



# Uttlesford District Council

Chief Executive: Dawn French

## Council

**Date:** Tuesday, 26 July 2016  
**Time:** 19:30  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** All Members of the Council

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest**  
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the previous meeting** 5 - 12  
To consider the minutes of the meeting held on 17 May 2016.
- 3 Matters arising**  
To consider any matters arising from the minutes.
- 4 Chairman's announcements**  
To receive any announcements from the Chairman

- 5     Reports from the Leader and members of the Executive**  
To receive matters of report from the Leader and members of the Executive
- 6     Members' questions to the Leader, members of the Executive and chairmen of committees (up to 15 Minutes)**  
To receive members questions
- 7     Matters received about joint arrangements and external organisations**  
Matters concerning joint arrangements and external organisations
- 8     Matters received from committees and working groups (standing item)**  
To consider any matters received from committees and working groups.
- 9     Update on Local Strategic Partnership**  
To consider any reports received from the LSP groups.
- 10    Local Plan Development Strategy** 13 - 24  
To consider the Local Plan Development Strategy.
- 11    Appointment of Monitoring Officer and delegated powers** 25 - 28  
To consider a report on the appointment of the Monitoring Officer and delegated powers.
- 12    Community Governance Reviews 2016-17** 29 - 32  
To consider Community Governance Reviews 2016-17.
- 13    2018 Review of Parliamentary Boundaries** 33 - 36  
To consider the 2018 review of Parliamentary Boundaries.
- 14    Notice of motion on Hate Crime and Tolerance** 37 - 38  
To consider a notice of motion on Hate Crime and Tolerance submitted by Councillors Morris and Light.

- 15 Notice of motion on the establishment of a Youth Assembly** 39 - 40  
To consider a notice of motion seeking to establish a Youth Assembly submitted by Councillors Fairhurst, Light and Lodge.
- 16 Any other items which the Chairman considers to be urgent**  
To consider any items which the Chairman considers to be urgent.

## **MEETINGS AND THE PUBLIC**

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Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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**ANNUAL COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 7.30pm on 17 MAY 2016**

Present: Councillor S Harris – Chairman.  
Councillors K Artus, H Asker, G Barker, S Barker, R Chambers,  
J Davey, P Davies, A Dean, P Fairhurst, T Farthing, M Felton,  
J Freeman, R Freeman, R Gleeson, T Goddard, N Hargreaves,  
E Hicks, S Howell, D Jones, M Lemon, B Light, J Lodge, A Mills,  
S Morris, E Oliver, V Ranger, H Rolfe, H Ryles, G Sell and L Wells.

Officers in attendance: D French (Chief Executive), D Barden (Communications Officer ), M Cox (Democratic Services Officer), R Harborough (Director of Public Services), M Perry (Assistant Chief Executive – Legal) and A Webb (Director of Finance and Corporate Services).

C1

**REMARKS OF THE OUTGOING CHAIRMAN**

Councillor Harris said it had been a privilege to be Chairman of Uttlesford Council over the past year. She thanked Members for their support at her charity events and reported that in total she had raised £8,600 for the Downs Syndrome Association and Cancer Research.

She said she had thoroughly enjoyed her year and had attended numerous engagement including church services, civic dinners, school concerts, Remembrance Day and events with the High Sheriff and Local MP. She had also chaired the Community Panels. Particularly notable was the 75 year anniversary service of the 101 squadron at St Paul's Cathedral and her recent attendance at the Queen's Garden Party.

She said that chairing the Council meetings had been fairly challenging at times. At the start of the year she had asked members to maintain decorum during the meetings and on the whole this had been achieved. However, in the upcoming months there would be decisions to be made in relation to the new Local Plan and she urged members not to make this a personal issue and to demonstrate fitting behaviour.

She thanked her father and husband who had accompanied her to all her events. She gave particular thanks to Janine Corby, the PA to the Chairman and Leader who had been truly wonderful and a great support.

She finally thanked her vice-chairman Cllr Davey for his help during the year by attending events when she was unavailable and assisting her during the council meetings. She wished him all the best for an enjoyable year as Chairman.

C2

**ELECTION OF CHAIRMAN OF THE COUNCIL**

Having been nominated at the previous meeting Councillor Davey was duly elected as Chairman of the Council.

**C3 STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor Davey made the statutory declaration as Chairman of the Council for 2016/17. He thanked Councillor Harris for all the work she had done during the past year. He said she had been incredibly efficient and effective and would be a hard act to follow.

The new Chairman then presented a portrait and past Chairman's badge to Councillor Harris.

**C4 APPOINTMENT OF VICE-CHAIRMAN**

Having been nominated at the previous meeting, Councillor Sell was duly elected as Vice-Chairman of the Council.

**C5 STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor Sell made his declaration of acceptance of office. He thanked the Council for this honour and said he would do his very best to support Chairman during the year.

**C6 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors A Anjum, M Foley, J Gordon, T Knight, J Loughlin, E Parr, J Parry and J Redfern.

Councillors Asker, R Freeman, Fairhurst and Morris declared their interests as Members of Saffron Walden Town Council.

