

## RURAL FORUM

19 MARCH 2014

Present: Councillors Christine Bateson (Chairman), David Hilton (Vice-Chairman), David Coppinger, David Evans, Lynne Jones and Colin Rayner.

Geoffrey Copas (local farmer), James Copas (Local Farmer), Michael Craig (Local Farmer), William Emmitt (Emmitt Brothers), Alan Keene (Bisham Parish Council), Annie Keene (Local Farmer), Nick Phillip (Local Farmer) and Andrew Randall (Local Farmer).

Officers: Tony Carr, Suki Coe, Rob Cowan, Harjit Hunjan and Eric Livingstone.

### PART I

#### 13/13 CHAIRMAN'S INTRODUCTION

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

The Chairman made the following three introductory points:

1. In a change the published agenda, the Chairman agreed to the inclusion of two additional items. First, Suki Coe, Development Control Manager, would give a verbal presentation regarding permitted development rights. Hard copies of Mrs Coe's report were circulated. Second, Eric Livingstone, Streetcare Manager, would give a verbal presentation on flooding issues concerning the rural community.
2. The date of the Rural Walk was confirmed as Monday 2 June 2014. This would take place at Randall Farms.
3. The Chairman suggested the possibility of alternating the venue for the Forum between Windsor and Maidenhead. The Forum agreed to the alternation of meetings.

**RESOLVED: That there be an amendment to the order of the agenda.**

#### 14/13 APOLOGIES FOR ABSENCE

Apologies were received from Phillip Everett, Tim Parry, Richard Simmonds and Barbara Story.

#### 15/13 DECLARATIONS OF INTEREST

There were no declarations of interest.

16/13 MINUTES

The Minutes of the meeting held on 30 October 2013 were approved.

17/13 PERMITTED DEVELOPMENT RIGHTS

The Forum received a report from Suki Coe, Development Control Manager, regarding permitted development rights. The report had previously been considered by the relevant Overview and Scrutiny Panel.

Mrs Coe informed the Forum as to the history of the legislation which governed permitted development rights. It was noted that the Bill was enacted on 9 May 2013. The Act came into force on 30 May 2013.

The report detailed the impact of the legislative changes. It was noted that there had been considerable uptake of the provisions. This had had an impact on the fee income of the RBWM planning services however rates in place covered the loss. The planning team predicted that they could sustain the resources available to them and would not need to cut staffing levels.

The Forum noted that the majority of applications for a change of use had been approved. One appeal had arisen from a rejected application, at which the inspector had agreed with RBWM's decision that the development was 'unneighbourly'.

Mrs Coe informed the Forum that there had been 73 applications for residential extensions, 15 Class J applications (change of use from office to residential) and 1 Class M application (change of use from agricultural to commercial use). It was noted that, prior to the legislation coming into force, S106 money had previously been required for Class J. This was no longer the case and as a result £200,000 of income had been lost. This loss was described as considerable in terms of infrastructure.

The Forum noted that while the council derived revenue from residential property in the form of Council Tax, the council did not receive business rates from commercial property.

Mrs Coe suggested that the changes were not as bad as predicted.

With regards to flooding, Mrs Coe noted that the government might relook at extending conditions on permitted development rights in light of EA concerns. It was suggested that prior notification might be introduced for property in the flood planes.

The Forum noted that a three tier scheme was to be introduced in the future. First, small scale developments would be governed by permitted development rights. Second, slightly larger developments would be required to follow a prior notification procedure. Third, large scale developments would need full planning permission. However, Mrs Coe drew the Forum's attention to the fact

that such a scheme was only the subject of a ministerial announcement at the time of the Forum's meeting. It was noted that RBWM would continue to monitor the situation.

Mr Emmitt questioned why 14 residential extensions had been refused. It was noted that reasons for refusal had included the development's impact on neighbours, as well as scale and loss of light where a tunnelling effect would have been created.

The Forum noted that the introduction of further permitted development rights were being considered by central government. The introduction would extend the permitted development rights provisions to include change of use from barns into houses for property no larger than 450 square metres. It was noted that this would not apply to national park and buildings of outstanding beauty. Though there was clear intent from the government to bring in this additional change of use, at the time of the Forum's meeting the required secondary legislation had not been created. It was suggested that possible limitations could include flooding, contaminated land and transport access. Mrs Coe confirmed that she would let members of the Forum know as soon as details became available.

It was noted that, concerning Class M applications, completion of development had to be within 3 years. However it was noted that the government's announcement on the day of the Forum's meeting suggested that this condition might be removed.

