

REPORT OF ENVIRONMENTAL SERVICES AND LICENSING COMMITTEE

(Meeting held 4 March 1999)

1. CARAVAN SITE LICENSING (REPORT C) (MINUTE NO. 56).

For a number of years members have received reports on issues relating to caravans and site licensing and have expressed concern at the increasing cost of administering the legislation in relation to caravan and tented sites.

Since the introduction of the Caravan Sites and Control of Development Act 1960 the licence conditions adopted by this Authority have changed several times and are now considered more onerous than the model standards published by the Secretary of State. A particular problem relates to the size of caravans which, over the years, with the advent of the modern park home, have become considerably larger. This means that the space on the sites, particularly between caravans and boundaries or roads, has gradually been reduced. These spaces are designed to assist in the prevention and spread of fire.

The biggest problem in terms of licence contravention is that of porches attached to residential caravans. The porches vary from small open structures to totally enclosed ones which virtually provide an additional room. The porches and structures often protrude into the minimum space required for fire breaks.

In view of the difficulties encountered in enforcement, Officers have consulted with the DETR in order to establish the reasoning behind the various model standards. However, they were unable to obtain any clarification. Officers were informed that the DETR were intending to review the whole of the caravan site legislation later this year which would probably include a review of current model standards.

The Committee expressed their great concern at the out of date regulations and the lack of clarity available on their interpretation. However, whilst noting that the situation was not ideal, the Committee has adopted the revised site licence conditions as detailed in Appendix 2 to the report to the Committee, subject to minor amendments.

The Committee has also agreed that a Working Party of Officers and Members should be formed at an appropriate time to consider the new DETR regulations. A seminar for Members should also be arranged as soon as the DETR consultation on the new model standards is complete.

Pending a review of the new regulations by the Working Party the Committee has agreed that the current policy of enforcement should be continued and problems be addressed as and when caravans are replaced or the present occupier moves.

At their last meeting the Committee considered a report on a specific touring caravan stored on the Westwood and Glendene residential site. The Committee noted that the touring caravan could not be accommodated within the current site licence conditions. However, it has agreed that it should be allowed to remain in situ for the sole period of the particular occupancy of the current caravan owner provided it is not used as a unit of accommodation.

2. THE FOOD STANDARDS AGENCY (REPORT D) (MINUTE NO. 57).

The Committee has previously considered reports on the proposal to create a Food Standards Agency (FSA) and the Government has now published a White Paper.

The general proposal to establish a FSA has very much been welcomed and the Committee noted that it will focus attention on the importance of food standards and food safety in the everyday lives of the whole population.

The most contentious part of the bill is the proposed method of funding for the FSA and, in view of this, the Government has published a further consultation paper on how it proposes to part fund the FSA through a levy on food businesses.

The Government proposes that local authorities should take on the responsibility for the local operation of an annual levy scheme. The Government recognises that there will be costs involved and also proposes that local authorities should retain a proportion of the total amount to cover administrative costs.

The Committee has welcomed the proposal to establish a Food Standards Agency and has urged the Government, in consultation with local authorities, to ensure that a comprehensive and fair licensing system for all food businesses is introduced.

In responding to the Government's consultation paper the Committee is also seeking the Government's support for a properly funded Local Authority Food Safety Enforcement Operation recognising that the proposals to levy the majority of food businesses will not cover the additional costs that local authorities will incur.

3. CONTAMINATED LAND (REPORT E) (MINUTE NO. 58).

The Government have announced their proposals to bring onto the statute books part of the Environmental Protection Act 1990 in relation to contaminated land. The new legislation aims to identify and secure the remediation of contaminated land for its current use and not for unspecified future uses. The new proposals will operate hand in hand with land use planning. When a new use is proposed for land, through the planning consultation system, the Council will have to ensure that the land is up to a standard fit for that use. The Committee noted that the legislation is not designed to prevent current or future contamination as this will be dealt with through other systems such as integrated pollution control. The Committee has agreed that Officers should proceed in developing a corporate strategy for contaminated land and that any sites found to be contaminated should be brought to the Committee's attention for consideration of the costs and issues involved.

The Committee was particularly concerned to ensure that representations were made to the DETR to ensure that in the event of the Council being required to incur expenditure for remediation under the Act then the Local Authority would be entitled to recover such costs from the land owner on the subsequent sale of the site.

4. REVIEW AND ASSESSMENT OF AIR QUALITY IN THE NEW FOREST – NATIONAL PROPOSALS TO AMEND STRATEGY (REPORT F) (MINUTE NO. 59).

