

## Growth and Development Scrutiny Group

### Chair's Foreword

This annual report summarises the main work undertaken by this scrutiny group during 2023/24 focusing on the impact of scrutiny. I am very pleased to note that despite another challenging year, the business of scrutiny has proceeded as planned and all topics programmed for 2023/24 were considered.

The Group has explored the Council's Growth and Development responsibilities in line with the Council's priorities within the Corporate Strategy, which include:

- Overseeing significant projects contributing towards growth in the Borough to ensure deliverables are met and growth-related outcomes achieved
- Scrutinising infrastructure development which acts as a catalyst for growth in the Borough to ensure such developments progress in a timely fashion and any obstructive barriers are removed or negotiated
- Reviewing the growth in demand for Council services ensuring all residents can access the services they need in a timely and cost-efficient manner
- Considering projects and initiatives to promote economic vibrancy, local democracy and community leadership within local towns and villages contributing towards the overall Council goal of creating Great Place and Great Lifestyle
- Reviewing the Council's policies and strategies as appropriate prior to adoption.

Councillor Phill Matthews  
Chair Growth and Development Scrutiny



Cllr R Walker  
Chair 2023-2024



Cllr Phill Matthew  
Chair - 2024



Cllr Lesley Way  
Vice Chair

## What are we responsible for?

The Growth and Development Scrutiny Group's remit is to consider relevant topics, in line with the Council's priorities, taking into account the Corporate Strategy and those of officers and councillors for inclusion in a work programme agreed by the Corporate Overview Group.

Both Councillors and officers are required to complete a scrutiny matrix to outline a topic they would like to be considered for scrutiny. The matrix summarises the issue of concern as well as the key lines of enquiry for review.

## Our work this year

During the year, the Group considered many service areas and issues within its scrutiny role, particularly:

- Review of Rushcliffe Oaks Crematorium
- Biodiversity Net Gain – New Legislation
- Development and Infrastructure
- Review of Growth Boards
- Management of Open Spaces
- Sewerage Infrastructure and Discharge within Rushcliffe
- Connectivity and Communications.

## Review of Rushcliffe Oaks Crematorium

At its meeting on 19 July 2023, the Group received a presentation from the Rushcliffe Oaks Manager, which provided a brief background of the Rushcliffe Oaks Crematorium project, together with an update on its position, future plans and areas for development and the Group had a substantial debate covering:

- memorialisation, how quickly were items on offer likely to fill up and plans to future proof those facilities
- waiting times for funeral services, where current user were coming from and ways to increase usage
- the number of services being conducted compared to the target and what measures were in place to increase business to fulfil that target
- other crematorium facilities nearby and whether Rushcliffe Oaks costs for services were competitive.

The Group agreed to:	Progress Update – June 2024:
Provide comment on the operation of the crematorium to date and proposed that Rushcliffe Oaks was brought back to the Group at a later date for further comment and feedback	A further update will come to the Group to capture the first 12 months of business in July 2024

Shared their aspirations for the future development and growth of the crematorium	
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## Biodiversity Net Gain

At its meeting on 19 July 2023, the Group received a presentation from the Senior Ecology and Sustainability Officer, which provided information on the Environment Act 2012, the new Biodiversity Net Gain (BNG) requirements for planning under the Act and the implications for the Council and the Group discussion covered:

- how detailed the proposals were and the difficulty in endorsing them without seeing the Government's final legislation and guidance first, and how some members felt compelled to reject the proposals until that information was provided
- concerns over the 30 year management of BNGs and who would be responsible for checking when developments were passed over to management companies
- the possibility of using town and parish councils to act as agents to support the management of the 30 year monitoring
- Statutory Credits and ways to benefit from them going forward
- concerns over the lack of detail being provided by the Government, together with the proposals being subject to change and asked if there were comparisons from other authorities
- the need for the policy, together with a concern for the limited resources available and the lack of detail about the statutory requirements in the proposals being put forward.

