

## MINUTES

### STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

1 FEBRUARY 2023

**Present:**

**Members:**

**Councillors:** Beauchamp  
England  
Foster  
Harden (Chairman)  
Riddick  
Rogers (Vice-  
Chairman)  
Stevens  
R Sutton  
Taylor  
Timmis  
Wilkie

**Officers:** Shalini Jayasinghe Strategic Planning and Regeneration  
Assistant Team Leader  
Trevor Pugh Interim AD Neighbourhood Delivery.  
Diane Southam Assistant Director Place Communities and  
Enterprise  
Emma Walker Head of Regulatory Services

**Also Attendance:**

The meeting began at 7.30 pm

#### **1** MINUTES

Cllr Timmis referred to page 8, paragraph 3, stating that ARobinson's minuted response requires revision. It was agreed that the sentence would be reworded.

The minutes of the previous meeting were formally approved as an accurate record, subject to the agreed revision

#### **2** APOLOGIES FOR ABSENCE

Apologies for absence were received from, Cllr Hearn and Cllr Wyatt-Lowe

#### **3** DECLARATIONS OF INTEREST

There were no declarations of interest.

**4**                    **PUBLIC PARTICIPATION**

There was no public participation

**5**                    **CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**

None.

**6**                    **ACTION POINTS FROM THE PREVIOUS MEETING**

The actions were noted.

**7**                    **JOINT BUDGET**

The order of the agenda was changed and The financial Monitoring Report and Key Performance indicator items were heard as part of the joint budget meeting.

This item was presented collectively in the joint Budget meeting by Nigel Howcutt, he was happy to take questions.

Cllr Foster referred to the £15k in the budget for repairs at Berkhamsted Leisure Centre and asked what is in the budget for the new leisure centre project. N Howcutt advised that there is a significant amount of money in the capital programme for Berkhamsted Leisure Centre over the next 2 years and that details of this were shared with the Finance and Resources Committee as a Part Two element and will be the single biggest capital investment in the capital programme.

Cllr Beauchamp commented on the capital programme costs on page 40 of the report and line 94 regarding the Water Gardens North Car Park drainage improvements. Cllr Beauchamp noted the £35k in the budget and suggested that this is to help resolve the flooding issue that occurs at the exit and asked why the Council was paying this when it should be down to the contractor. The Chair queried whether this would fall under N Howcutt's remit and that the information may be commercially sensitive. N Howcutt agreed and suggested that this be discussed further outside of the meeting.

**8**                    **Q3 FINANCIAL MONITORING REPORT**

Fiona jump presented this report and was happy to take questions.

There were no questions from the Strategic Planning and Environment Committee

**9**                    **AIR QUALITY MANAGEMENT AREAS AND AIR QUALITY ACTION PLAN UPDATE**

EWalker presented the update, noting the impact of air quality and the Council's duty to monitor this. Any exceedances are dealt with by the declaration of air quality management areas and action plans with objectives set to assist and reduce these

exceedances. Three air quality management areas have been declared as (1) Lawn Lane, Hemel Hempstead, (2) London Road, Apsley, and (3) High Street, Northchurch. These were declared in 2012 due to an exceedances for nitrogen oxide ("NOx"), primarily due to contributions from road transportation services. Levels in Lawn Lane and London Road have consistently remained over objective levels, though levels in Northchurch have shown compliance over the last 5 years.

With the onset of the Covid pandemic, the government instruction to stay at home translated into substantial improvements in NOx levels in Lawn Lane and London Road, those these reductions are being treated as exceptional and directly linked to pandemic restrictions. Levels for Northchurch have remained compliant post-lockdown.

Priorities over the last 2 years have been in relation to responding to the impact of Covid-19 and Environmental and Community Protection officers were redeployed to functions relating to the pandemic. Opportunities to progress actions to improve air quality have therefore been limited, though there is now a focus on this with the re-initiation of the Air Quality Steering Group.

EWalker proposed the revocation of Air Quality Management Area 3 at Northchurch in consultation with Defra. EWalker stated that they are confident that future exceedances of objective levels in Northchurch are unlikely and therefore recommended that the content and progress of the air quality action plans be noted and that agreement be given to rescind the Air Quality Management Area in Northchurch, as well as agreeing to widening air quality monitoring to include PM2.5 using portable units.

