there had been recent consultation on further relaxation of Permitted Development to allow further uses for redundant farm buildings such as homes, free schools and nurseries. The Government had given no response on the consultation, nor any information as to whether such changes would take effect.

During the question and answer segment of the presentation, the Officer confirmed that Permitted Development for the change of use did not include material alterations to buildings and these required planning permission, however planning applications would be considered in light of the change of use.

Geoffrey Copas, local farmer, requested clarification regarding contamination of land and how it affected change of use. The officer confirmed that this could be land contamination from previous or future uses. For example, previous land contamination would be a factor where offices with double glazing were built on land that had previously been a landfill site. Methane leakages would cause the gas to build up inside the office building and would not escape through the windows. Also, future land contamination would be a factor if, for example, the new use would lead to contaminants getting into ground water which then ran into the River Thames, as this was the source of local tap water. The Forum noted that by discussing change of use with RBWM first, such problems would be identified early and decisions to change use would be evaluated as being cost effective before money, time and effort had been invested.

John Emmett, local farmer, questioned the flexibility element of Permitted Development. He felt from other accounts the purpose of the rules was to give farmers flexibility, however he gained the impression from the Officer's presentation that this was not the case. Suki Coe stated that the process did offer flexibility as a number of different changes of use were available to landowners, and these could then be changed again at a later stage. The Forum also noted that although a landowner had to go through a process to change the use of a building, the process was not necessarily an obstructive one.

The Forum raised concern with the generalised views of 'residents' who were resistant to development even when it was necessary. Furthermore, many agricultural buildings were ill-designed for modern farming as they were often too small to house equipment, and ill-suited to the modern methods of dealing with livestock, therefore those buildings had no actual agricultural use.

Geoffrey Copas made the point that the restrictions on Green Belt land, in its attempt to protect agricultural land, actually created practical difficulties. Farmers had to diversify and create alternative incomes to supplement farming to create a financial cushion. The Green Belt restrictions made this difficult, an instructive example provided to the Forum was the fact that equestrian conversion was not allowed when the ability to keep horses would allow farmers an extra source of income in addition to farming. As a result, planning could be obtained for a cattle shed for 100 cows, however it was not possible to build a stable of the same size for 100 horses.

It was clarified that Permitted Development related only to existing buildings and not constructing new buildings.

William Emmett highlighted concern that the high rates of industrial estates had pushed out small businesses and this had created a demand for affordable locations. Utilising the change of use Permitted Development policy offered a major function to the community in providing such locations.

The Forum received confirmation that the Parish Councils would be told of changes of use, however they would not be formally consulted.

John Emmett questioned why RBWM did not require the Certificate of Lawful Use, unlike other Local Authorities. It was confirmed that the Development Control team did not have the staff to do carry out the work, and if the Borough did require the Certificate, it meant the landowner effectively paid twice for the same thing.

The Forum thanked the Officer for her presentation.

06/13 OVERHANGING TREES

Eric Livingstone, Streetcare Manager, gave a verbal presentation on liability for overhanging trees. The issue was described as simple, yet emotive.

The matter was governed by legislation, primarily s.154 of the Highways Act 1980. The Local Authority did not have any authority to cut back any vegetation on private land which was overhanging any public highway, road or footpath. The Forum was informed that instead RBWM must follow a process by which the landowner was served with notice that they must cut the plant back to a certain length or level.

The Officer made it clear that where possible, the Borough tried to avoid giving notice by sending an officer to the property who would verbally request the landowner to cut back the offending plant.

If notice was served, the landowner would have 28 days to cut back the plant. After this point the Local Authority was able to cut the plant back and recover the cost of doing so from the landowner, if the landowner refused to pay said cost then a legal charge would be put on the property.

The Forum was directed to contact the Highways team at RBWM if they had specific examples of overhanging vegetation and report them to officers. The Forum requested that details of the highways legal requirements be circulated electronically.

The Officer clarified that the build up of trash on roads was the responsibility of the Council to clean up.

The Forum noted that the recent storm had caused 75 trees to fall onto roads in the Borough. Officers had responded to this by working longer shifts to speed the clean up along. Mr Livingstone confirmed that officers were getting through the work however it would take some time as there were 780km of road to check.

The Forum thanked the Officer for his presentation.

07/13 ORDER OF BUSINESS

RESOLVED UNANIMOUSLY: That the order of business, as detailed in the agenda be amended.

08/13 BROADBAND INTERNET

The Forum received a presentation from Colin Batchelor, Project Manager at Superfast Broadband.

Mr Batchelor outlined the objectives of the project. The project aimed to address broadband 'market failure'. The project would result in access to

basic broadband (2-23Mbit/s) for all premises in Berkshire by 2015. Additionally, the project aimed to provide superfast NGA (Next Generation Access) broadband (24Mbit/s+) for approximately 90% of Berkshire premises.

The Forum was informed that the project was funded from a number of different sources. The project invested £5.85m on broadband improvements for Berkshire, which had been provided by a Government (BDUK) Grant of £2.03m, Local Authority funding of £1.73m, Local Enterprise Partnership (LEP) funding of £300k, and funding from BT of £1.79m.

The Forum noted that RBWM had provided the second largest contribution of the districts in Berkshire, providing £484,060 of the Local Authority funding. Only West Berkshire had contributed more, with £610,019.

Mr Batchelor explained the bid process and outcome. He stated that Berkshire procured its solution through a national framework (BDUK). There were two eligible suppliers, BT and Fujitsu, however only BT had submitted a bid.

The presentation then considered in greater detail what the project provided. The project improved broadband access for more than 27,000 Berkshire premises which included more than 5,000 in the Royal Borough.