The Group agreed to:	Progress Update – June 2024:
Acquaint itself with the new BNG in Planning rules and the proposals on how this will be implemented in Rushcliffe	Presentation given at the Growth and Dev Scrutiny Group – updated details available online at <a href="https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/#BNG">https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/#BNG</a> .
Approve the proposals for assessing strategic significance	Proposal approved at Growth and Dev Scrutiny and published online at <a href="https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/#BNG">https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/#BNG</a> . This methodology is now being used for assessment of planning applications where BNG is relevant by the ecology team
Endorse the proposals on the consideration, assessment, delivery and monitoring of BNG in Rushcliffe	Proposal approved at Growth and Dev Scrutiny and published online at <a href="https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/#BNG">https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/#BNG</a> . This methodology is now being used for assessment of planning applications where BNG is relevant by the ecology team

Recommend to Cabinet that the proposals require careful consideration for officer resources before being adopted by Council	I am unaware if any further consideration has been undertaken
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## Development and Infrastructure

A scrutiny matrix had been submitted to the Corporate Overview Group on the topic of how the Borough works with partners to plan for the infrastructure required to support growth. At its meeting on 4 October 2023, the Group received a presentation from the Planning Policy Manager, which explained how the Council worked with infrastructure and service providers to identify and deliver infrastructure to support the delivery of new housing and growth and the Group discussion covered:

- the rationale behind the CIL Levy charges and zones and that detailed explanations should be included in the training session on 11 October 2023
- stakeholder engagement and if Town and Parish Council were contacted to provide their views on infrastructure needs
- the need for Councillors to have a better understanding of infrastructure triggers, and for there to be a more transparent approach with some kind of tracking or enforcement process, to ensure that developers delivered the require infrastructure
- the flexibility of the current system to adapt to change.

The Group agreed to:	Progress Update – June 2024:
Comments from the Group would be fed back to Planning officers for comment	Comments made were shared with planning colleagues and a further report is being brought to Scrutiny in July 2024
A further report on infrastructure delivery be brought to a future meeting of the Group	

## Review of Growth Boards

At its meeting on 4 October 2023, the Group received a presentation from the Service Manager – Economic Growth and Development on the review, including survey fundings, work completed, together with considerations and options for the future of the Growth Boards. The Group was provided with a brief background of the Boards and what they had delivered since being established, together with more recent additional areas of work.

The Economic Growth Manager provided an illustrative example of the preferred option, with the Strategic Growth Board overseeing three other threads of Groups/Work:

- Development Boards at Fairham, Bingham, Newton, Sharphill and Gamston
- Task and Finish Groups/work

- Meetings with the six largest Town/Parish Councils at Bingham, Cotgrave, Radcliffe on Trent, Ruddington, Keyworth and East Leake and the West Bridgford Local Area Forum.

The Group discussion covered:

- the importance of being realistic and not over ambitious or over promising ideas
- that the review was taking an improved approach and appeared to be heading in the right direction
- the inclusion of smaller parishes
- whether there was a distinction between housing delivery and economic growth
- the need for more clarity around the new Development Boards and the Task and Finish Groups
- that the options being proposed should be accepted providing the work streams were clear on what was to be achieved by way of outcomes
- having more engagement with private external landlords and businesses, plus ward councillors and parish councillors.

The Group agreed to:	Progress Update – June 2024:
Consider the priorities contained in the report, for any future Boards and suggested areas of focus and any additional priorities	The group were happy with the proposed areas of focus and priorities and recommended to Cabinet the proposed new structure for the Boards
Based on the preferred option, the Group made a recommendation to Cabinet for the new structure of the Growth Boards	A report went to Cabinet on this, which included comments made by Scrutiny, the new structure was approved and is now being implemented

## Management of Open Spaces

At its meeting on 3 January 2024 the Corporate and Commercial Projects Officer updated the Group on the Management of Open Spaces on New Developments and reminded the Group that in 2011 the Council approved a recommendation to no longer adopt open spaces, an approach commonly taken by other local authorities.

The Group received a presentation from a representative from Greenbelt Management Company who had been operating in the management of open spaces business in the UK for 25 years.

The Group discussed some of the main concerns raised by residents about management company practices, including, transparency and fairness in respect of fees and billing, quality of maintenance work and poor customer service.

The Group discussed alternative options with regards to transparency and governance of management companies and the relationship of the Council with developers to develop proposals for determining good practice codes and guidance.

