

MINUTES OF A SPECIAL MEETING OF THE PLACE SERVICES & ECONOMIC GROWTH SCRUTINY COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 10 FEBRUARY 2014

Present:

Councillor S Walsh (Chairman)	Councillor A Hedley
Councillor A Bayley	Councillor I Henderson
Councillor J Chandler	Councillor D Kendall
Councillor T Cutmore	Councillor J Pike
Councillor A Erskine	Councillor C Pond
Councillor I Grundy	Councillor S Robinson
Councillor C Guglielmi	Councillor A Wood

Members also in attendance were Councillors B Aspinell, R Bass, K Bobbin, M Danvers and J Lodge.

1. Apologies and Substitution Notices

Apologies were received from Councillor M Buckley who was substituted by Councillor T Cutmore, Councillor R Hirst who was substituted by Councillor J Pike, and Councillor M Maddox who was substituted by Councillor J Chandler.

2. Minutes

The Minutes of the Committee meeting held on 23 January 2014 were approved as a correct record and signed by the Chairman.

3. Declarations of Interest

The following declarations of interest were made:

Councillor Simon Walsh declared a personal interest in Minute 4 as a member of the Uttlesford Local Highways Panel.

Councillor Andy Wood declared a personal interest in Minute 7 as he was referred to in the Cabinet Member report attached to report PSEG/14/14.

Councillor Anthony Hedley declared a personal interest in Minute 5 as a Basildon Borough Councillor

Councillors Andy Wood and Carlo Guglielmi both declared a personal interest in Minute item 7 as Tendring District Councillors.

4. Call in of decision: FP/481/01/14: Installation of pedestrian crossings: Borough Lane/Debden Road/Mount Pleasant Road, Saffron Walden

The Committee considered report PSEG/11/14 setting out the background to the call in of the above decision by Councillor C Pond, including the Notification of Call In and the report setting out the Cabinet Member's decision.

The Chairman welcomed everyone present to the meeting for the item, and invited Councillor Pond to introduce the reasons for his call in.

Councillor Pond confirmed that he had called in the decision on behalf of Councillor Lodge, the Local Member, and drew attention to local opposition to the proposed pedestrian crossings. He invited Councillor Lodge and his witnesses to present their reasons for their opposition to the decision.

The witnesses read out individual statements to the Committee challenging various aspects of the proposed crossing scheme in line with the reasons set out in the Notification of Call In:

- Dan Starr, Chairman of WeAreResidents.org, challenged the installation of the pedestrian crossings on air quality grounds and some of the supporting evidence put forward by Essex County Council (ECC). He pointed out that the proposed crossing was situated within the Saffron Walden Air Quality Management Area (AQMA) and claimed that the proposed scheme would lead to a breach of legal thresholds contrary to the Highways Officer's briefing report. It was believed that any traffic queuing resulting from the installation would have an adverse effect not only on the legal limits of the AQMA, but also on the health of residents as the signals themselves would contribute to a 30% increase in pollution. Given that this scheme is within an AQMA, an increase in pollution would breach air quality levels.
- Eryl Stafford, a local resident, referred to highway capacity and traffic management. He referred to projections that showed that traffic volumes did not warrant signalisation. The junction is only busy for 15 minutes at either end of the school day, the County Council's own highways assessment showed the junction had enough capacity for another 12 years even the construction of 1000 new houses and a new connector road, both of which are not certain to be built. There will always be three red lights on at the junction at any one time leading to increased queuing. Furthermore all on street parking would be removed, meaning there is less space for on street parking for residents. Under the circumstances it was considered that there is no need for the proposed pedestrian crossings, and the scheme is an unwise use of public money.
- Simon McInnes, a local resident, focussed on highway and pedestrian safety. Department for Transport (DFT) records indicate that since 1995 there have been no severe accidents or injuries at this crossing, notwithstanding there are 12 other junctions in the town that are in greater need of signalisation. He referred to the provision of improved line marking and signage that had led to a reduction in any kind of accident. However, these have not been reinstated since some utility works were undertaken. He claimed there are many other schemes that could be implemented that would be less invasive than this one. The proposed scheme will also result in a width reduction of the pavements used by

schoolchildren, which would make it more dangerous for pedestrians walking to one of the four local schools each day.