Cllr England commented that air quality requires a wider perspective beyond the 3 areas and he noted his disappointment that the report focuses on these. Cllr England noted that air quality across the borough could be improved. Cllr England also noted that current UK levels are set higher than suggested levels and that he would have liked to see this referenced in the report.

Cllr England referred to the raw data report that was sent to Defra and noted the mention of Marlowes and Queensway. Cllr England quoted page 22 of the data report, noting that new sites were introduced in 2020 to consider areas not previously identified under previous rounds of review, and that on page 7 it states that the Council also identified a new potential area of exceedance as a result of new monitoring. Cllr England noted that this new area is not mentioned in the report, and that the report states that the proper way to improve air quality is having fewer cars in the worst areas. Cllr England queried why the new exceedance was not mentioned in the report.

The Chair summarised Cllr England's comments as querying the criteria by area 3 and where the criteria is of adding Queensway as a new area.

CCorkerry commented on Queensway, noting that the 2022 report focuses on 2021 data. Queensway was the only point showing exceedances and that for 2023 they will be looking at how far this issues goes. 3 tubes in areas well below urban background levels are being deployed to Queensway Old Town High Street. CCorkerry that they would normally expect 3 years of exceedance before Defra would expect them to declare an Air Quality Management Area.

Cllr England acknowledged the response and suggested that the discovery of a potential new Air Quality Management Area should have been highlighted in the report. CCorkerry confirmed that this is being looked into further and why they are seeing this exceedance and confirmed that it would be included if the exceedance continues.

Cllr Anderson referred to Cllr England's comments and asked officers to provide clarity on whether Dacorum has a particular air quality issue or shares similar issues to other local authorities. EWalker advised that some local authority areas are an entire air quality management area, and whilst Dacorum has 3 small distinct areas, you would expect better air quality than more built up areas. EWalker confirmed that the issue is pursued closely with the Air Quality Steering Group to look at the air quality management plan, though this is not an issue that DBC can deal with in isolation. Traffic is the largest pollutant and this sits within HCC, which has its own plans, and whilst DBC can influence this, there is a limit to how much they can push their own agenda. CCorkerry commented that Dacorum's readings are rated as 'good'.

Cllr Stevens commented on health concerns and the investment in mobile pollution detectors, noting that they are 95% accurate, and that there are problems where there are high concentrations of traffic. Cllr Stevens referred to the intention to widen the monitoring stations looking at smaller particles and confirmed that they would be writing to HCC to request a monitoring unit to be put onto the high street.

Cllr Stevens noted that the report was written last year and advised that the WHO has updated its guidance on safe levels of pollution. The limit on PM2.5 has dropped from 10 to 5 microns per cubic metre, compared to 20 in the UK, and Cllr England stated that they could not reach global limits in the short-term without banning cars. Cllr England commented that they need to look at diverting people away from busier roads and stated that he would have liked to see in the report how pollution is being considered.

The Chair noted that a number of items are outside of the remit of DBC and asked officers to respond on what actions it is taking. TPugh commented on health impact, noting that they need to consider both the levels measured and the exposure of the individual. TPugh confirmed that they work closely with HCC. EWalker added that they do aim to influence national policy with one of their officers, DCarr, on the UK panel for best available techniques for air quality. It was also noted that DBC chair the Hertfordshire and Bedfordshire Air Quality Officers Group and this is used to try and influence partners, such as HCC, and HCC also sit on the Air Quality Steering Group.

Cllr Stevens recognised that regulations are set at a national level, though the minister is refusing to update them to recommended guidelines.

Cllr Banks commented that members could be petitioning county councillors given that they are the decision makers on this and ensure that they are making councillors of their concerns and demands for action.

TPugh noted that DBC take actions though the local plan.

Cllr England stated that they can take local action, such as through planning, though they have seen increased housing development and greater car use. Cllr England noted that since 2021 he has been the councillor for part of Apsley, and suggested that he, along with Cllr Maddern, speak with the team to see what further actions can be taken.