The Group agreed to:	Progress Update – September 2023:
<p>Acknowledged the complexities of the management of open spaces and the multiple factors at play leading to no simple solution</p> <p>Support the proposal for the Council to take a more active role working with developers to establish the Council's expectations regarding the service expected for its residents</p>	<p>A report went to Cabinet in May 2024 and contained the following recommendations which were approved:</p> <p>a) reaffirms the Council's position not to adopt open spaces on new developments due to the significant financial burden this entails;</p> <p>b) supports the proposal for the Council to take a more active role working with developers and management companies to encourage good practice, as outlined in section;</p> <p>c) requests that Growth and Development Scrutiny Group reviews progress against the proposal set out section 4.6 in spring 2025; and</p> <p>d) lobbies the Government to regulate the governance of management companies to ensure transparency, remove charges unrelated to the management of open spaces, mandate engagement with homeowners and to expedite the adoption of the Leasehold and Freehold Reform Bill</p>
<p>Support officers to work through the emerging issues with developers, management companies and residents, with the aim of providing greater transparency and governance for homeowners of new estates, whilst recognising the Council has no authority over the operation of management companies</p>	<p>The proposed action plan shared with scrutiny was included as part of the Cabinet report and accepted</p>
<p>Seek to raise the general issues and concerns raised by residents on new housing estates with developers and management companies to raise the profile of the issues being experienced</p>	
<p>Investigate the legal position on whether a commuted sum to cover maintenance for 15 years could be legally enforced by the Council</p>	<p>The Council's Monitoring Officer has considered this and confirms that the Council cannot forcibly adopt open space on new developments</p> <p>The Council can offer to adopt spaces with a commuted sum paid by the developer but cannot force the developer</p>

	<p>to do this. If the developer were to agree to hand the open space over to the Council, the calculation of any commuted sum would be a matter for negotiation. Once a developer signs a s106 agreement then they would be legally bound by the terms as per any contract and the Council would have various legal remedies to enforce any breach</p>
<p>Investigate the work carried out by Stratford on Avon District Council and invite a representative from the District Council to attend a Growth and Development Scrutiny Group meeting</p>	<p>RBC officers have spoken with officers from Stratford, who confirmed that their Cabinet took a decision in 2020 that the Council would adopt open space (in the event that a Town or Parish Council do not)</p> <p>It has taken a number of years for Stratford to work through the complexities associated with implementing this decision. In April 2024 Stratford published a Supplementary Planning Document (SPD) setting out their approach to the management of open spaces</p> <p>The SPD sets out that:</p> <p>Where the Parish/Town Council do not accept the transfer, the District Council will consider the management of certain types of public open space (not including SUDs, allotments, community gardens), with a 30-year commuted sum. This will be subject to ensuring the open space can be effectively maintained under the current management programme in operation. Where any of these types of spaces cannot be managed by the Town/Parish Council or District Council, they are to be retained by the developers or transferred to a management company</p> <p>While Stratford has established a willingness to adopt certain types of open space under the right circumstances, this approach still leaves developers free to hand open space over to management companies and creates an even more mixed picture for residents in terms of who maintains what and at what cost. NB</p>

	Stratford will only take on land with a 30-year commuted sum
Provide a detailed forecast for revenues received by the Council from an example development over the 15 year period	<p>Officers have provided more information in the report to Cabinet, which demonstrates the financial impact of adopting an open space on the scale of Fairham</p> <p>Whilst housing growth results in additional Council Tax receipts this also creates additional demand on statutory Council services which the Council Tax receipts are not sufficient to cover</p> <p>The maintenance of open spaces would be an additional (and discretionary) service, the costs of which would have to be found from new revenue streams</p>

### **Sewerage Infrastructure and Discharge within Rushcliffe**

This item had first been considered by the Group at its meeting in September 2022. The Group had requested a further update from Nottinghamshire County Council, in its capacity as Local Lead Flood Authority (+), from Severn Trent Water and the Environment Agency. At its meeting on 3 January 2024, Mr Smith from the County Council attended; however, the other representatives were unable to attend due to commitments with flooding at that time. Mr Smith presented an update about the County Council's role as LLFA, which included information on:

- Storm Babet and the properties affected in Rushcliffe
- the role of the LLFA in coordinating flood risk management across the county, and that it was responsible for surface water only
- the register of assets that had a critical impact on flood risk in the county
- the Local Flood Risk Management Strategy and Action Plan
- the Capital and Revenue Flood Risk Management Schemes programme
- the Preliminary Flood Risk Assessment Review, which was published very six years
- property flood resilience and how that supported properties
- Community Flood Signage Scheme
- education sessions for schools
- Natural flood management measures.

