

Report to: Communities Scrutiny Committee

Date of Meeting: 12th May 2016

Lead Member/Officer: Lead Member for Public Realm/
Head of Highways and Environmental Services

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Title: The Council's rural grass cutting arrangements for 2016/17

1. What is the report about?

The Council's 2016-17 programme of rural highway verge grass cutting.

2. What is the reason for making this report?

The Council has a duty to keep the highway safe, under the Highways Act of 1980. However, the Council also has a statutory duty to promote biodiversity, under the Natural Environment and Rural Communities Act 2006 (NERC). Because the Council has a duty to fulfil both of these duties, its policies have to reflect both sets of demands, which means that policy development is not straightforward, and is often subject to challenge by interested parties.

3. What are the Recommendations?

The grass cutting regimes in Denbighshire have been amended a number of times over the past five years or so, and these changes have taken place as a consequence of the ongoing debates about "*neatness and tidiness*" versus "*bio-diversity*". The same arguments have also been exercised regularly in scrutiny committee meetings. The arrangements that have emerged at the end of this process are now considered to be the most appropriate balance between the two sets of demands. The recommendation of this report is therefore; that **the Committee should endorse the rural highway grass cutting Policy that is attached as Appendix One.**

3. Details

- a) Denbighshire has 1,415 kilometres of road, much of which has a contiguous verge that requires maintenance in the spring and/or summer to ensure that it doesn't become hazardous to road users, including pedestrians. Traditionally the highway verges were cut twice per year, (usually to a 1 metre width). The cut was applied universally, regardless of road alignment or width.
- b) However; the Natural Environment and Rural Communities Act (NERC) was introduced in 2006, and Section 40(1) placed a new statutory duty on every public authority, in exercising its functions, to "*have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".
- c) The public, and environmental groups in particular, quite rightly expected councils to comply with the Act, and to undertake their grass cutting programmes more

responsibly. It is fair to say that many councils responded rather slowly to the new Act, and Denbighshire was no exception. It was several years before any significant changes to cutting regimes were introduced.

- d) When the new regimes were introduced, there was a backlash from the public, who expected to see the same levels of neatness and tidiness that they had become accustomed to over the years. Some of the cutting regimes were consequently reinstated. This resulted in a backlash from the environmental lobby, who alleged that the Council was not taking its statutory NERC duties seriously. There were further consultations with the Council's biodiversity officer, and some additional changes made.
- e) New contractors were appointed for the 2015-16 cutting season. The contract went well, especially considering it was the first year. The same contractors will be in place for the 2016-17 season, so the operation should be even smoother. Groundwork Ltd. undertook the principal road cutting, and Leveretts undertook the remainder of the rural network.
- f) The experience from the 2015 season seems to indicate that the council's working practices are now as close to being 'right' as they are ever going to get. So; having consulted widely, and discussed openly, about how we should manage the maintenance of our rural highway verges, the arrangements shown in Appendix One are the final outcome.
- g) It is also worth noting that the Well-being of Future Generations (Wales) Act 2015 has established biodiversity as one of the considerations to be addressed when considering the aims of "resilience" and "global responsibility". The Welsh Government's Environment and Sustainability Committee has already stated that the new biodiversity duty should be strengthened, and that public bodies should be required to set out what action they have taken to protect the most important habitats and species in Wales.

5. How does the decision contribute to the Corporate Priorities?

Denbighshire Corporate Plan 2012 / 17 states that: - Residents and visitors to Denbighshire have access to a safe and well-managed road network.

6. What will it cost and how will it affect other services?

The annual grass cutting budget is currently in the region of £152,000 and this sum is sufficient to undertake the works shown in the various schedules

7. What consultations have been carried out with Scrutiny and others, and has an Equality Impact Assessment (EIA) Screening been undertaken?

Due to the high profile and often contentious nature of verge maintenance this matter has been referred to the council's Communities Scrutiny Committee regularly over the last six years and each meeting has helped to inform and develop the strategy. The matter was debated in scrutiny in October 2009, September 2011, January 2012, October 2012 and April 2015. Coupled with this there have also been a series of meetings with the County Biodiversity Officer who in turn has had meetings and input from interested local groups.

An EIA scoping has been undertaken and there are felt to be no groups with protected characteristics that are affected disproportionately by the arrangements. Appendix 4 refers.

8. Chief Finance Officer Statement

No statement has been obtained as there are no financial implications relating to this decision.

9. What risks are there and is there anything we can do to reduce them?

Correct implementation of the policy is designed to mitigate all risks that the Council may have in addressing the legislative responsibilities placed upon it.

10. Power to make the Decision

Article 6.3.4(b) of the Council's Constitution outlines scrutiny's powers with regards to ensuring that the Authority conforms to its policy objectives and that services meet performance targets.

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