

COUNCIL

MEETING OF 24 OCTOBER 2023

AGENDA ITEM 8 - QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question has been asked pursuant to Council Procedure Rule No 5.5 by Councillor A Cope:

'Please could the cabinet member for the environment let us know the impact of the removal of the recycling facilities at Longmead in Tonbridge and whether this has created an increase in household recycling from properties nearby? Additionally, when will recycling facilities for all the flats reach the standard specified by the council in the surrounding properties? If this hasn't happened, what alternative provision has been provided to residents in the Longmead area to compensate for the facilities having been removed?'

Response of the Cabinet Member for Transformation and Infrastructure (Cllr M Coffin):

The tonnage data we receive for recycling collections is not detailed at such a granular level as to be able to provide specific weight data for those properties around Longmead. However, there has been a significant reduction in rubbish being dumped at the site since the bring banks were removed in August this year. Waste Services have received no complaints about the removal of the banks from local residents.

Since the completion of the roll-out of improved dry recycling services to properties served by communal bin stores, only 124 properties across the Borough – out of over 57,000 - cannot accommodate additional bins for dry recycling. These include 40 flats in Hamble Road in Trench Ward - where, although there is sufficient room to provide additional recycling bins, Clarion Housing will not allow us to provide them in suitable locations, despite our offer to fund hard standing & fencing. Local Members have also previously liaised with Clarion Housing, to no avail. Should Clarion's management change their minds and allocate appropriate locations we will of course provide the bins required for any improved service.

The only other exception for flats currently is access to food waste collections. A trial of communal food waste collections is currently being planned and due to be implemented within the current financial year, with a view to the wider rollout during 2024/25, depending on the results of the trial.

Currently, the alternative provision for disposal of recycling for residents of the 40 flats referred to are (a) use alternative recycling sites in Tonbridge; (b) use their nearest

Household Waste Recycling Centre; (c) use the existing refuse bins for their waste, which will be used to generate electricity even though not recycled.

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AGENDA ITEM 8 – QUESTION (2) ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question has been asked pursuant to Council Procedure Rule No 5.5 by Councillor M Hood:

‘Can the Cabinet Member for Planning please confirm how many outstanding Tree Preservation Order applications have yet to be processed and the length of time for the longest wait?’

Tree Preservation Orders are a valuable tool in protecting significant trees and groups of trees. Currently there is significant failure in the communication between the council and those applying for Tree Preservation Orders. What can be done to improve this? Can the Cabinet Member provide assurances that only the relevant specified criteria are used in assessing trees for this purpose and that the relevant criteria and assessments will be available so that members and residents can be assured that the system is transparent?’

Response of the Cabinet Member for Planning (Cllr M Taylor):

There are currently 53 outstanding requests for the Council to give consideration to the making of new TPOs (there are some cases where decisions have been made but not updated on the system owing to the change from Uniform to Agile). The oldest outstanding request dates from 20th July 2021. The Council must prioritise the requests it receives (the trees subject of the oldest outstanding request are already protected under the legislation by virtue of standing within a Conservation Area).

We are committed to reviewing the TPO procedure as part of the Agile Project and to allow members greater access to the data, and this is programmed in for the 24/25 Service Plan Review following successful implementation of Agile which is seen as the highest priority at the current time. We will also be reviewing the Constitution as part of this review to establish whether greater member oversight can be achieved on certain TPO confirmation applications and will be drafting a Tree Protection Enforcement Protocol which will provide a comprehensive guide on the framework for dealing with tree related enforcement issues in a clear, consistent and transparent manner.

When considering a request for a new TPO the Council has regard to the provisions of the legislation and Governments published guidance (<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#making-tree-preservation-orders>). A TEMPO assessment is also undertaken for all requests. Previous formal decisions by the Local Planning Authority are also relevant.

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AGENDA ITEM 8 – QUESTION (3) ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question has been asked pursuant to Council Procedure Rule No 5.5 by Councillor G Hines:

‘Can the Cabinet Member for Climate Change, Regeneration and Property confirm when a review of the performance of all sites being treated as roadside nature reserves including River Lawn, Tonbridge will be reviewed?’