The Group discussion covered:

- Communication about the Community Flood Signage Scheme
- SUDs on privately managed estates
- Flooding from water coming off fields and how to influence landowners



At its meeting on 6 March 2024 two representatives from the Environment Agency attended the meeting to provide the Group with information on Strategic and Development Control Planning and Sustainable Growth.

### Strategic and Development Control Planning

A presentation was delivered to explain the Environment Agencies response to strategic and development control planning consultations when commenting on planning applications. These include:

- Fluvial Flood Risk (river flood risk)
- Groundwater and Contaminated Land
- Land and Water (surface water quality)
- Fisheries, Biodiversity and Geomorphology
- Regulated Industry (power stations, anaerobic digestion plants etc).

As well as the above the Environment Agency are also asked to comment on strategic planning documents that form part of a Local Authorities Local Plan, for example:

- Water Cycle Strategy
- Strategic Flood Risk Assessment
- Surface Water Management Plans
- Strategic Infrastructure Plans
- Environmental and/or Blue and Green Infrastructure Studies
- Strategic Housing and employment Land Availability Assessments.

### Sustainable Growth

A presentation was delivered to explain the Environment Agencies Adaptive Investment for Growth document which had been produced alongside Nottinghamshire County Council's Inward Investment Framework which aims to provide an engagement platform with District and Borough Council's on environmental constraints and creating sustainable growth.

The Group were provided with information covering environmental risks around:

- Heatwaves – the increase in frequency, drought and wildfires
- Increased health vulnerabilities and exposure to poor air quality
- Increase in summer flash and winter rainfall events
- Water scarcity and threats to intensive agriculture and competitiveness.

The Group discussion that followed covered:

- The recent winter and storms and flooding incidents
- Mechanisms and interventions to create and improve the Council's biodiversity net Gain
- Mechanisms to regulate whether the sewerage infrastructure can cope with the increase in sewerage capacity due to housing development.

The Group expressed their disappointment that Severn Trent Water had not attended the scrutiny meeting.

The Group agreed to:	Progress Update – June 2024:
Invite representatives from Severn Trent and the Environment Agency to its meeting in March 2024	Discussions are ongoing with the Environment Agency about future areas of focus for Scrutiny  Severn Trent Water had advised that they did not have capacity to attend individual district scrutiny meetings. A follow up email has been sent and a response is awaited
Review the scrutiny matrix and asked questions of the expert witnesses	
Identify areas where further work or updates are required	
Invite Representatives from Severn Trent and the Environment Agency back to a future meeting of Growth and Development Scrutiny	

### Connectivity and Communications

At its meeting on 3 January 2024 Councillor Combellack addressed the Group about her concerns around broadband and mobile network coverage across the Borough. Mr Stoddart, Digital Connectivity Manager at Nottinghamshire County Council attended the meeting and presented the Nottinghamshire County Council’s ‘Better Broadband for Nottinghamshire’ and the latest national programme ‘Project Gigabit’, including a project role out of GigaHubs’, funded by the Department for Levelling Up, Housing and Communities (DLHUC), which aims to connect public sector buildings to a fast, reliable internet connections.

The sites selected within Rushcliffe being:

- Bingham Library
- Cotgrave Library/Cotgrave Hub
- Keyworth Library
- Radcliffe on Trent Library.

Mr Stoddart advised the Group that the Public Switched Telephone Network (PSTN) will be switched off and BT have announced plans to migrate the old analogue network to digital by the end of 2025.

The Group discussed the Rushcliffe Borough Council’s involvement in supporting residents to minimise any disruption and the alternative solutions available to residents going forward.

The Group agreed:	Progress Update – June 2024:
To review the Scrutiny matrix and ask questions of the expert witnesses	There is nothing to update on this topic

Identified that there were no areas for further work or further updates	
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### **Member Panels**

The Group did not establish any Member Panels this year.

### **Call-ins**

The Group did not discuss any call-ins this year.

### **Looking forward to the year ahead**

Growth and Development Scrutiny are looking forward to a comprehensive programme of scrutiny topics in 2023/24 that will deliver economic growth and ensure sustainable, prosperous and thriving communities.