Cllr England referred to page 46 of the report and the recommendation to relocate bus stops in Northchurch. Cllr England noted that Northchurch has now been identified as less of a concern and asked if they could therefore look to relocate bus stops in Apsley. Looking at the other recommendations, Cllr England agreed that they should consider Clean Air Zones again, though there is a bus driver shortage and the decreasing confidence in bus travel was noted.

Cllr England noted the mention of action on climate emergency within the report and stated that the report is referring to someone who is no longer at DBC.

Cllr England queried when the government is expected to release its Transport Decarbonisation Plan. No response was given.

Cllr England asked why electronic monitoring equipment is in Northchurch when it should be in Apsley. CCorkerry confirmed that they successfully obtained a £40k capital bid, of which £23-28k is the reallocation of the Northchurch analyser, and they are looking at 2 potential locations in Apsley with the most suitable location being outside the community centre. Another part of the capital bid will be used to purchase 3 Zephyr air monitors that are solar powered, and though they are not as accurate as real-time monitors, they provide information on NOx, PM2.5, PM10 and PM1, and 1 of these will be placed in Northchurch to ensure that levels are monitored, and the other 2 will be put on Lawn Lane and Apsley. Monitors will also be provided by HCC and 3 locations have been highlighted, including outside a school, and handheld analysers will be sent out to schools so air quality can be covered as part of the curriculum.

A comment was raised regarding the bridge repairs where it was noted that there was an option to make this a 2-way bridge, which would have considerably reduced congestion on Apsley High Street. It was noted that DBC need to continue as best it can to prevent situations such as this occurring again.

Cllr Foster commented on the local plan for Berkhamsted, noting that traffic and sustainability don't appear to be part of this, and asked if numbers of cars are considered as part of planning. ARobinson noted that the NPP provides a broad framework for assessing transport proposals, though the bar is very high. ARobinson explained that they worked closely with HCC to develop the strategy to try and move as many people away from private car use, though this is challenging in Berkhamsted. As planning applications come forward, developers will be required to produce transport assessments and metrics are used to calculate trips, and ARobinson stated that he was unsure if this data is used to create a particular figure. It was noted that any major development will ask for an air quality impact assessment that involves air quality monitoring based on the types of houses and the number of estimated cars. Mitigation will be discussed, such as air source heat pumps and EV charging.

Cllr Foster asked if there is any legislation in place that allows them to insist on heat pumps. CCorkerry stated that they can only suggest it. ARobinson added that, as the local plan develops, they are able to develop policies more than they can at present and they can look to introduce additional obligations.

Cllr Foster noted that parents often ask about pollution at lower levels, such as at buggy level, and asked if this is measured. CCorkerry stated that this is where handheld devices can be used, though current legislation is to measure at 2 metres and to consider long-term exposure.

Cllr Foster commented on EV charging and asked if they receive government funding for on-street charging points. CCorkerry advised that this is currently being managed by Climate Change and Sustainability officers as part of the restructure. Cllr Foster noted that potential sites for EV charging have been identified and commented that they have been previously been told that this is managed by HCC. CCorkerry stated that colleagues in the Climate Change and Sustainability team can now influence this more through their own steering group, though the decisions still sit with HCC.

Cllr Taylor commented that he was at the HCC Highways and Transport Committee and that they had stated that EV charging was down to district councils and they would be allowing on-street charging, and it was noted that they indicated they would be allowing a pilot to allow residents to have some form of trunking across pavements if they could park their cars outside their houses to connect cables there.

Cllr Taylor referred to planning in Berkhamsted, noting that the previous draft of the local plan proposed to put around 2,200 houses on the edge, and this will put extra cars on the road. The current road layout means that almost every route will go through a set of traffic lights in the centre of town and Cllr Taylor said he was unsure how anyone would avoid using these routes. Cllr Taylor asked that the 'severe harm' trigger be clarified. ARobinson referred to paragraph 111 in the MPPF, noting that developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. ARobinson confirmed he would circulate the document.

Cllr Taylor advised that there is an opportunity with the local plan to address such issues, such as requiring developers to plant twice as many trees as they are removing.