**C7 MINUTE SILENCE**

The Council stood for a minute silence in remembrance of former Councillor Alan Row, who had been a long serving member of the council.

**C8 MINUTES**

The minutes of the meeting held on 12 April 2016 were received, approved and signed by the Chairman as a correct record.

**C9 CHAIRMAN'S ANNOUNCEMENTS**

The new Chairman announced that he would nominate Essex Air Ambulance and Uttlesford Community Travel as his chosen charities for the year. His consort would be Linda Parish.

**C10 LEADER'S ANNOUNCEMENTS**

Councillor Rolfe added his congratulations to Councillor Davey upon his election and thanked Councillor Harris for her efforts as Chairman and for being a great ambassador for the District.

He announced changes to the Portfolio Lead Members, as follows

- Cllr G Barker – Children, Families and Education
- Cllr Harris – Health, Wellbeing and Air Quality

There would be no Lead Member for Depots, Maintenance and Highway Rangers, these would revert to Cllr S Barker's portfolio.

He said he would like the Cabinet to appoint a Health and Safety Champion and asked Members to let him know if they were interested in filling this role.

Councillor Redfern was unable to attend tonight's meeting, but she wished to thank Members for their support for her moon walk team, which had completed the marathon distance in just over 7hrs and raised over £10,000 for breast cancer charities.

## C11 **REVIEW OF POLITICAL BALANCE**

The Council received the report on the allocation of seats to the Council's committees in accordance with the political balance provisions of the Local Government and Housing Act 1989.

RESOLVED that the political balance of the Council and the allocation of seats set out in the report be agreed

## C12 **APPOINTMENT OF COMMITTEES 2016/17**

The Council agreed the appointment of committees, and their chairmen and vice-chairmen where indicated, in accordance with the nominations received from each of the political groups.

**Planning:** R Chambers, P Fairhurst, R Freeman, E Hicks, J Lodge, J Loughlin, A Mills, H Ryles, V Ranger (c), J Davey (vc)

**Licensing and Environmental Health:** A Anjum, G Barker, R Chambers (c), J Davey, R Gleeson, T Goddard (vc), J Gordon, E Hicks, S Morris, J Parry

**Performance and Audit:** G Barker (vc), M Foley, J Freeman, J Gordon, S Harris, N Hargreaves, D Jones, B Light, E Parr, E Oliver (c)

**Scrutiny:** H Asker, G Barker (vc), R Chambers, P Davies, A Dean (c), M Felton, S Harris, B Light, E Oliver, G Sell.

**Standards** A Anjum, K Artus (vc), H Asker, A Dean, N Hargreaves, J Loughlin, D Jones, T Knight (c) G Sell.

## C13 **APPOINTMENT OF WORKING GROUPS 2016/17**

The Council agreed the appointment of the Council working groups, and their chairmen where indicated, in accordance with the nominations received from each of the political groups.

**Constitution Working Group:** R Chambers, A Dean, J Freeman, S Harris, B Light, E Oliver, J Parry, V Ranger (c).

**Electoral Working Group:** A Anjum, J Davey, T Farthing, T Goddard, N Hargreaves, S Howell (c), D Jones, G Sell.

**Local Joint Committee:** A Dean, S Morris, H Rolfe

In answer to a question from Cllr Lodge, the Assistant Chief Executive – Legal said that there was no requirement for the cabinet working groups to be politically balanced, but this had been the practise at Uttlesford since the cabinet system had been introduced in 2011.

C14      **APPOINTMENT OF MEMBER REPRESENTATIVE TO SERVE ON THE ESSEX POLICE AND CRIME PANEL**

The Leader proposed Councillor Gordon to serve as the Council's member representative on the Essex Police and Crime Panel.

RESOLVED to appoint Councillor Gordon to this position.

C15      **REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

The Leader made a statement summarising the council's position at the end of 2015/16. He said the Council's finances were sound but there were challenges ahead. Much depended on the outcome of the New Homes Bonus consultation but he was confident that the Medium Term Financial Strategy (MTFS) would address future challenges. There had been a modest increase in Council Tax and a plan had been put in place to make the Council more effective and to increase income through better utilisation of its assets. Positive points to note was the districts high collection rate, a reduction in empty properties, an increase in supplier invoices paid on time, and an unqualified Audit Opinion and Value for Money statement.

The Council would be setting up a company to be called ASPIRE, which would be launched at Cabinet on 26 May. Its objective was to generate income through the effective use of assets. The Council would continue to use reserves for community projects.

The Council had discussed the issue of devolution during the year and whether to join the proposed Greater Essex Devolution Deal. Members had noted what was a happening elsewhere in the country and would consider its involvement in the project in the Autumn.

In the housing area, he said that 48 affordable had been built since the start of the housing development programme. There had also been considerable investment in the current stock, including the installation of solar panels on council owned homes. There had been developments at Mead Court, Stansted and at other sheltered schemes.

The Council was looking to support the provision of superfast broadband and was lobbying superfast Essex and BT Openreach to achieve the 92% coverage target, and was supporting a voucher scheme for access to superfast broadband.