Local members were assured that a review would take place this year, officers have confirmed that is not the case. Given the fact that no base line study was undertaken to establish the previous number of species in the sward of grass at River Lawn, contrary to the agreed process how can the success or otherwise of the ‘rewilding’ at River Lawn be measured?

The overwhelming impression is that the only species which is flourishing at River Lawn is Dock and there is no effective management in place to prevent it taking over.

Will the Cabinet Member agree with the local members for Judd Ward that the trial has been unsuccessful and the sensible next step will be to return to the previous schedule of regular cuts?’

Response of the Cabinet Member for Climate Change, Regeneration and Property (Cllr R Betts):

The potential for supporting biodiversity on this Council’s owned sites was assessed through rewilding, or a Roadside Nature Reserve (RNR), trial at Darenth Avenue, Tonbridge in 2021. The Medway Valley Countryside Partnership were commissioned to proactively monitor the site for species diversity and a report on the success of the trial was taken to Members of the former Communities and Housing Advisory Board on 9th November 2021. At this meeting it was also agreed that further sites be brought forward to Members of the Board for consideration and approval ,and the report proposed that it was not considered essential spend to continue with monitoring.

Further additional RNR sites across the Borough were approved by the same Advisory Board on 15th February 2022, and included Basted Mill (edging the road and picnic area), in East Malling, Leybourne, other Tonbridge sites, and at the Council offices at Kings Hill. These sites are maintained on the Council’s behalf by its grounds maintenance contractor, Landscape Services, in accordance with the maintenance schedule agreed at the Advisory Board and previously applied to the trial site at Darenth Avenue. River Lawn was also separately agreed to be managed as an RNR

and the same management approach has been applied to this site as for all other RNR's across the Borough.

The decision to include River Lawn as an RNR followed a report to the former Street Scene and Environment Advisory Board on 23 November 2021 where it was recommended to partially rewild the land in partnership with the Medway Valley Countryside Partnership. This was supported by the local members at the time.

No problems with maintenance have arisen at the sites and whilst no formal monitoring has taken place or been recorded, visual inspections have seen a growth in the range of species compared to normal amenity grass areas. Dock has certainly been prominent at River Lawn and whilst no formal control measures are currently in place, ad hoc mechanical removal of Dock has been undertaken by Leisure Services Officers.

Officers are not aware of any agreed monitoring or any previous requirement for a base line study at this or any other RNR site, with the exception of the original trial at Darenth Avenue.

Should members wish to introduce monitoring for RNR sites in the future then they will need to identify budget provision for this given this is not considered essential spend and no other request has been made on any of the Councils other RNR sites.

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AGENDA ITEM 8 – QUESTION (4) ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question has been asked pursuant to Council Procedure Rule No 5.5 by Councillor R Oliver:

‘There have been frequent breaches of the site management plan at the Cannon Lane Retail Park. Breaches were first witnessed by a planning officer on September 6th and then subsequently on October 10th and these are just the latest in a long number of reported breaches reported by residents. Although officers have agreed to serve a Breach of Conditions Notice this has yet to happen. What other avenues are open to the council to compel these businesses to adhere to the conditions of the planning consent for the building from which they operate?’

Response of the Cabinet Member for Planning (Cllr M Taylor):

The most relevant site history here is as follows:

- 16/00818/FL Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit Approved 9 March 2016
- 16/03767/RD Details of condition 4 (site management plan) submitted pursuant to planning permission TM/16/00818/FL (Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit) Approved 23 February 2017

Site inspections and consideration of the issues arising have been undertaken in conformity with the Council’s adopted [Planning Enforcement Plan](#). Officers need to assure themselves of the facts of a case before a decision can be taken on actions and in this case a second site visit was deemed appropriate. A Breach of Conditions Notice is being served and this will happen as soon as is practicably possible. Service of notices has been impacted by the implementation of the Agile system.

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