Cllr England advised that the Committee were being asked to note the report. Given the level of discussion, Cllr England suggested that the comments be provided to the teams. The Chair noted that it was an update report and that comments made would be included in the Cabinet report. Cllr Banks confirmed that she would capture the comments from the meeting and ensure they form part of the presentation to Cabinet, and it was noted that members could also attend Cabinet.

Cllr England referred to TPugh's comment regarding exposure to pollutants and he noted the row of maisonettes along London Road that are covered in soot. It was noted that if any residents consider their health to be impacted by their accommodation then they should speak to housing officers.

Cllr England asked what would be done in relation to workplace parking. TPugh noted that this has been explored and they are arranging a review of the Leyland area. This will come under the place portfolio and will sit alongside the local plan with a number of proposals on how Leyland should be developed.

Cllr Foster agreed that developers should be asked to plant more trees and asked that, if brought in, this needs to be enforced.

Cllr Beauchamp asked that they ensure there are bus bays available if they are considering moving bus stops.

Cllr Beauchamp commented on zoning, noting that they try to limit the number of cars by bringing in parking standards, though they can't limit the number of cars people own and use across the borough. Cllr Beauchamp noted the success of Brighton's bus service and suggested that they look to replicate this.

The Committee noted the report and the recommendations of the report.

## **10                    RELEASE OF CORE CIL SPENDING**

ARobinson took the report as read and noted that the Council currently holds around £15m in core CIL and that the decision taken was to hold back on spending CIL until a local plan and infrastructure deliver plan was finalised. Given the delays to local plan, officers feel that delaying any spend on infrastructure is less justified. A number of options have been considered on releasing CIL and the recommendation is that 20% of core CIL is released. A number of technical changes to the bidding process has also been recommended along with changes to governance of the Infrastructure Advisory Group and how projects are approved.

ARobinson noted a correction on the first table on page 63 of the report, stating that the row 'Rest of borough-rural area' should read 9.8% with a total figure of £267,027.

ARobinson advised that a number of potential projects have been identified in the report, as set out in section 6.

Cllr Beauchamp noted the potential for making part Waterhouse Street into a cycle lane, noting that this would help alleviate some traffic issues, though this may push some to Leighton Buzzard Road. Cllr Beauchamp asked if borough councillors will have any input in how core CIL is spent.

ARobinson advised that the intention is that anyone can put together projects to go to the Infrastructure Advisory Group for assessment with no restrictions in place. Bids or projects will come in for assessment and projects will then be presented to the group who will then make a recommendation to the Portfolio Holder and Cabinet. ARobinson noted that they will also be looking at what other sources of funding are available, and where there is neighbourhood funding available, this will be explored before considering core CIL.

ARobinson commented on the cycle lane scheme, noting that he does not have the assessment of the impact on the area and is currently only listed as a potential project. It was suggested that this could be discussed further offline if required.

Cllr Foster asked for the difference between scrutiny and accountability from the existing and new process. ARobinson advised that they will broadly operate in similar ways, and whilst the membership will predominantly be the same, under the previous regime there would be an infrastructure business plan and lift projects from the delivery plan and set out a longer-term time horizon for spending CIL money. These projects would be assessed before going to full Cabinet and Council. The new proposal is that the infrastructure delivery plan is the core document and the business plan will be removed, and instead of recommendations going to Cabinet and Council, they will go to Cabinet for approval.

Cllr Foster noted the emphasis based on the IDP and asked which IDP the proposed projects are based on. ARobinson noted that the IDP is a live document that is reviewed at least annually, and the intention with the new process is to report an infrastructure funding statement every December alongside an updated IDP. The IDP sets out strategic priorities for the borough and projects will need to be identified on the IDP. The local plan is in development and a consultation will take place later in the year, therefore the intention is to update the IDP based on the emerging local plan.

Looking at the plan, ARobinson referred to the settlement table in section 5.3 and noted that they propose to release CIL funding and ring-fence it based on settlements. The IDP identifies £1.3bn of infrastructure, and if this is apportioned based on the settlement, this gives the figures included in the table. The initial release of money is based on the growth proportions set out, and projects set out at the back of the report are examples of projects the team is aware of and may not necessarily be brought forward.