Under the communities' area, the council continued to support the work of the LSP. It was looking to create a one stop shop multi agency centre in Saffron Walden and was assisting the management of Fairycroft in the purchase of the property and support its ongoing work. The Police had moved to the council offices and UDC was funding two PCSO's in the district. He said that Health and Wellbeing was now a key element of UDC work.

Customer Services remained a major priority. The Customer Services Centre had recorded a record number of calls at first point of contact. He congratulated the Planning services on meeting all its performance targets.

In relation to waste and recycling, he said the Council provided a good service but improvement could be made. There would be future campaigns in relation to recycling and keeping the district tidy.

In summary, the Leader said good progress had been made this year but there was still much work to do. He informed members that Michael Perry, the Assistant Chief Executive – Legal would be retiring in August. He thanked Mr Perry for his commitment, support and wisdom during his time at Uttlesford. He also paid tribute to Geoff Smith, the Head of Environmental Services who would be retiring at the end of June.

Councillor J Freeman said that at a recent meeting the Director of BuzzCon had reported that the company had been accepted as the new Government provider. This should lead to a more concerted effort to roll out Broadband in the district.

Councillor Asker raised a planning issue in relation to a proposed development at Lime Avenue, Saffron Walden. She understood there had been sound planning reasons for refusing the application but felt that the comments raised by SWTC had not been taken into account. She said there was little point in consulting the Local council if its responses were ignored.

The Chief Executive said the parish/town councils' comment, along with all other representations were taken into account. However, the planning officers and committee had to consider all the evidence and take a balanced view when coming to its conclusion.

C16

## **ANNUAL REPORTS FROM SCRUTINY AND PERFORMANCE AND AUDIT COMMITTEE**

Councillor Chambers questioned the absence of a written report for this item. It was confirmed that written reports would be provided in the future.

i) Scrutiny Committee

Councillor Dean outlined the work of the Scrutiny Committee over the past 12 months. The committee had a number of new members and had received external training on the scrutiny process.

One main area of consideration had been the report on the Local Plan preparation from the Planning Advisory Service. This had been a useful review and the recommendations had been taken forward in the work on the new Local Plan.

Members put forward suggestions for areas to be reviewed and these had been included in the programme in addition to the items for pre-scrutiny. Recent meetings had considered the LCTS, air quality, a district wide car parking review, the 2016/17 budget and had established a task group to look at the council's enforcement service. The future timetable included the Building Control Partnership, a review of the cabinet system, quiet lanes, the relationship between ECC/UDC particularly around Planning and Highways and a review of the NEPP.

Councillor Dean thanked the Committee for all the work it had done over the past year.

ii) Performance and Audit Committee

Councillor Oliver, the Chairman of the Committee said that as the committee had not met for three months, it had not had an opportunity to consider its annual report. However he outlined the work carried out during the past year.

The committee had started the year with training from an external provider on the core functions of an audit committee.

It had considered the Statement of Accounts 2014/15, which had noted specifically an increase in the value of the council's housing stock and the long term liability of the council's share of the ECC pension deficit. The 2014/15 accounts had been published early in preparation for next year's new deadline. In relation to the 2014/15 accounts the external auditor had issued an unqualified opinion on the Financial Statements and an unqualified opinion on the arrangement for Value for Money.

The Annual Governance report 2014/15 had identified no significant issues or errors. The Audit letter had referred to the reliability of the accounts and that proper arrangements had been put in place for the use of resources.

The committee had also reviewed the work of Internal Audit, which included the Annual Governance Statement and progress reports on the day to day audit work. It had carried out the annual committee self- assessment and actions had been identified for 2016/17. Each meeting also reviewed the performance indicators and the Council's risk register.

Councillor Oliver thanked officers and Members for their support and assistance over the year.

C17

## **MEMBERS' QUESTIONS TO THE LEADER AND MEMBERS OF THE EXECUTIVE**

*Cllr Harris declared a non-pecuniary interest as a member of Flitch Green Parish Council*

Councillor Harris asked a question about the Flitch Green development and the provision of community facilities. It had been hoped that these would soon be in place, signed off and passed over to the management of the charitable trust. However there were now 3 major issues.

1. It was not possible to use the pathways safely, as the stone and gravel was not bedding down properly.
2. There was no maintenance plan or details for the new playing fields, when they would be ok to use, and the upkeep required. There was nothing currently being done to maintain this facility.
3. There was an issue with payments to the subcontractors who had provided the play equipment and it was likely that this would be removed.

The S106 agreement stated that there should be no house building on the site until the playing fields had been completed, but work was still continuing. There had been a 10 year delay in the provision of these facilities and the parish council was asking that UDC, as the Planning Authority to legally enforce the agreement and push to get the work completed.

The Chief Executive said that a written response would be send to Flitch Green Parish Council.

C18

## **MATTERS RECEIVED FROM COMMITTEES AND WORKING GROUPS**

At the last meeting, the chairman of the Constitution Working Group had announced the date of 28 June 2016 for a meeting of the group. There was now a Local Plan workshop planned for this date and the Constitution WG meeting would be rearranged.