The Forum noted that change of use did not include external physical changes to the property. This would require planning consent.

It was noted that there was a tensions between relaxing rules to allow people to do what they want with their property and the impact on their neighbours.

The Forum noted that the figures in the report were from January 2014 and would be updated every 6 months.

## 18/13 FLOODING

The Forum received a verbal presentation from Eric Livingstone, Streetcare Manager, regarding flooding.

Mr Livingstone informed the Forum that significant flooding has occurred in the Borough. This flooding started in mid-December 2013 and peaked in early January 2014. The flooding had exceeded 2003 flood levels but it was suggested that it had not exceeded 1947 flood levels. It was noted that there was no concrete data on this however it was likely the Environment Agency (EA) would publish a report containing such data in the near future.

It was noted that the problem had not yet abated in certain areas and that the Walthams was still experiencing flooding.

It was noted that flooding had been caused by the shallow water table as well as the overflow of the River Thames.

Water had then flooded the sewer pipes which were not water tight. This had caused the sewers to overflow which had exacerbated the situation for residents.

Mr Livingstone discussed the ditch network in the Borough. It was noted that 90% of all ditches were riparian owned rather than main river. Main river was described as the responsibility of the EA whereas riparian owned ditches were the responsibility the local land owner. Ownership was confirmed as going up to the road. The owner had a duty to receive water and allow it to pass through. The owner could not inhibit the flow of water.

The Local Authority was the land drainage authority and had the power to enforce the duties of riparian owners. It was noted that RBWM dealt with its duties in a reactive manner, enforcing once a problem such as flooding occurred. However, the heavy flooding had highlighted a need to be more robust when ensuring water courses were clear in the future.

Ditches had culverts which needed to be of an appropriate size. The pipework had to have a cross sectional area the same as the ditch size.

The rural community was informed that if there was a problem with a ditch they should report it to the Council.

The Forum thanked officers for the work carried out during the flooding.

The Forum expressed frustration over the confusion between the different authorities involved, and identified a need for greater clarity when clarifying who was responsible.

The Forum noted that a ditch culvert in Waltham St Lawrence needed clearing however this had not been cleared due to a survey of great crested newts which was taking place. RBWM was restricted from clearing the culvert by legislation however the Borough was putting pressure on the EA to get around this as sewage was flooding into people's homes as a result. The Forum was keen to see the culvert cleared during the summer of 2014.

Mr Livingstone highlighted the fact that Teresa May, MP for Maidenhead, was collecting responses from people effected by the floods. It was noted that she was going to speak to all the relevant heads of authorities effected.

Mr Livingstone discussed the process of enforcement. It was noted that it was not often that such matters were enforced. Usually, the Local Authority worked together with the land owner in a collaborative spirit to resolve the problem. However it was available to the Borough to serve formal notice giving the land owner a reasonable time to clear the ditch. The land owner could then appeal

to a magistrate at which point, should the magistrate agree with the Borough, the land owner would be given a further reasonable period of time to correct the situation. If the land owner still did not clear the ditch, the Borough could carry out the work and recover the cost of the work by way of a lien on the property.

The Forum noted that only the major water courses were mapped out.

Mr Livingstone stated that the old politics were being re-written due the floods. People and organisations involved all wanted to appear like they were doing something to improve services.

A map was being put together to show the flooded areas. This would be circulated to Parish Councils once completed.

The Forum noted that the Jubilee River did not avoid flooding, instead it sent the water downstream from Maidenhead and caused areas further along the river to flood instead.

The Forum noted that the EA had cut their maintenance budget. Their budget was virtually all capital. The River Thames was traditionally dredged, but dredging barges had been removed. It was noted that the EA had made themselves all powerful on dictating what landowners can and cannot do.

The Forum highlighted a need to convince the EA that food was more important than wildlife. It was noted that it was hard to persuade the EA to understand farmers' point of view. The Forum also suggested a joined up approach would be beneficial, if the EA had reduced their maintenance budget, they should be working with other parties to take up the maintenance work.

The Forum expressed a continued interest for a representative of the EA to attend a future meeting of the Rural Forum. The Chairman stated that the Leader of the Council, or the Managing Director should write to the EA requesting they attend. It was noted that the NFU President would also write to them. It was also suggested that Thames Water should also be contacted.

Councillor David Evans suggested these representatives should be invited to a committee hearing rather than the Rural Forum.

Councillor Colin Rayner noted that the EA had begun rewriting the history of the floods in which they played down the effects. During the floods he noted much better communication and cooperation with the EA, however since the flooding had stopped the EA no longer answered emails.

