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Chairman and Members of the
Overview and Scrutiny Committee

Your contact: Peter Mannings
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Date: 5 April 2023

cc. All other recipients of the
Overview and Scrutiny Committee
agenda

Dear Councillor,

OVERVIEW AND SCRUTINY COMMITTEE - 21 MARCH 2023

Please find attached the answers to the pre-submitted questions from
Members of the Committee:

10. Responses to Members' Pre-Submitted Questions (Pages 3 - 13)

Yours faithfully,

Peter Mannings
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MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 21 MARCH 2023
TIME : 7.00 PM

Agenda Item 10

Questions to Executive Members

Overview & Scrutiny Committee – 21 March 2023

Agenda item 5 – Information Governance and Data Protection Policies - No questions submitted

Agenda item 6 – Community Health and Wellbeing Strategy - Item Withdrawn

Agenda item 7 – Air Quality Management Plan

Q.1 This question is regarding ug/m-3 levels in the three sited areas.

The recorded level on the charts show some improvement in the air quality but are these averages? There must be times in the day when the levels are much greater especially from 15:00 until 18:45 on Monday to Friday. This will, of course, mean that children coming home from school and those collecting them as well as many workers cycling or walking home are exposed to higher than recorded levels of air pollution. Is this aspect of the air pollution problem under consideration by the Council?

From Cllr Brady

To: Cllr McAndrew, Executive Member for Environmental Sustainability

- Yes, this aspect of air pollution is considered.
- From the recent detailed air quality modelling work that has been carried out no exceedances of the hourly national air quality objectives were seen across the district outside of the kerbside itself.
- This would mean that people would only be exposed when crossing roads which would not take them longer than an hour to do so and therefore would not hit exposure limits.

<ul style="list-style-type: none"> We will continue to help drive improvements in air quality especially at peak times through a number of initiatives such as anti-idling and the work through the DEFRA grant with schools 	
<p>Q.3 School traffic generates a lot of traffic and pollution. Would HCC consider providing more buses in an effort to reduce more cars on the road. And would the County Council consider staggering the start times of schools in an effort to reduce cars on the road and so reduce pollution?</p> <p><i>(three very similar questions from three Cllrs have been consolidated into one)</i></p> <p>From: Cllrs Rutland-Barsby, Drake and Devonshire</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> Bus services are commercially operated and operators are struggling to provide viable services, in part due to low patronage. Increasing the uptake of bus usage would require behavioural change which forms part of the DEFRA grant money recently awarded to East Herts Council. The County Council only operate a handful of schools across the district, most are operated as independent businesses, therefore the scope for change in school opening times is extremely limited. 	
<p>Q.4 There has been an increase in Pollution as a result of the road works in Bishop's Stortford but there is less traffic in certain areas. Are the authorities considering the serious impact this has on people with lung disorders?</p> <p>From: Cllr Hollebon</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> The data available to the council has not seen an adverse impact on air quality through road works (refer to graphs in appendices to report and in presentation). The County Council must provide reasonable access to the highways to fix renew and extend a utilities company's infrastructure. 	
<p>Q5 Can the Council ask that active monitoring be introduced in Bishop's</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>

<p>Stortford and Ware to establish how bad the levels are?</p> <p>From: Cllr Goldspink and Kemp</p>	
<ul style="list-style-type: none"> • Yes - DEFRA grant will be used to fund more mobile automatic monitors to help monitor changes in air pollution throughout the day. • We know from current monitoring, there are some exceedances of the national air quality objectives within Bishop's Stortford within the AQMA, no exceedances have been found in Ware. 	
<p>Q6.</p> <p>a) Use of chargers in Thremhall Avenue near Stansted Airport, how will these be organised and who will use the 70 places?</p> <p>b) The report said that Bureau Veritas is responsible for a lot of air pollution. Where is the data?</p> <p>From Cllr Hollebon</p>	<p>a) Cllr Goodeve, Executive Member for Planning and Growth and</p> <p>b) Cllr McAndrew Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • These charges are owned and operated by Stansted Airport, so not under the direct control of the council, though we do believe they will be available on a first-come basis. • The council welcomes any work by our partners in and around the district that would help improve the air quality in East Herts. • The company the council has appointed to carry out detailed air quality modelling in the district which uses a variety of sources such as air pollution data, traffic data and meteorological data to spatially model the air pollution levels in great detail along with providing a source apportionment breakdown. This information then informs actions for our new air quality action plan. 	
<p>Q7. Has the Council considered low cost alternatives to dynamic monitoring?</p> <p>From: Cllr Kemp</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • We are aware that there are a range of monitors available on the internet which claim to monitor air pollution, but have not been approved by Defra. • We need to ensure the data collected meets stringent guidelines for collecting air quality data to ensure it is scientifically sound and will be 	