C19

## **PERFORMANCE AND AUDIT COMMITTEE – CHANGE OF DATE**

Councillor Oliver asked the Council to agree to reschedule the July meeting of the Performance and Audit Committee in order for the committee to receive the audited accounts from external audit.

RESOLVED that the date of the Performance and Audit Committee be changed from 21 to 28 July 2016.

The meeting ended at 8.25 pm



**Committee: Council**

**Agenda Item**

**Date: 26 July 2016**

**10**

**Title: Local Plan Development Strategy**

**Author: Richard Fox, Planning Policy Team Leader**      Item for decision

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### **Summary**

1. This is a covering report for the enclosed paper and appendix that were considered at the Planning Policy Working Group on 12 July and Cabinet on 14 July.

### **Recommendations**

2. The preferred strategy for the Local Plan is Scenario 5 (Hybrid Distribution Strategy – New Settlement(s), Main Towns and Villages), as attached at the Appendix to the report, and that contingency is built into the Plan to allocate further homes if necessary;

the following conditions are stipulated as part of the adoption of Scenario 5:

- that a five year land supply is available;
- the required building rate can be maintained;
- infrastructure in existing towns and villages will be enhanced and taken into account in planning developments wherever possible; and
- Garden City Principles will be used and application made to Government for funding

Scenario 4 (Combination of Development in Main Towns and Villages) will become the fall-back position if Scenario 5 cannot be adopted, but only in the circumstance that it becomes impossible to proceed with New Settlement(s).

### **Financial Implications**

3. The preparation of the Plan will be met from the existing planning budget. There are risks of intervention and costs if the plan is not completed on time and the potential implications of loss of New Homes Bonus if the Council does not produce a plan in timely fashion. There are also the costs of defending appeals against hostile planning applications that may be submitted there is no Plan and secure 5 year land supply in place.

### **Background Papers**

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Reports to Planning Policy Working Group and Cabinet on 12 and 14 July.

## Impact

5.

Communication/Consultation	There was extensive consultation on the Local Plan Issues and Options. Town and parish councils were consulted on the findings of the Strategic Land Availability Assessment.
Community Safety	This is an underlying theme of the Local Plan e.g. planning out crime by design.
Equalities	The Plan will be subject of an equalities impact assessment.
Health and Safety	N/A
Human Rights/Legal Implications	The Local Plan will need to comply with planning legislation.
Sustainability	This is an underlying theme of the Local Plan e.g. ensuring homes and jobs are provided near to each other and minimising reliance on the private car.
Ward-specific impacts	Some wards may be affected by site specific proposals but the overall distribution strategy for the Plan is a matter for all wards.
Workforce/Workplace	It is a Council Plan, to be contributed and owned by all staff, not just the planning policy team. The progress and approval of the plan is key to the delivery of the Council's objectives and work of all staff and because of the potential financial implications could impact on the size and shape of the workforce.

## Situation

6. The enclosed reports and Appendix were considered by the Planning Policy Working Group on 12 July and Cabinet on 14 July. The reports are self-explanatory.

## Risk Analysis

7.

Risk	Likelihood	Impact	Mitigating actions
The Council fails to adopt a "sound" Plan	2 – Unlikely.	3 – Will result in the Local Plan being found unsound. Significant impact on planning policy and planning applications.	The Council has an adopted SHMA, undertaken a review of the evidence base, appraised the development scenarios and will undertake a sustainability appraisal of allocations Duty to Co-operate discussions are nearing conclusion. The Council continues to monitor the outcome of other examinations, legal challenges and receives advice from critical friends.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Committee:** Planning Policy Working Group

**Agenda Item**

**Date:** 12 July 2017

**10**

**Title:** Local Plan Development Strategy

**Author:** Richard Fox, Planning Policy Team Leader

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## Summary

1. This report summarises five potential distribution strategies for the Local Plan and assesses their benefits and risks following an analysis of the evidence base. A hybrid option including a combination of development in new settlement(s), town and villages is recommended as a basis for allocations in the Plan. The report emphasises the need to prepare the Plan in a timely manner.

## Recommendations

2. That Planning Policy Working Group recommend to Cabinet that the preferred strategy for the Local Plan is Scenario 5 (Hybrid Distribution Strategy – New Settlement(s), Main Towns and Villages) as attached at the Appendix and that contingency is built into the Plan to allocate further homes if necessary.

## Financial Implications

3. The preparation of the Plan will be met from the existing planning budget. There are risks of intervention and costs if the plan is not completed on time and the potential implications of loss of New Homes Bonus if the Council does not produce a plan in timely fashion. There are also the costs of defending appeals against hostile planning applications that may be submitted there is no Plan and secure 5 year land supply in place.
- 4.

## Background Papers

5. Inspector's Letter 19 December 2014  
Withdrawn Local Plan  
PPWG reports endorsing the evidence base

## Impact

- 6.