- Paul Gadd, a lawyer and local resident, challenged the legal context for the signalisation scheme. The 2010 Community Infrastructure Regulations sets out three tests for Section 106 schemes to pass: necessary, directly related to it and proportional. Previous witnesses had explained why the scheme was not necessary due to the existing safe nature of the junction and the fact it is not yet at its full capacity. If the junction requires signalisation at a later date due to subsequent development, then the Section 106 monies from those later developments could be used to pay for any necessary schemes. ECC must also consider the compulsory nature of considering the Long Term Trends (LTT) method of measuring air quality and cannot ignore it.
- Councillor David Watson, an Uttlesford District and Saffron Walden Town Councillor, confirmed that he was addressing the Committee on behalf of Saffron Walden Town Council. He criticised the way that residents and the Town Council had been engaged in consultations on the proposals. He confirmed that there was huge local opposition to the scheme. He referred to other potential schemes that would be less invasive at the junction. Finally he restated that the views of residents should be at the heart of the decision making process.
- On behalf of those opposed to the installation of a pedestrian crossing scheme at Saffron Walden Councillor Lodge concluded their case by drawing the Committee's attention to the errors they believed existed in the reasons given for the Cabinet Member's decision. The Department of Environment Food and Rural Affairs (DEFRA) is very clear that the LTT method of measuring air quality must be used, and that this method shows that the air quality is below the standard it should be at the site. He warned that ECC may be opening itself up to legal challenge and he implored Councillor Bass to reconsider his decision.

In addition to the oral evidence submitted by the above witnesses, the following documents had been circulated electronically to the Committee prior to the meeting on Councillor Lodge's behalf:

- ECC Recommendation for Signalisation for FP/481/01/14 (*NB This was attached to the committee report attached to the PSEGSC agenda*)
- Marked up response to issues raised in "ECC Recommendation for Signalisation for FP/481/01/14"
- Call In Notice for FP/481/01/14 (*NB This was also attached to the committee report attached to the PSEGSC agenda*)
- Residents Report about Signalisation at CB11 4AL
- ECC Air Quality Report for Saffron Walden (Jacobs, Oct 2013)
- Uttlesford District Council AQMA Adoption Report
- Map of Saffron Walden AQMA as adopted 10 May 2012
- Uttlesford Local Plan Highways Impact Assessment (Oct-2013)

- Uttlesford Local Plan Highways Impact Assessment Review (WeAreResidents.org Oct-2013)
- Highways Impact Assessment Map (WeAreResidents.org Oct-2013)
- Increases in traffic predicted by ECC traffic assessment analysis (WeAreResidents.org)
- Community Infrastructure Levy Regulations 2010
- National Planning Policy Framework 2012
- Section 106 Agreement

In addition to these papers the following papers were circulated electronically on behalf of the Cabinet Member:

- Correspondence relating to the Section 106 Agreement
- A briefing paper providing some background notes on the proposed scheme.

Following the presentation of the case made for calling in the Cabinet Member's decision, the Chairman invited Councillor Bass, as the Cabinet Member for Highways and Transportation responsible for the decision, to respond to the reasons given for the call in.

Councillor Bass began his response by drawing the Committee's attention to the reasons given in the notification of the call in of the decision, namely:

1. An unwise use of public funds
2. That residents are not at the heart of the recommendation
3. None of the justifications for the recommendation make good sense.
4. The draft Uttlesford Local Plan cannot legally be considered when making a recommendation.

On a point of clarification Councillor Bass pointed out that the decision that he had to make is whether or not to override a decision already made by the virtue of a planning permission granted by Uttlesford District Council, and agreed by the County Council as a party to a Section 106 Agreement, which is a legally binding agreement with a local developer.

Given the history of the proposed scheme Councillor Bass had enlisted the following two witnesses to provide additional background to the scheme:

- Matthew Bradley, ECC Development Manager, gave a brief history from the origin of the scheme leading to the current proposed decision, and the situation at the junction. He confirmed that the Highways Authority did in fact have concerns about visibility to the north of the junction as well as the safety of pedestrians. The junction had been identified as an accident cluster site, and he updated the Committee on the accident statistics confirming that there had been two accidents recently. While there had been a reduction in accidents in recent years following the implementation of warning markings and safety lines, accidents had still occurred. A traffic calming scheme had been considered and dismissed as it would be ineffective as well as inappropriate given that it is on a bus route. It had

been determined that other schemes that had been considered would not have the desired improvements at the junction.