However it was noted at a Parish level communication was still open with Bisham Parish Council invited to a consultation with the EA.

The Forum also considered the effect of riparian rights on the Land Register. It

was noted that tree preservation orders (TPOs) were registered with the Land Registry. However it was unlikely that riparian rights were registered with the Land Registry, especially older property.

**RESOLVED: that the Leader of the Council or the Managing Director invite the Environment Agency to the next meeting of the Rural Forum.**

## 19/13 ROAD SAFETY

The Forum received a presentation from Tony Carr, Traffic and Road Safety Manager, regarding road safety on rural roads.

Mr Carr informed the Forum that information was collected by the Police and the Council used this information to create a database. There was 15 years of data.

The Forum considered a map of the Borough which, utilising this data, displayed accident locations. Orange stars indicated light injuries, blue triangles indicated hospitalisations and red crosses indicated fatalities.

The information allowed officers to see which roads had the worst road safety and thus implement mechanisms for making roads safer in the most effective locations.

As was mentioned by the Forum at the previous meeting, the end of Drift Road was a concern. However the crashes were spread out and the causation of each crash was different so it was difficult to create a scheme to improve safety on the road which covered all causes.

The data collected over the last 12 years showed a significant reduction in injury crashes. There was a 50% reduction in accidents causing slight injuries and the number of accidents causing fatalities was greatly reduced. However there was still a high accident rate resulting in serious injuries.

The Forum considered accident figures in comparison with neighbouring Local Authorities. It was noted that RBWM was similar to the average in Berkshire and below the national average. The Boroughs of Guildford, and Reigate and Banstead were described as similar to RBWM but noted to have a higher accident rate.

The 16-24 age group was identified as high risk. Young drivers were noted as 30% more likely to crash.

The Forum noted that the collision rate for rural roads (non-built up roads) was high. It was described as a significant problem compared to the average in Berkshire and the national average. Mr Carr suggested that the reason for this may have been due to greater economic activity in the town which had a knock on effect where traffic was pushed onto rural roads

The Forum noted that speed related accidents were more likely to result in more serious or fatal injuries.

The Forum also noted that recorded alcohol related accidents were higher than the Berkshire average.

Mr Carr also highlighted that the data was incomplete in that it did not gather information on non-injury crashes. He stated that the Borough was interested in this information however there was no reliable way to collect this information.

The Forum noted how the Borough was utilising the data to reduce accidents. This was done by using targeted enforcement.

The Forum noted the roundabout installed on Drift Road which slowed down traffic. The roundabout was described as expensive but successful as there had been a massive reduction in crashes. Also, hatched markings had been introduced to guide people which had reduced the motorcycle joy riding problem.

It was stated that Drift Road needed urgent attention as it was an 'absolute race track'. It was 2 miles of very straight road and had a bad history of accidents.

The Forum also noted that Forest Green Road had been an accident black spot. There had been 10 crashes resulting in 2 serious injuries, 8 slight injuries and 1 crash drunk driver. Speed indicator devices had been introduced and proven effective for a limited time. It was noted that these measures were ignored after a while. The speed indicator devices were therefore moved around the Borough to remain effective.

The Forum questioned whether a reduction in the speed limit on Forest Green Road would help. Mr Carr explained that a speed limit on its own was of little use. Other mechanisms such as a camera which showed drivers' their speed could help.

The Forum noted that the road was scary at night and cars were sometimes seen in the ditch.

The Forum questioned whether a mini-roundabout would be introduced for the road at Holyport Free School. It was noted that a 40 mph speed limit would be introduced and though a roundabout was not scheduled to be built, it may be introduced at a later date should it become apparent that one was required. Councillor David Coppinger noted that s.106 money could cover the cost of the roundabout.

The Forum noted that cyclists racing in groups at the weekends could be a problem for vehicle users. The Forum questioned what regulation was in place

for cycle racing. Mr Carr explained that cyclists had just as much right to the use of the road as other vehicles. There was little the Council could do to limit the use of the road for cycle racing unless the road was to be closed.

The Forum noted that certain traffic calming measures created problems for large farm vehicles such as tractors. This was the case on the road outside Windsor Girls School and the road outside Princess Margaret Hospital. For example a 1.8 metre width restriction forced car users to slow down, however a vehicle wider than 1.8 metres could not fit through the gap. The restriction could not be wider as it would not force vehicles to slow down. The Forum suggested sloped curbing to allow wide vehicles moving at a slow speed to drive over the sloped curbs but would still force the small vehicles to slow down.