Communication/Consultation	There was extensive consultation on the Local Plan Issues and Options. Town and parish councils were consulted on the findings of the Strategic Land Availability
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	Assessment. A summary of some responses is contained In the Appendix
Community Safety	This is an underlying theme of the Local Plan e.g. planning out crime by design.
Equalities	The Plan will be subject of an equalities impact assessment.
Health and Safety	N/A
Human Rights/Legal Implications	The Local Plan will need to comply with planning legislation.
Sustainability	This is an underlying theme of the Local Plan e.g. ensuring homes and jobs are provided near to each other and minimising reliance on the private car
Ward-specific impacts	Some wards may be affected by site specific proposals but the overall distribution strategy for the Plan is a matter for all wards.
Workforce/Workplace	It is a Council Plan, to be contributed and owned by all staff, not just the planning policy team. The progress and approval of the plan is key to the delivery of the Council's objectives and work of all staff and because of the potential financial implications could impact on the size and shape of the workforce.

## Situation

7. The previous Local Plan was withdrawn in January 2015 following the Inspector's findings in December 2014. The principal concerns of the Inspector related to objectively assessed housing need (OAN) for the District and proposals for a major extension to the village of Elsenham. Since then the Council has undertaken an exhaustive evidence gathering exercise to underpin the preparation of the new Plan. This has included a "call for sites" during spring and summer of last year which attracted over 300 submissions and the Issues and Options consultation during late autumn which elicited approximately 7,000 responses from nearly 700 bodies. The findings of both exercises were summarised and reported to PPWG earlier this year.
8. Technical studies have been commissioned or undertaken in-house to cover the following areas:- Strategic Housing Market Assessment (SHMA), Strategic Land Availability Assessment,(SLAA), Strategic Flood Risk Assessment (SFRA), Green Belt Review, Transport, Employment Land, Retail and the Countryside Protection Zone.

9. The SHMA relates to the housing market area which covers East Herts, Epping Forest and Harlow as well as Uttlesford and sets out the overall Housing requirement between 2011- 2033. The total figure is approximately 49,000 homes of which Uttlesford's requirement is around 12,500. Taking into account completions and existing permissions means that the Council has to allocate approximately 4,600 homes in the Local Plan.
10. The SLAA is an assessment of sites for residential or employment use to determine whether they are deliverable. In making this assessment the Council will consider the "suitability", "achievability" and "availability" of a site.
11. The SFRA is a planning tool that will assist the Council in its selection and development of sustainable development sites away from vulnerable flood risk. The purpose of this SFRA is to provide an updated high level assessment and mapping of flood risk from all sources across the district.
12. The Green Belt Review and Countryside Protection Zone (CPZ) Review adopted similar methodologies by identifying specific parcels of land and then applying the purposes of the designation to those parcels. Both studies concluded that there were no fundamental changes required to the boundaries of either the green belt or CPZ.
13. Whilst most of these studies have been concluded some, notably Transport and Employment are ongoing, albeit interim findings have shaped thinking. The conclusions of this report must, therefore, be caveated as some final pieces of evidence are outstanding. The findings of those studies that have been concluded have all been endorsed at previous meetings of PPWG as underpinning the evidence base for the Plan and can be viewed on the Council's website. These studies will ensure that informed decisions are taken about the preparation of the Plan.
14. The Council adopted a revised Local Development Scheme (effectively the plan making programme) in February 2016. Given the Government pronouncements in July 2015 about potential intervention if plans were not "produced" by March 2017, the Council approved an accelerated programme for the preparation the Plan. The Council intends to "publish" the Plan in November 2016; there will be consultation on the draft Plan prior to formal submission. It is important at this juncture, therefore, that there is exposure and endorsement for the overarching strategy for the Plan; effectively it's "direction of travel". This will form the basis for the specific site allocations etc. which will be subject of the sustainability appraisal and further Member consideration and consultation later this year.
15. A key issue facing the Council is whether to consider the principle of a new settlement (or settlements) as part of the distribution strategy. A report to that effect was considered by PPWG, Cabinet and Full Council in March 2016. Council resolved "That a new settlement (or settlements) should continue to be investigated and analysed alongside all other possible options for housing and employment distribution and should not be dismissed at this stage from the potential options for inclusion in the Local Plan".

16. Whilst the content of this report has a firm focus on housing provision it must be remembered that the Local Plan aims to realise sustainable development in Uttlesford and the three economic, social and environmental themes set out in the National Planning Policy Framework (NPPF). Specifically infrastructure such as roads, schools and health provision must be delivered in a timely manner to ensure sustainable growth. Equally, the Local Plan will need to reflect the aspirations of the Co-op Board for Sustainable Development, comprising the four Strategic Housing Market Area Authorities of Epping Forest, East Herts, Harlow and Uttlesford. It is anticipated that memoranda of understanding between the authorities relating to the geographical distribution of development across the overall Strategic Housing Market Area, transport and air quality will be signed. These memoranda will be submitted as evidence that the authorities have fulfilled their legal commitment under the Duty to Co – operate.
17. The SHMA commissioned by the four authorities has recommended that Uttlesford’s objectively assessed need is 580 dwellings per annum. However, there are outstanding issues facing the Council which may impact on the site specific allocations and draft plan to follow. These are: firstly; the outcome of two outstanding planning appeals at Elsenham and Dunmow which may have an impact on the overall housing land supply and the potential location of a new settlement; and secondly: that an Inspector at Local Plan Examination accepts the robustness of the Council’s housing figures. Whilst the latter has been tested on appeal and the Council is confident about the SHMA it is recommended that it is prudent to contingency plan to ensure that the Council achieves a “sound “Plan, giving it certainty and flexibility long term. (see paragraph 16).
18. The Issues and Options consultation included seven different development scenarios for housing growth; four based on the Council’s Objectively Assessed Housing Need (OAN) of 580 dwellings per annum and three on a higher figure of 750 dwellings, to test the implications of greater growth.
19. As there was some duplication of scenarios at that stage (i.e. the two options of new settlement or settlements and a hybrid were used for the lower and higher housing figure), for the purposes of analysing the endorsed evidence base this has been simplified to five. The five scenarios are:-
- 1) All development allocated in new settlement(s)
  - 2) All development pepper potted in villages
  - 3) All development in the two main towns (Saffron Walden and Great Dunmow)
  - 4) Combination of development in main towns and villages
  - 5) Hybrid involving new settlement(s), main towns and villages
20. The Council now needs to decide in principle the overall distribution strategy for the Plan. The Issues and Options consultation proposed seven distribution