The Forum noted that the Superfast Berkshire project was the second stage of a two-stage implementation. The first stage was BT's commercial model, which saw 88.7% of premises in RBWM with superfast coverage. The first stage was funded completely by BT as a private commercial venture. When the commercial stage was completed in spring 2014 the second stage, the Superfast Berkshire project, then began increasing broadband coverage into areas which were not considered commercially viable in the initial stage. The presentation made it clear that only the second stage received public funding. By the end of the second stage the percentage of properties with superfast broadband rose to 92.5% (an increase of 3.8%). Basic broadband access was available to 100% of properties by the end of the second stage.

The Forum considered a graph which illustrated the cost implication of the project, which explained why superfast broadband could not be accessed by 100% of premises. The cost of superfast coverage increased in a manner described as a hockey stick. Initially the cost only increased at a low gradient as the percentage of coverage increased, however between 80% and 90% the gradient was noticeably steeper, and beyond 90% and the cost escalated at a very great rate.

Mr Batchelor advised the Forum that no priorities, such as geographical area or types of premises, had been made in rolling out the project. Instead, the project was focused on delivering the most cost effective, best 'value for money' solution for the county.

The Forum noted that broadband access would be made available through extending the fibre to cabinet (FTTC) method as the primary solution and Fibre to premise (FTTP) method as a secondary solution, should FTTC prove unworkable.

Maps were circulated to the Forum describing the areas of the Borough which would receive superfast broadband by the end of the commercial phase, and Phases 1 to 4 of the Superfast Berkshire project.

Mr Batchelor explained that planning for Phase 1 started in December 2013, actual rollout of broadband commenced June/July 2014, Phase 5, the final Phase, was completed by September 2015.

The Forum was advised that modelled data was subject to survey and detailed design.

Mr Batchelor concluded his presentation by considering what would happen in the future. The Forum noted that the Government had earmarked £250 million to extend superfast broadband coverage to 95% across the UK by 2017. This was under consultation with Local Authorities, suppliers and Government Ministers. Mr Batchelor expected further details would be available by the end of 2013.

The Forum questioned how implementation might cause disruption. Mr Batchelor informed the Forum that cabinets would be physically installed, as well as fibre being laid and therefore siting activity was required. This may lead to road surfaces being dug up. It was indicated that this would take place within the Phase timeframe concerning each area of the Borough.

The Forum thanked Mr Batchelor for attending the meeting. The Chairman highlighted the fact that the Forum had discussed broadband since 2007 however this was the first time the matter had been sufficiently covered.

09/13 UPDATE FROM FARMERS

Alan Randall provided an update on farming issues. The 2013 Harvest cropping season concluded with largely unfavourable ripening due to the July heat wave. Many crops had died off rather than ripening to their limited potential caused by last autumn's wet weather. This has led to yields being compromised and quality being very unpredictable, especially in milling wheat which was used for bread making.

The Forum noted that yields in the region have been extremely variable but overall the results appeared to be down about 15% on the 5 year average for the second year running. This was coupled with mediocre prices due to a generally good northern hemisphere harvest and a lack of foreseeable production issues with southern hemisphere crops. Harvesting conditions were however very favourable so grain drying costs had been below average.

Mr Randall informed the Forum that prices for milling wheat, feed wheat, feed barley, OSR and beans were all down, however the price of beef, lambs and milk had increased.

It was noted that generally 2013 had not been a good year however favourable conditions in autumn suggested a better harvest in 2014.

The Forum noted the update.

109/13 U1

The Forum received a response to Geoffrey Copas' letter from the Environment Agency.

Mr Copas introduced the item with a brief overview of the issue, stating that material bought for the construction of hard standing or rural roads often contained recycled rubble such as plastic, timber and metal. It was explained that a licence was needed to bring the materials onto the property where it was to be used, and that the materials used had to be of the highest quality. However the Environment Agency would not allow a de minimis on the amount of impure rubble considered acceptable, thus the material bought for that specific purpose were unusable. Mr Copas wanted the Environment Agency to offer clarity on the matter and give a de minimis amount by which farmers could work to.

The Chairman suggested a further letter be sent to the Environment Agency from Councillor Cox, Lead Member for Environmental Services, on behalf of the Council and the community as a whole. The letter would request the EA state what the de minimis was as a specific percentage or attend the next Rural Forum and explain why a de minimis could not be given. If the EA did not respond it was considered appropriate to look at further steps such as communicating concerns to Westminster.

Action: Councillor Cox be asked to write to the Environment Agency on behalf of the Council and community as a whole and request the EA either state the de minimis as a specific percentage, or attend the next Rural Forum to explain why such clarification cannot be given.

11/13 ANY OTHER BUSINESS

Drift road

In accordance with section 100B (4) (b) of the Local Government Act 1972, the Chairman had agreed to consider an urgent item in relation to accidents taking place on Drift Road at the sharp corner on the boundary of Bracknell Forest and RBWM. The Forum received a suggestion from Rob Bye, Local Farmer, that a petition be encouraged.

Tony Carr, Traffic and Road Safety Manager, provided a written response to the Forum regarding Mr Byde's request. Mr Carr informed the Forum that the Council collected detailed records of all injury road crashes that occurred across the Borough, based on information that was collected by the Police. This information was used to identify causation factors and whether or not road safety measures would provide effective prevention from future crashes.

Mr Carr highlighted the fact that the road was mainly a straight de-restricted (60mph) road with chevron boards and a vehicle activated sign to warn vehicles when approaching the bend at high speed.

It was noted that Mr Carr had offered to attend the next Rural Forum to discuss road safety concerns further.

12/13 MEETING

The meeting, which began at 5.30pm, ended at 7.50pm.

CHAIRMAN

DATE