In 1997 the Government published its national air quality strategy setting out standards and objectives to be met in respect of eight major pollutants. The objectives set in the strategy represent the Government's present judgement of achievable air quality by the end of 2005 on the evidence of costs and benefits and technical feasibility. The Environment Act 1995 placed a duty on local authorities to carry out regular local reviews and assessment of the level of these air pollutants within their Districts. The reviews must be carried out in three distinct stages and the Committee noted the results of the first stage review and assessment of air quality in the District.

Local authorities have recently been consulted on proposals to amend the national air quality strategy with a view to introducing tighter air quality objectives wherever justified. The DETR have issued a consultation paper in which the conclusions of the review were published together with a number of proposals to meet the strategy involving tighter air quality objectives for five pollutants.

The Committee has supported the changes proposed by the Minister in tightening air quality standards and has noted the work undertaken by Officers on the first stage review and assessment.

5. INDEPENDENT REPORT ON THE EASTER 1998 FLOODS (REPORT J) (MINUTE NO. 63).

Following exceptional flooding affecting large areas of central and eastern England and parts of Wales in Easter 1998, an independent evaluation of the Environment Agency's performance was undertaken. The investigation was led by Mr Peter Bye and his report was published in September 1998.

The report cited specific weaknesses in the agency's performance during the floods but indicated that their policies, plans and operational arrangements were sound. The report indicated that they were satisfied that the Environment Agency staff did their best in extreme circumstances within the limits of agency guidelines and resources. However, it was also concluded that there were instances of unsatisfactory planning, inadequate warnings for the public, incomplete defences and poor co-ordination with emergency services that fell short of the agency's own demanding performance standards.

The Committee agreed that this Council should continue to exercise its land drainage and emergency planning powers to assist those parts of the District affected by flooding and in particular will continue to work with the Environment Agency to develop comprehensive flood risk maps. The Committee have also commented that the Council will continue to follow and support the advice of the Environment Agency in respect of inappropriate development in flood risk areas. The Council will continue to support the inclusion of strong flood plain protection policies in all development plans and supports the use of source control techniques where ground conditions and ground water protection requirements permit.

This report has also been considered by the Central Services and Planning and Transportation Committees.

**6. HAMPSHIRE AVON LOCAL ENVIRONMENT AGENCY PLAN (LEAP)
(REPORT N) (MINUTE NO. 67).**

The Environment Agency have published the consultation draft Hampshire Avon Local Environment Agency Plan and have sought views on the issues identified within it. The document has also been considered by the Planning and Transportation Committee.

The plan revises and brings into the new LEAP format the former River Avon Catchment Management Plan. Following comments received from the public consultation, the Environment Agency will produce a Statement on Public Consultation and then a final LEAP.

The Committee in considering the document have expressed their thanks to the Environment Agency for their consultation on the draft LEAP which they consider to be a useful document drawing together a number of interests in the Avon Valley.

Specifically the Committee have made the following comments on aspects of the plan within their remit:-

- (a) The LEAP should refer to the agency's responsibilities in respect of oil and chemical pollution, and the preparation and implementation of booming plans;
- (b) The document should refer to flooding at Fordingbridge and Ringwood, and it should be noted that the Council requires an assurance that measures to alleviate flooding at Downton should not increase flood risks downstream;
- (c) The treatment of waste management issues is too theoretical, and should be more specific and detailed about issues in the area covered by the LEAP;
- (d) More effort should be put into waste minimisation and consideration should be given to setting up a waste minimisation group based on the Avon Valley;
- (e) The LEAP should be more specific about the activities of the agency with regard to recycling;
- (f) The LEAP should have regard to the need for more civic amenity sites and waste transfer stations in the area, and for the Agency to be more rigorous in dealing with fly-tipping;
- (g) The proposal to seek constructive uses for landfill gas at Somerley is supported;
- (h) Opportunities to work with the Environment Agency on educational matters would be welcomed, and the Agency is invited to contact this Council with a view to discussing ways in which such work could be progressed;
- (i) This Council expresses concern on the lack of information on nitrate levels and urges the Environment Agency to take steps to remedy this situation without further delay.

- (j) The Environment Agency be informed of a number of inaccuracies in the draft document in respect of its references to the New Forest Heritage Area and Nature Conservation designations, and other detailed issues as itemised in Appendix 1 to the report to Committee.

Councillor Mrs B Smith
CHAIRMAN

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