strategies which were the subject of detailed analysis by statutory consultees and town and parish councils. Officers have now considered the distribution scenarios as to how they could deliver 4,600 dwellings and this is summarised in the Appendix attached. There was a cross-party Member workshop on 28 June which considered the overall benefits and risks of the scenarios. These are summarised as follows:

21. The Council now needs to decide in principle the overall distribution strategy for the Plan. This has been the subject of detailed analysis by officers of the Council, statutory consultees, town and parish councils, external experts etc. and is summarised in the Appendix attached. There was a cross-party Member workshop on 28 June which considered the overall benefits and risks of the scenarios. These are summarised as follows:-

### **1) All development allocated in new settlement(s)**

#### **Benefits**

- Comprehensively plan the provision of infrastructure
- Critical mass to provide additional infrastructure
- Reduces development pressure on the historic settlements

#### **Risks**

- Relying on only 1 or 2 large sites to deliver the housing
- Deliverability within the Plan period
- Deprives other settlements of sustainable growth
- Negative impact on 5 year land supply

**Conclusion - not a sound distribution strategy.**

### **2) All development pepper potted in villages**

#### **Benefits**

- Sustains village vitality

#### **Risks**

- Scale of development is likely to have a detrimental impact on their character, the countryside and the highway network in many circumstances
- uncertainty that the scale of individual developments would provide the infrastructure required - Infrastructure deficit

**Conclusion - not a sound distribution strategy**

### **3) All development in the two main towns (Saffron Walden and Great Dunmow)**

#### **Benefits**

- Generally sustainable locations for development
- Supports existing services and facilities
- Help improve infrastructure deficit

#### **Risks**

- Significant impact on their historic character and landscape setting
- Restriction of the pooling of S106 for infrastructure.
- Insufficient deliverable sites

**Conclusion - not a sound distribution strategy.**

**4) Combination of development in main towns and villages**

**Benefits**

- Towns are generally sustainable locations for development,
- Sustains village vitality and diversity

**Risks**

- Some villages are more constrained than others – could result in disproportionate growth
- Uncertainty that the scale of individual developments would provide the infrastructure required - Infrastructure deficit

**Conclusion – potentially a sound option but not recommended**

**5) Hybrid involving new settlement(s), main towns and villages**

**Benefits**

- Towns are generally sustainable locations for development,
- Provides an opportunity for some growth to sustain village vitality in the most sustainable locations
- New settlements allows us to provide for the highest level of infrastructure demands and comprehensively meet development needs
- Reduces development pressure on the historic settlements
- Helps to maintain a 5 year supply of housing
- It can lessen the impact on the highway network

**Risks**

- Similar to scenarios 1-4 but to a lesser degree
- Loss of countryside
- Development may have detrimental impact on historic character of existing settlements

**Conclusion – Preferred distribution strategy**

22. Additional unidentified housing referred to earlier in this report can be met in a number of ways; these include future proofing by an early review of the Plan. This will not delay the Plan and is an accepted approach by the Planning Inspectorate (PINS). There is also the potential for allocating contingency sites which can be brought forward into the Plan period if required.

23. Overall it is recommended that the hybrid distribution strategy represents the best option for a “sound” plan, being sustainable, deliverable and accommodating potential contingency growth.
24. The Council needs to move into the next stages of plan preparation. Critically, this involves the finalisation of the evidence base referred to above; sustainability appraisal of specific site allocations; and, further dialogue with the community in taking the Plan forward. PPWG are recommended to endorse the overall development strategy set out in the report at this stage as the preferred way forward for the Plan which will be considered by Cabinet and Council.