Roger Harborough, Public Services Director, Uttlesford District Council, confirmed the position of that Council on the scheme. The need for the pedestrian crossings had been clearly identified and all the legal necessities had been addressed satisfactorily. The statistics on congestion at the junction were based on 76 houses being built as part of the Friends Development. If the Section 106 monies were not used then the scheme would still have to be built at a later date at the Highway Authority's expense. Due to the interactive nature of the lights there would not be a significant issue with queuing. Finally on the issue of air quality legal limits, he confirmed that if a limit was breached then an action plan would have to be implemented to improve the air quality, but that it was not in itself illegal to breach the limit.

Councillor Bass then proceeded to summarise his response by refuting the four reasons given for the call in. He emphasised the fact that when he became the Cabinet Member for Highways and Transportation in May 2013 and learned about the scheme from the Local Member, he had extended another opportunity to the Local Councils to make further representations to him with evidence that he could take into account before making his final decision on the proposed scheme. This had happened.

He confirmed that the scheme was not an unwise use of public funds as in fact it would be funded by the Developer via Section 106 monies. He confirmed that the cost of the scheme would be around £220,000 at current prices.

On the legal views put forward by Councillor Lodge and his witnesses, Councillor Bass confirmed that from the Highways Authority's longer term perspective it was considered that the scheme would play an important role in addressing highway network needs, and planning the future highway infrastructure was necessary. Finally he reiterated the fact that he had to consider the needs of the entire community across the area and not just those residents who lived close to the proposed scheme. Consequently he believed that the community's needs as a whole were at the heart of his decision.

During discussion of the evidence put forward by all parties, the Committee took into account all the various information submitted for its consideration, in particular the context for the scheme as part of a Section 106 Agreement, and needs of the local highway network going forward.

Upon a vote being taken, it was agreed that no further action would be taken by the Committee in respect of this call in. Therefore the decision of the Cabinet Member would be confirmed.

5. Call in of decision: FP/294/08/13A: Implementation of part night lighting in Basildon Borough

The Committee considered report PSEG/12/14 concerning the call in of the above decision, including the Notification of Call In and the report setting out the Cabinet Member's decision.

With reference to this particular decision it was notable that during the consultation Basildon Borough Council had requested that a number of housing estates be excluded from part night lighting (PNL) due to concerns regarding levels of crime. To enable the Borough Council to present additional evidence on the risks of crime in a number specific areas, streetlights would remain lit in those areas until 31 March 2014 when the Cabinet Member would make another decision in respect of those particular lights.

The Chairman welcomed everyone present to the meeting for the item, and invited Councillor Henderson to introduce the reasons for his call in.

Councillor Henderson had called in the decision on behalf of Councillors Archibald, Bobbin, and McGeorge, who were Local Members. He drew attention to local concern around the fear of crime in relation to the implementation of PNL in Basildon as expressed in local newspaper articles, and highlighted the different character of the Borough compared to the original pilot areas of Maldon and Uttlesford. He believed that the wording of surveys in the pilot areas had been too open ended to gain reliable data on the fear of crime. He considered that the actual makeup of the Basildon decision was a significant departure in the implementation of PNL compared to other Essex districts.

Councillor Henderson drew the Committee's attention to some literature that the Labour Group had circulated to the Committee prior to the start of the meeting that day on the relationship between street lighting and the safety of road users and pedestrians. He proceeded to invite witnesses in support of his call in to address the Committee.