Cllr Foster remarked on applying for CIL being the last option and suggested that it should be the first option available. ARobinson commented that local funding primarily sits in neighbourhood pots that sit parish councils or ward members and should therefore be the first pot of funding to explore before looking at core CIL. ARobinson noted that core CIL sits within a strategic framework. Cllr Foster clarified that if an application sits within strategic funding then they could request CIL funding before looking elsewhere. The Chair added that this is additional funding what parishes already receive through CIL.

ARobinson explained that, as part of the assessment process, they would look for a demonstration that other sources of funding have been explored first where possible.

Cllr Anderson commented on core CIL funding not being spent until this point, noting that they will not get enough CIL to meet infrastructure needs and it has not been spent in an attempt to save as much as possible. Cllr Anderson advised that they are only releasing a small amount for quick wins and that they would need to be strict on awarding it. Cllr Anderson added that considerations aren't just geographical but they also need to consider types of funding, noting that 40% should be spent on education, 40% on transport and that Dacorum will only receive 20%.

JDoe noted that they have been collecting CIL since 2015 and there is now a need to refresh the governance around it. On which funding should be explored first, JDoe advised that parish or town councils have a lot more latitude over the use of local CIL, and they need to be more rigorous on how core CIL is used. There may also be other forms of funding to explore to ensure that the borough is benefiting.



ARobinson advised that other sources of funding may be available and that these will be taken into consideration when assessing if core CIL should be used.

Cllr Roberts referred to the examples listed on pages 71-73 of the report and asked if anything should be done by councillors related to these to apply for these projects. ARobinson explained that the projects listed will be assessed first as they are projects that they are already aware of, though this does not necessarily mean they will be funded. An initial assessment will be conducted shortly, and there will be future rounds of assessment. ARobinson recommended to members that if they have a particular project in mind then they should get in touch with the team for guidance on what information is required. If an application misses this round, it will be considered as part of the next round. SJayasinghe recommended that members inform the team of potential projects as soon as possible so they can take members through the assessment process.

Cllr Timmis referred to item 5.4 on page 63 of the report and queried what counts as education as part of infrastructure given that education is provided by HCC. Cllr Timmis commented on highways and transportation, and asked when this is a DBC decision rather than that of HCC.

ARobinson advised that the tables in the paper represent how much of the known infrastructure requirement, and the thematic table represents how much of the total infrastructure is needed for transport and recommendation. It was noted that education means new schools, and Cllr Timmis stated that this is an issue for HCC. ARobinson agreed, noting that despite who it is provided by, the infrastructure need is linked to new schools. If core CIL is released, it can be focused in a number of ways, such as by a settlement of thematic basis, and the recommendation is to not fix it thematically and instead by settlement.

On the Highways Authority role, ARobinson suggested that this be discussed further offline to ensure that they discharge their functions correctly when looking at planning applications.

Cllr Timmis referred to page 77 of the report and the table on how money would be distributed. Cllr Timmis commented that if you are not "parished" then funds are held by the council and ward councillors responsible for spend, otherwise the funds are transferred to the parish council to make the decision. Cllr Timmis noted that she regularly attends parish council meetings though is not seen to be making any decisions regarding the spending of CIL. ARobinson noted that it is set in the regulations that funding has to be transferred to parish councils for their use.

Cllr Timmis commented on Hemel Garden Communities, noting that a large amount of CIL will be accrued Great Gaddesden Parish Council. ARobinson commented that this would depend on several assumptions. Cllr Timmis asked if the parish council would be in receipt of this or if it would be for Hemel Hempstead. It was noted that this would depend on whether the money is 0-rated to CIL and that developer contributions could also come through Section 106, as done with some larger sites.

Cllr Stevens remarked on the consultation of the new planning regime and stated that they would be reforming Section 106 and doing away with CIL. The Chair advised that they are not at this point yet and it was noted that the discussion is regarding

replacing the CIL with an Infrastructure Levy. Cllr Anderson queried if the parish element would be changed.