## Risk Analysis

6)

Risk	Likelihood	Impact	Mitigating actions
The Council fails to adopt a “sound” Plan	2 – Unlikely..	3 – Will result in the Local Plan being found unsound. Significant impact on planning policy and planning applications.	The Council has an adopted SHMA, undertaken a review of the evidence base, appraised the development scenarios and will undertake a sustainability appraisal of allocations Duty to Co-operate discussions are nearing conclusion. The Council continues to monitor the outcome of other examinations, legal challenges and receives advice from critical friends.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Committee: FULL COUNCIL**

**Agenda Item**

**Date: 28 July 2016**

**11**

**Title: APPOINTMENT OF MONITORING OFFICER  
AND DELEGATED POWERS**

**Author: Dawn French, Chief Executive, 01799  
510400**

Item for decision

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## Summary

1. This report sets out proposed interim arrangements following the retirement of the Assistant Chief Executive – Legal.

## Recommendations

2. That the council appoints Mrs Christine Oliva as a Monitoring Officer for the council and gives her delegated power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests..
3. That the powers delegated to the Assistant Chief Executive – Legal by the council's Scheme of Delegation be delegated to Mrs Oliva.

## Financial Implications

4. None arising from this report.

## Background Papers

5. None.

## Impact

- 6.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The council has a statutory duty to designate one of its officers as the

	Monitoring Officer.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

7. Section 5 Local Government and Housing Act 1989 requires each local authority (other than parish and town councils) to designate one of its officers (the monitoring officer) as being responsible for performing the duties imposed by section 5 and section 5A of the Act. In addition, the Localism Act 2011 requires the Monitoring Officer to maintain registers of interests for his or her district council and for the parish and town councils within the district and to approve the non-registration of any sensitive interests.
8. The Assistant Chief Executive – Legal who is the council's current monitoring officer is retiring on 5 August 2016 and it is therefore necessary for a replacement to be appointed.
9. Under the council's Scheme of Delegation a number of functions have been delegated to the Assistant Chief Executive – Legal. These may be found in the Members Handbook at pages (3)-23 - (3)-25. Unless these functions are delegated to another officer, they will fall to be performed by the Licensing & Environmental Health Committee which will greatly increase the workload of that committee which already has a large number of meetings. It is therefore desirable that these functions should be the subject of a further delegation to an officer.
10. The position, roles and responsibilities of the Assistant Chief Executive – Legal are currently being reviewed, necessitating these interim arrangements. Mrs. Oliva has the necessary knowledge, skills and experience to carry out these functions.

## Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The council does not appoint a Monitoring Officer	1, members are expected to observe their statutory duty	4, the responsibilities of the Monitoring Officer include reporting any illegal activity on the part of	A suitable officer is designated as Monitoring Officer for the council.

		the council, its cabinet or officers. This involves monitoring the activities of the council, cabinet and officers by scrutinising reports and decisions. The council risks reputational damage if this function is not performed.	
The council does not agree a suitable Scheme of Delegation	1, there is no reason why the council would not continue the current Scheme of Delegation	2, the Licensing & Environmental Health Committee may make its own Scheme of Delegation if the council does not do so.	Adopt an appropriate Scheme of Delegation.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Committee:** Council

**Agenda Item**

**Date:** 26 July 2016

**12**

**Title:** Community Governance Reviews 2016/17

**Author:** Peter Snow, Democratic and Electoral  
Services Manager, 01799 510430

Item for decision

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## Summary

1. This report sets out for approval a proposed programme of community governance reviews (CGRs) in 2016/17. It follows an approach already received from Little Easton Parish Council and a more recent approach from Little Canfield Parish Council.

## Recommendations

2. To agree to conduct a statutory review of parish arrangements at Little Canfield and Takeley with particular reference to the Priors Green development. The review will be referred to the Electoral Working Group to determine the timing of a CGR, consider the options for any change and to make recommendations. Approval to conduct a review of the parishes of Little Easton and Great Dunmow has already been given but the review has been delayed until the outcome of the planning appeal for housing development currently lodged with the Secretary of State becomes known.

## Financial Implications

3. *None. There are no costs associated with the recommendation. There will be some printing costs but it is expected these can be accommodated within existing budgets and the CGR will inevitably eat up a great deal of officer time. This can be factored in to existing service plans.*

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Email from Little Canfield Parish Council dated 5 May 2016 requesting a CGR and published guidance

## Impact

- 5.

Communication/Consultation	Full consultation will be undertaken as part of the CGR process
Community Safety	None

Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Great Dunmow North, Takeley, and Thaxted and the Eastons
Workforce/Workplace	None

## Situation

6. A formal approach has been received from Little Canfield Parish Council for a review to be carried out of parish arrangements at Little Canfield and Takeley with particular reference to the Priors Green development. The parish council has not identified a proposed review outcome.
7. The Council has powers available under the Local Government and Public Involvement in Health Act 2007 to take decisions about parish arrangements and to implement any changes agreed by order. The matters that may be reviewed include the creation or abolition of parishes, the alteration of boundaries of existing parishes, and changes to the electoral arrangements of a parish council.
8. The purpose of a community governance review is to ensure that parish boundaries continue to reflect local identities and result in effective and convenient local government.
9. A CGR was carried out several years ago at Priors Green, at a fairly early stage of the development, but it was not possible at that time to identify a solution that met the test of widespread public support. Members will of course be aware that the development area known as Priors Green is divided between the two parishes and that further provision of new housing is continuing.
10. The method used in conducting the CGR will be to consult widely in the local community, propose alternative options for consideration, and find an agreed solution that is able to command widespread support. If it proves possible to achieve an accepted solution the Council is able to approve new parish arrangements by order bringing those arrangements into effect. If a change of parish boundaries is agreed it will be necessary to agree revised parish electoral arrangements. Depending on the timetabling of that change it might be necessary to arrange for a new election of parish councillors earlier than the scheduled date of 2019.