- Councillor Keith Bobbin highlighted why PNL across Basildon would be particularly detrimental given its urban layout with the large housing estates and many alleys and subways. Those areas would be left in darkness leading to an increase in crime as well as the fear of crime. He referred to the type of local employment and the high levels of shift work in Basildon meaning that many people would have to travel in darkness when going to and from work, and that young people who took part in the night time economy would be left in darkness when trying to get home. He expressed disappointment at the apparent lack of transparency around the meetings held between Councillor Bass and the Leader of Basildon Council, and lack of discussion with local County Councillors. He concluded by emphasising that there is a fear of crime among those who are in Basildon late at night and the PNL would increase that fear.
- Mr Berry, a local resident, spoke to the Committee about his experience as a Basildon resident and the local environment where he lived for instance access to garages were designed away from the houses. He referred to the fact that crime had been very high in his area and the fear of crime was high. He was a shift worker, and recently had refused a late

night work pattern, due to the fear for his safety around the garages he had to use and levels of car crime.

- Councillor Julie Young attended the meeting and reiterated her belief that the Basildon decision was a significant departure from those decisions made in respect of the other Essex districts. She highlighted news articles that blame PNL for crime and increased fear of crime, and suggested that there is a particular view that the lack of lighting means identification of those committing crime is more difficult.

Councillor Bass responded to the reasons given for the call in firstly by acknowledging the unique situation that exists in Basildon and why he had treated it as a special case in the way that PNL would be implemented. Representations had been received from Basildon Borough Council. Initially they had focussed on the ownership of lighting, which was resolved. However, representations were then submitted about existing fears of crime on some of the council estates. It was agreed that while steps would be taken to implement PNL in the remaining areas of Basildon, the Borough Council would be given the opportunity to gather and present evidence on crime levels on those housing estates it was concerned about to enable ECC to evaluate whether or not there was a case not to implement PNL in specific locations.

Councillor Bass undertook to ensure that all Basildon County Councillors would be fully informed of what is proposed going forward and the process would be fully transparent. He would liaise with those Members before finalising any other decisions in respect of the next stage of PNL roll out in Basildon. He did not accept that the fear of crime argument was being affected by the switch off noting that other lighting authorities across the country had not necessarily carried out the PNL consultation unlike ECC. He reiterated earlier statements he had made on the PNL roll out that he welcomed representations at any point during the process, and acknowledging the need for some versatility.

The Committee discussed the evidence presented to it on the way PNL was being rolled out in Basildon, and acknowledged the steps being taken by the Cabinet Member to consider the specific circumstances of some of the area's housing estates. While it was recognised that there is a fear of increased crime among some residents if PNL is implemented, that fear was not borne out in practice as crime takes place despite the presence of street lighting.

Upon a vote being taken, it was agreed that no further action would be taken by the Committee in respect of this call in. Therefore the decision of the Cabinet Member would be confirmed.

6. Call in of decision: FP/297/08/13B: Implementation of part night lighting in Harlow District

The Committee considered report PSEG/13/14 concerning the call in of the above decision, including the Notification of Call In and the report setting out the

Cabinet Member's decision.

The Chairman welcomed everyone present to the meeting for the item, and invited Councillor Henderson to introduce the reasons for his call in.

Councillor Henderson had called in the decision on behalf of Councillor Danvers who was a Local Member. He proceeded to invite witnesses in support of his call in to address the Committee.

- Councillor Danvers referred to statistical links between deprivation, crime and the fear of crime. There was a risk to the community and especially the elderly population if the implementation of PNL goes ahead. Harlow has the highest population density of all districts and so there will be more people being affected. He highlighted risks to shift workers coming home at night, and that given that there is on-street parking at night PNL could lead to more damage to cars. Councillor Danvers indicated that he felt as a new County Councillor he had not had an opportunity to debate the decision.
- Matthew Shepherd, a local resident, expressed concern that the exemption criteria did not take account of the poorly sighted, the elderly, infirm or late night workers. He described his concerns about a particular road that is the main link from the train station to the estates and does not meet the exception criteria. He also referred to the fact that some rail and bus transport routes operate after midnight and PNL would mean that users would be left in darkness when they arrived back in Harlow. He questioned how joined up the decision making process had been and if transport operators had been liaised with.