Cllr England referred to 4.4 in the report regarding improving the speed and effectiveness of the decision-making process and asked when funds would be available for decisions made by Cabinet. ARobinson advised that the proposal is to take the first round of bids to the next Cabinet meeting and that they are organising an advisory group to consider the first round of bids. The first round of bids will therefore be considered at the meeting on 14th February.

Cllr England remarked that £3m would be decided upon by next Cabinet. ARobinson noted that whilst they are proposing the release of £3m, the projects being assessed may not total this, and the decision may be that no projects progress to Cabinet.

Cllr England noted that full Council members were being removed and that members won't be involved in the decisions. The Chair noted that there are a number of internal structures where members are involved and that the democratic process is still in place. It was also noted that members can attend Cabinet meetings and ask questions. Cllr England noted that members would not have a vote. The Chair clarified that the original comment made by Cllr England was regarding members not being included and confirmed that they would be included in the process. It was noted that a particular step has been removed with the decision not going to full Council.

It was asked if there is cross-party membership of the IAG. It was confirmed there is not. ARobinson advised that the membership of the IAG is set out in the report. Cllr England commented that member voting has been removed and that there is no cross-party representation. The Chair commented that members had the opportunity to scrutinise the proposal during the meeting and could make a decision to not endorse the report.

Cllr England recommended that Scrutiny be chaired by the opposition. The Chair advised that the discussion was on the report and that any changes to Scrutiny would need to be taken up with the Leader of the Council.

Cllr Wilkie commented on releasing £3m just 8 weeks out of purdah. Cllr Foster acknowledged the reason behind wanting to release CIL and noted the issue of members not being part of the IAG and the decision going to Cabinet and not full Council. Whilst the reason to release to CIL is accepted, Cllr Foster noted that concerns regarding the removal of this step remains a concern.

Cllr Beauchamp proposed that if CIL is to be spent in a local ward or parish then local members should be part of the IAG. The Chair advised that this is not part of the governance criteria, though the amendment could be suggested.

JDoe noted that the IAG is a technical group and only acts in an advisory capacity.

The Chair noted that the concerns of council members should be discussed at Cabinet.

Cllr Wilkie asked how they can ensure that core CIL is being fairly distributed across the borough. ARobinson confirmed that the annual infrastructure funding statement

will set out what projects are being considered by the IAG and which projects have been funded. ARobinson added that they have tried to set out ring-fenced money for different parts of the borough to mitigate the risk of projects in particular areas getting disproportionate levels of funding. The IAG is an advisory organisation and will make a recommendation to Cabinet who will accept, reject or amend recommendations.

The Chair noted that there is the opportunity for ward members to raise projects with SJayasinghe and that these may be fed into IAG.

The Committee noted the report and its recommendations.

Cllr Timmis asked if the discussions from the meeting would be included with the recommendations. The Chair advised that the recommendations are set out as written unless a vote is carried to add it as a recommendation, otherwise points are highlighted by the Portfolio Holder and the minutes will be available. The Chair stated that he would expect the Portfolio Holder to raise the potential concerns discussed. It was also noted that any member could attend Cabinet to raise their concerns.

## **11 KEY PERFORMANCE INDICATOR UPDATE**

Hannah Peacock presented the report in the joint budget committee and was happy to take questions.

Cllr Foster noted the KPI regarding refused applications and asked why it was not passed on elsewhere. ARobinson advised that the indicator is based on a low number of schemes. The Chair commented that removed KPIs will still be monitored by officers. It was clarified that this was regarding DOP07 on page 97 of the report with the entry stating 'slightly above target, this is principally due to officers leaving and closing down (by refusing difficult cases before they left)'.

ARobinson advised that the indicator purely records the refused application and is not an indication that they should not be refused. It was clarified that it covers all refusals. ARobinson confirmed that he would look into this further.

Action - ARobinson to look into wording of refused applications KPI.

## **12 EXCLUSION OF THE PUBLIC**

## **13 PLACE, COMMUNITIES AND ENTERPRISE RESTRUCTURE**

This item is Part 2, please see Part 2 Minutes

## **14 WORK PROGRAMME**

The work programme was noted

The Meeting ended at 10.50 pm