It was noted that in Henley a key was available to take down bollards.

The Forum considered the floods causeway in Cookham Moore. It was noted that the causeway was not safe and could not be used in the floods. It was noted that the operator had to travel from Southampton. The Forum agreed a local person in Cookham needed to be trained as the operator.

The Borough was also carrying out work in schools to raise awareness of booster seats. The promotion of 'Booster Boy' and 'Booster Girl' who were cartoon characters who raised awareness of booster seats for children. They indicated the height children had to be before they did not need a booster seat in a similar manner to how height restrictions were indicated in theme parks. The promotion had been effective.

## 20/13 DEVOLUTION OF SERVICES

The Forum received a verbal presentation from Harjit Hunjan, Communities Partnerships Manager, regarding devolution of services to Parish Councils.

Devolution was described as focusing on services to residents, making services more local and responsive.

Two examples of services which had been popular with the Parish Councils had been vegetation clearance and grit bins.

It was noted that the Borough wanted to work in greater cooperation with the Parishes, and devolution of services allowed for greater focus on the needs of the individual Parish and helped identify new service areas where the Parish Councils could take over, for example snow clearing with heavy vehicles.

Councillor Rayner stated that the Parish Councils each had their own views on what services to take on depending on their size and financial situation. Some wanted to take a lot on, some wanted to take on less than others.

It was noted that some services such as litter picking and grass cutting offered



better value for money as well as timing to better suit the individual Parish.

Councillor David Evans noted that there were 3 Parish Councils in his Ward and that none of these Parishes were wowed by the scheme to devolve services. He suggested examples of good practice might help win them over. It was noted that the Parish Conference allowed for these examples to be shown.

Regarding the devolution of planning services, it was noted that Parishes would be able to consider applications that would previously be delegated to officers. Full training would be given by the Borough as well as a great deal of support. Further, any appeals would be funded by the Borough. 4 Parish Councils were considering taking on planning services at the time of the Forum's meeting.

## 21/13 UPDATE FROM THE RURAL COMMUNITY

The Forum received an update from the farming community.

The Forum noted that last autumn had been quite kind in terms of weather. The establishment of the winter crop had been going well. However the strength of the wind had been unprecedented in the last 4 months. As a result there had been a lot of damage to the trees and buildings and the clearance of this took time. There were also a number of environmental obligations the rural community had to uphold. For example, the 'hunger gap' in January, February and March required farmers to supplement the feed of birds.

It was noted that the spreading of fertiliser had started. This took up half the cost of the crop so it was important that this was accurate in terms of efficiency and pollution.

It was noted that lambing had started again. Livestock (cattle and sheep) were in strong demand and there was an adequate supply. New Zealand lamb was on the market however it was restricted due to bad drought which favoured farmers in the UK.

The Forum noted that wheat and oilseed prices were under pressure due to adequate supply, favourable production prospects and no major global weather factors. However, political instability in Ukraine had added a risk premium which was supporting the market due to concern about how supply would be affected.

It was noted that other market drivers included good nearby demand, fund appetite to own commodities, weather stories in the USA, South America and Indonesia, improving outside market values, firmer shipping and freight rates and volatile currency.

The Forum noted that the wet period in January had run for a long time. It had been the wettest year since 1975.

The Forum noted a number of photographs of land near the River Thames. The photographs showed 120 aches underwater which had caused the winter crop to suffer. It was noted that the water was starting to ebb away however it was going to take a long time to dry out. Springs of water from the side of hills were sustaining the problem.

It was noted that dredging the River Thames would help the situation however this was no longer done. It was noted that no maintenance could be carried out during the nesting period.

The Forum noted that the Rural Walk would take place on 2 June 2014 at Hyde Farm, Pinkney Green, SL6 6PQ. It was recalled that the first Rural Walk had had a great turnout, however in recent years there had been a noticeable decline in the number of Councillors who attended. Councillors at the meeting advised that invites should be sent out now and a phone call the day before by way of reminder would help boost the number of attendees.

It was agreed that the clerk would provide a list of addresses and telephone numbers to the walk organisers to allow them to invite Councillors and their partners.

**RESOLVED: That the clerk supply the organisers of the Rural Walk with contact details for the Councillors.**

22/13 ANY OTHER BUSINESS

The Forum discussed the following further business:

It was noted that next municipal year there should be two meetings and one walk.

It was suggested that the figures on page 7 of Mrs Coe's Permitted Development Rights report were incorrect.

23/13 MEETING

The meeting, which began at 5.30pm, ended at 7.45pm.

CHAIRMAN .....

DATE .....