Councillor Bass responded by acknowledging that where street lights have lit up areas throughout the night in the past, then the introduction of PNL means that people will have to get used to the change. He then turned to the reasons given for the call in, namely:

1. There has been no evidence presented to demonstrate that PNL has an adverse impact on the levels of crime or the fear of crime, and in the absence of clear evidence there was no basis for changing his decision.
2. There is clear understanding of the ownership of street lighting between ECC and Harlow District Council.
3. The Committee's Task and Finish Group's work is not relevant to this decision as it is a separate scrutiny exercise not related to this call in.
4. Though there is strong opposition from the local community, the principle of rolling out PNL across Essex has been established for some time, and he drew attention to the fact that PNL had been introduced across Hertfordshire the neighbouring local authority. He also referred to the Scrutiny Report published in 2010.

Following a discussion the Committee noted that Harlow District Council had not put forward any representations in response to the PNL proposals, and that there was a pilot study in the area using LED lighting. Councillor Bass reassured Members that ECC would remain committed to consideration of proven developments in new street lighting technology. He reiterated earlier statements he had made on the PNL roll out that he welcomed representations at any point during the process, and even after the implementation consideration would be given to evidence put forward in support of the exception criteria being applied at specific locations.

Councillor Henderson moved, and Councillor Kendall seconded, a motion that the decision be referred to full council, which was defeated upon a vote being taken.

Upon a subsequent vote being taken, it was agreed that no further action would be taken by the Committee in respect of this call in. Therefore the decision of the Cabinet Member would be confirmed.

7. Call in of decision: FP/296/08/13: Implementation of part night lighting in Tendring District

The Committee considered report PSEG/14/14 concerning the call in of the above decision by Councillor Ivan Henderson, including the Notification of Call In and the report setting out the Cabinet Member's decision.

The Chairman invited Councillor Henderson to introduce the reasons for his call in.

Councillor Henderson stated that there was a lot of local concern about road accidents and pedestrian safety, and referred to some evidence he had circulated previously to the Committee including quotes from some national bodies to support his arguments opposed to PNL. Also ECC has statutory obligations to ensure that the road safety risks are monitored and mitigated. He stressed that there was a need to understand the risks of no street lighting leading to an increase in the number of accidents. LGA guidance states that road lighting helps with social cohesion as well as with traffic needs, and PNL will reduce this. Also road lighting should illuminate all important road features to all road users including the Police. The amount of potholes on low priority roads have increased and again will cause more accidents. The value of the lighting should extend to all highway users and not just drivers.

Councillor Henderson also read out a statement from the Chairman of Tendring Neighbourhood Watch, which expressed concerns about PNL in Tendring with particular reference to those areas where there had been violent crimes. The elderly community was also fearful of crime following PNL. It claimed that the condition of the roads and pavements was likely to increase accidents, and ECC must consider resident safety before economic and green savings.

Councillor Bass responding by challenging the claims that the number of

accidents that occur between midnight and 5 am would increase, and confirming that the majority of accidents occur in the daytime. He continued by stating that he had listened to the great number of Tendring representations, and pointed out that he had in fact overridden officer recommendations for specific roads and applied the exception criteria. He disputed that there was any evidence that suggested crime or the fear of crime would increase with PNL. However, if evidence was put forward demonstrating that crime had risen as a result of PNL he would consider it.

Upon a vote being taken, it was agreed that no further action would be taken by the Committee in respect of this call in. Therefore the decision of the Cabinet Member would be confirmed.

8. Call in of decision: FP/297/08/13a: Implementation of part night lighting in Brentwood District

The Committee considered report PSEG/15A/14 concerning the call in of the above decision by Councillor David Kendall, including the Notification of Call In and the report setting out the Cabinet Member's decision.

The Chairman invited Councillor Kendall to introduce the reasons for his call in.

Prior to the meeting Councillor Kendall had circulated a number of photographs illustrating potholes on the highway in the Brentwood area. He introduced the reasons for his call in by arguing that Brentwood has a very strong night time economy boosted by a recent television programme. The majority of these visitors access the town by car as the railway and public transport links are not very good. Their journeys would take them over priority one and two roads where potholes have yet to be repaired. He asked for a major pothole repair scheme to be implemented before PNL comes into effect, because there is a risk to the safety of residents from tripping over or injuring themselves or damaging their vehicles.

Councillor Kendall proceeded to invite witnesses in support of his call in to address the Committee.