<p>accepted by Defra. We therefore use a whole network of diffusion tubes which offer the lowest cost possible solution to monitor air pollution levels with.</p>	
<p>The following questions have been submitted by Cllr Wilson</p>	
<p>Q8. What action if any, has the council taken to lobby for the HERT to be extended to Bishop's Stortford and Sawbridgeworth given the need for more sustainable transport available in the town and as the town is the fastest growing town in Hertfordshire? (to HCC Members)</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p> <p>And to HCC Members</p>
<ul style="list-style-type: none"> • Bishop's Stortford and Sawbridgeworth are already served by good public transport links (rail and bus), going north to south and vice versa. • The extension of HERT to Bishop's Stortford has never been ruled out, but would be a longer term plan should it be needed. 	
<p>Q9. The study detailed in the report has stated that the main cause of air pollution at Hockerill is diesel-powered passenger journeys. Do we have details yet of where these journeys are to and from and if not, will we have such detail before we finalise the new Air Quality Action Plan? And other parts of the District including other towns in the district.</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • The work commissioned by the council will not be determining the type of journeys through the air quality management areas. • We are aware however that our partners at Hertfordshire County Council do monitor traffic movements and will be using this data to inform the actions within the air quality action plan. 	
<p>Q10. There is a presumption that the new developments and around Bishop's Stortford since the District Plan was adopted have not had an impact due to the pollution levels found in 2021. Firstly, do you agree that even if pollution levels are lower or the same as they were in 2018 at</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>

<p>Hockerill, this does not mean development has had no impact. If developments were not there it is possible we would no longer have an AQMA at Hockerill. Secondly, do you agree we can't make any such judgement until we get actual measures of air pollution from 2022.</p>	
<ul style="list-style-type: none"> • There is no presumption that the new developments in and around Bishop's Stortford have not impacted the pollution levels in the AQMA. • From the available data and graphs presented to members we can see that despite the number of new homes increasing, the pollution levels have continued to drop. 	
<p>Q11. Why have we had live air quality monitors in Hertford for a few years and none in Bishop's Stortford and Sawbridgeworth? Do you agree that we could have measured the impact of new developments on the towns more quickly and potentially put a halt or pause on development if we had had live readings?</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • Suitable air quality monitors, are expensive and need a suitable location to be sited. The unit in Hertford was obtained as part of specific grant funding some years ago. • Our recent DEFRA bid will allow us to obtain a new mobile 'live' air quality monitor which can be deployed in Bishop's Stortford and Sawbridgeworth. • While the 'live' data is useful for behavioural change, for monitoring the impact of developments the data from NOx tubes is sufficient. The council would not be in a position to halt development based on one hour's bad air quality. 	
<p>Q12. Given the fact that the evidence base that was used to decide the District Plan stated there was a real danger traffic and pollution would rise to unacceptable levels in Bishop's Stortford as result of developments, wasn't it negligent not to have a</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>

renewed Air Quality Plan and not to have live testing?	
<ul style="list-style-type: none"> • In short, no. The District Plan was adopted in 2018, a year after we adopted our air quality action plan. As outlined in the report, despite the global pandemic and subsequent redeployment of our Environmental Health team, the council has continued to work with partners to deliver initiatives which are aimed at improving air quality across East Herts and securing funding to support this work. • With regards to the assumption that live data is needed, this is not the case. The NOx tubes provide a recognised and cost effective way of monitoring air quality. 	
Q13. Has there been any evidence of increased walking, cycling and public transport use in East Herts in the time since the District Plan was adopted, as the Air Quality section of the Sustainability Appraisal of the District Plan states “mitigating the impacts of additional traffic within the town centres will also be reliant on the achievement of modal shift through successful take up of the improved sustainable transport modes and the successful application of travel planning”?	Cllr Goodeve Executive Member for Planning and Growth
<ul style="list-style-type: none"> • The 2022 County Travel Survey (based on household questionnaires sent to a sample of residents) identified around 61% of all journeys in East Herts district were made by car/ van (either as a driver or passenger). This compares to 70% of journeys in the equivalent 2018 survey. • Behavioural change can be slow. 	
Q14. Have we lobbied for a bypass to be built around Hertford and would it be true to say that unlike in Bishop’s Stortford a high percentage of journeys that utilise Gascoyne Way are through-journeys rather than journeys that terminate in the town. Do we have any data regarding this?	Cllr McAndrew, Executive Member for Environmental Sustainability

<ul style="list-style-type: none"> • When the County Council consulted on the possibility of a bypass around Hertford, the general feedback was not positive. • A pre-COVID study indicated that around 40% of trips on Gascoyne Way were through trips. 	
<p>Q15. Will we be able to influence developers who are at or near planning approval stage to include cycle and walking routes that would be recommended in the forthcoming LCWIP plan? If not this will result in developments potentially being built with less than optimum sustainable routes and would be much more costly to implement any LCWIP plans in these areas.</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • No. Once completed the LCWIP will be a material consideration in the determination of planning apps. • The County Council's LTP and Place and Movement Design Guide places the onus on developers to consider provision for vulnerable users such as pedestrians and cyclist before those of private car users. 	
<p>Q16. As, anecdotally, the worst traffic in Hockerill is around the time of the school runs, what evidence is there that motor traffic from Stansted Airport there significantly contributes to the worst air pollution at Hockerill? Would it not be better to concentrate on traffic to and from schools?</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • East Herts Council will be focusing on behavioural change initiatives such as anti-idling work with schools. • Our recent DEFRA grant explicitly working with schools in AQMAs • Members are well placed to use their influence within the local community to encourage this behavioural change with schools and the wider community. 	
<p>Q17. In terms of the long-awaited cycle route through the Meads in Bishop's Stortford (through Grange Paddocks), can you give an update on</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>