11. District ward boundaries are unlikely to be affected as both parishes fall within the same ward. In any case, the definition and implementation of district wards falls within the province of the Local Government Boundary Commission for England.
12. If the Secretary of State determines the outstanding planning appeal for the development of land to the west of Woodlands Park, it might prove possible to run a CGR to review the parishes of Great Dunmow and Little Easton in tandem with the Priors Green review.
13. The likely timing is that a CGR can be commenced in late summer or early autumn of 2016 and proposals for any change brought back for consideration in early 2017.

## Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
2 – parish arrangements do not reflect community interests or identities	3 – if a review does not take place there is significant risk of parish arrangements not reflecting community interests	2- if parish arrangements do not reflect community interests, this may lead to a loss of identity or involvement in parish affairs	Undertaking a full CGR will ensure that public views can be made known, and community interests and identities can be identified and taken into account in making recommendations

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Committee: Council**

**Agenda Item**

**Date: 26 July 2016**

**13**

**Title: 2018 Review of Parliamentary Boundaries**

**Author: Peter Snow, Democratic and Electoral  
Services Manager, 01799 510430**

Item for decision

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## Summary

1. The Boundary Commission for England (BCE) has announced the start of the review of Parliamentary constituencies in England. The BCE is required to report to Parliament in September 2018.
2. Initial proposals for new boundaries are scheduled for publication on Tuesday 13 September. There will follow a series of short public hearings and written representations can be made within a period of 12 weeks.
3. It is proposed to refer consideration of the BCE's initial proposals to the Electoral Working Group for consideration. If the review timescales allow, the proposed response to the review proposals, insofar as they affect the existing Parliamentary constituency arrangements for Uttlesford, will be referred back to Council for approval.

## Recommendations

4. Invite the Electoral Working Group to consider the initial proposals for new Parliamentary constituencies in England, due to be published by the BCE on 13 September 2016 and prepare the Council's response to the review proposals.

## Financial Implications

5. *None. There are no costs associated with the recommendation. Officer time has been factored in to service plans.*

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None, except for reports and guidance already published.

## Impact

- 7.

Communication/Consultation	Full consultation is already built into the review process set by the BCE. Further
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	local consultation will be undertaken as appropriate.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	All wards
Workforce/Workplace	None

## Situation

8. The commencement of the review of Parliamentary boundaries was announced by the BCE in February 2016. The guide for the review has now been published. The full timetable for events, including a programme of public hearings, has yet to be announced but the BCE has stated its intention to publish initial proposals for consultation on 13 September. The final report is required to be completed and submitted to Government during September 2018.
9. The rules relating to Parliamentary boundaries were substantially changed by the Parliamentary Voting System and Constituencies Act 2011. They will involve a significant reduction in the number of constituencies in England from the present number to 501, two of which must be allocated to the Isle of Wight.
10. Using the same division of England as for European Parliament elections, the mathematical formula used has resulted in the allocation of 57 constituencies to the Eastern region. The BCE's proposals will therefore allocate this number of constituencies to the Eastern region, including Essex.
11. Members will recall there was a blocked attempt to review Parliamentary boundaries under the 2011 Act during the period of the coalition government prior to 2015. Had those proposals been implemented, Uttlesford would have been divided between parts of three new constituencies. At present the Saffron Walden constituency includes the whole of Uttlesford together with four wards of Chelmsford City.
12. It is proposed that the Electoral Working Group be asked to consider the initial review proposals and prepare a suitable response to the public consultation for approval.

## Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
1 – that new constituency arrangements are detrimental to the interests of the district in terms of Parliamentary representation	2 – because of the way the 2011 Act operates, there is a high probability of fragmentation of the district between two or more constituencies	2 - the impact would be, post implementation of the review proposals, that the council would be required to make representations to two or three MPs instead of one as at present	Unfortunately, it is extremely difficult to counter proposals considered detrimental to the district's interests as proposed changes to constituency boundaries would impact on most or all other proposed constituencies across the Eastern region, or at least on all other proposed constituencies within Essex. It would require a great deal of work to prepare an alternative set of proposals designed to keep Uttlesford intact within one constituency. The availability of the time and expertise to prepare alternative proposals is limited.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



## Hate Crime and Tolerance

- This Council notes with concern the increase in hate crime (57% increase by 27 June 2016) following the outcome of the EU Referendum.
- Council restates that we are proud to live in a diverse and tolerant society and unequivocally condemns racism, xenophobia and hate crimes which have no place in our country.
- We will not allow hate to become acceptable.
- Council reassures all people living in Uttlesford that they are valued and equal members of our community.
- Council resolves to work with the appropriate channels to prevent racism and xenophobia and promote tolerance and diversity.



Notice of motion

"To approve the establishment of a Youth Assembly to the Uttlesford District Council"