- Councillor Barry Aspinell stated that although he applauds the drive to make green savings it must be done in a responsible way. He reiterated the need to address poor footpath maintenance before the area is subjected to PNL. He expressed his concern that criteria calls for serious consequences to occur before changes are made, and whether this means that people would injure themselves before lights are switched on again. There are dangerous walks home for anyone returning home from the night time economy.
- Councillor Phillip Mynott, Brentwood Borough Councillor, expressed concern over the plans for PNL. He argued that public money is only wasted on lighting highways if those highways are not being used and the highways in question are being used. He drew attention to the thriving

night time economy, and there is a need to acknowledge that while there is no serious crime, there will be an increase in smaller scale antisocial behaviour-type crimes that will not be reported due to the unlikely chances of a resolution being achieved. ECC must also consider the train stations, and that individuals returning from London for evening entertainment will continue their journeys home via unlit roads.

- Mr John Newberry, Chairman of the Shenfield Environmental Partnership, spoke on the issues that would be faced by residents in Shenfield. He pointed out that Shenfield station is a hub station with links to Southend, Essex and London. However, the pavements surrounding the station are in bad condition, meaning that many people are likely to walk in the street rather than on the pavement. He also expressed concern that darkness helped to cover crimes such as theft, robbery and car crime, and helped to cover the identity of those who carried out such crimes. Residents are also fearful of crime.

Councillor Kendall concluded his call in by expressing displeasure at the amount of time available to examine the maps illustrating the roll out of PNL in Brentwood, and to be able to formulate good representations based on those maps.

Councillor Bass responded to the reasons given for the call in by pointing out that the lights in the High Street and William Hunter Way will definitely be kept on as they met the exception criteria, and there will be appropriate lighting around Shenfield station. However, he could not guarantee that residents would be able to complete their full journeys home along street lit roads.

With particular reference to the link made in the call in between PNL and the repair of potholes, Councillor Bass could not agree to the proposition that all potholes should be filled before the beginning of the roll out of PNL across Brentwood. He also questioned how many elderly people would be walking along the streets during the PNL hours as suggested by Councillor Kendall, and the injuries that might ensue. He pointed out that an important tenet of the PNL policy was to achieve a reduction in energy consumption and carbon emissions.

Councillor Bass reiterated earlier statements he had made on the PNL roll out that he welcomed representations at any point during through the process, and even after the implementation consideration would be given to evidence put forward in support of the application of the exception criteria. He emphasised that the maps were not crucial to making representations, and explained that there is no need to have detailed knowledge of which lights were being switched off in order to make representations identifying those street lights which an individual felt should be kept on. The maps were used for illustrative purposes and would be updated as and when representations were received and analysed, and any exceptions applied. The PNL implementation dates had slipped during the rollout period.

Following discussion Councillor Bass confirmed to the Committee that the exception criteria did not include provision for illuminating poorly surfaced roads,

and there was no intention to change that position. In response to a suggestion that there might be a case to vary the PNL hours to accommodate the dispersal of pedestrians from local clubs, the Cabinet Member indicated he would be willing to consider that if evidence was put forward.

Upon a subsequent vote being taken, it was agreed that no further action would be taken by the Committee in respect of this call in. Therefore the decision of the Cabinet Member would be confirmed.

9. Summary of Call In of Decisions in respect of the implementation of Part Night Lighting

The Committee noted report PSEG/15/14 summarising the publication and implementation of recent decisions to implement part night lighting across Essex.

With particular reference to the four call ins considered at the meeting the Chairman thanked all those who had given evidence for their contributions, and thanked Councillor Bass for his contributions too.

The Chairman took the opportunity to ask Councillor Bass why the lights had remained on over the previous weekend across those areas already subject to PNL. Councillor Bass advised the Committee that due to the emergency incident in Clacton the Police asked for the street lights to be left on throughout the night. He confirmed that ECC would be putting in place a protocol for the control of street lighting in emergency situations, so that there would be a consistent approach adopted with the Police and other partners.

Councillor Andy Wood took the opportunity to thank publicly the Emergency Services for their quick response to the explosion that occurred in Clowes Lane, Clacton on Sea, and the fact that there had been no loss of life.

10. Date of Next Meeting

The Committee noted the next activity date was scheduled for Thursday 27 February 2014.

There being no urgent business the meeting closed at 5.00 pm.

Chairman