<p>how this is progressing and when we can hope to see it realised?</p>	
<ul style="list-style-type: none"> • Discussions with HCC have continued over the last few months, however there is a funding shortfall. • Cost estimates to date suggest that delivery costs are likely to approach £1million, with current s106 funds held totalling • £400,605. Outstanding finance would need to be secured through external sources, utilising the existing s106 as match funding. 	
<p>Q18. Can you explain why the LCWIP has been started so late in East Herts, missing out on crucial funding that other Districts/Boroughs in Hertfordshire have been able to benefit from due to having their LCWIP in place earlier?</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • Work on the LCWIP started as soon as both council's had sufficient resource to take the work forward. • We are ahead of many in Hertfordshire with regards to the LCWIP, and while it is harder to secure S106 funding without the LCWIP, we have not lost out on funding. 	
<p>Q19. Do you think that cyclists and more journeys by bike represent a danger to pedestrians and road safety or do you welcome the chance to promote and realise more sustainable journeys?</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> • With careful planning utilising the LCWIP and planning process, cycle routes can be made as safe as possible. • Yes, to welcoming the chance to promote and realise more sustainable journeys. 	
<p>Q20. Are you confident that officers and members involved in planning decisions are correctly applying NPPF 32: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."?</p>	<p>Cllr Goodeve, Executive Member for Planning and Growth</p>

<ul style="list-style-type: none"> In short yes. This part of the NPPF is routinely considered when assessing major planning applications and the Highway Authority will also be cognisant of it when providing their comments on such applications. 	
<p>Q21. The recent transport assessment provided by Caneparo Associates as part of Cityheart's planning application for Old River Lane states "the results of the wider junction capacity assessment work demonstrate that the proposed development will not have a material impact on the operation of the local highway network although highlights that a number of junctions will run over capacity even if the development does not come forward." Does this not demonstrate that existing and planned developments have had a severe impact on traffic levels and that therefore these developments have effected pollution levels at Hockerill and at the very least kept the junction as an AQMA?</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> Refer members to the Bishop's Stortford graph. Traffic issue, more than pollution. Graph demonstrates there is not a correlation between growth and pollution. 	
<p>Q22. Do we have data from the locations where the NOX tubes have been placed? Have they been placed in locations where queueing approaching the sites of the AQMAs is frequently evident?</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> Data as to the location of the NOx tubes is available on our website. The location of the NOx has been carefully considered to allow the council to monitor air quality with regards to our air quality management areas and also potential new developments across the district, such as in Buntingford. 	

<ul style="list-style-type: none"> Traffic and pollution levels are monitored both within the AQMA boundaries and outside of these, data has shown that despite queuing at some times of the day the pollution levels are not exceeded outside of the current AQMA boundaries and therefore there is no need to extend the current boundary. 	
<p>Q23. The SEA Regulations require that “the responsible authority that shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake remedial action.” Given the transport assessment from Caneparo Associates, is it fair to say that our monitoring, particularly in the absence of live air pollution monitoring at Sawbridgeworth and Bishop’s Stortford, has been less than adequate?</p>	<p>Cllr McAndrew, Executive Member for Environmental Sustainability</p>
<ul style="list-style-type: none"> As previously mentioned no significant changes in air pollution have been highlighted as a result of these new developments, the overall trend has been one of decline. 	
<p>Q24. In the opinion of the Executive Member for Planning and Growth, is adopting CIL a more efficient method than S106 of obtaining funding for “big ticket” items, and ensuring that it isn’t only localised areas around developments that profit from developers’ contributions?</p>	<p>Cllr Goodeve, Executive Member for Planning and Growth</p>
<ul style="list-style-type: none"> Under the current system of developer contributions, all local authorities can use discretionary s106 planning obligations to secure mitigations for development. In addition, all local authorities can charge a CIL, and around half of them do. The Levelling Up and Regeneration Bill is now seeking to replace the current system of developer contributions with a mandatory, more streamlined, and locally determined ‘Infrastructure Levy’. Consultation on this ends on the 9th June 2023. 	

Agenda Item 8 - Regulation of Investigatory Powers Act RIPA
No questions were submitted

Agenda item 9 - Draft Work Programme

The Chairman mentioned the need to take the O&S Committee into Towns "on tour" as a means of stimulating interest.

The Chairman expressed his concerns about report being removed from Agendas when sufficient time had been given for officers to prepare them

Cllr Wilson referred to RPZs and wondered whether an alternative could be considered which could be restricted for shorter periods.

In relation to the development of the work programme the DSM that workshops would be planned after the elections with new Members and Officers to see how topics could be included on the Work Programme covering a civic year.