



Uttlesford District Council

Chief Executive: John Mitchell

Cabinet

Date: Thursday, 04 December 2014
Time: 19:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors H Rolfe (Leader and Chairman), S Barker, R Chambers, J Cheetham, V Ranger J Redfern and A Walters

Other attendees: Councillors S Harris, E Oliver, J Rich, J Salmon, L Wells (designated deputies) Councillors A Dean, R Lemon, K Mackman (Opposition Group Leaders), Councillor E Godwin (Chairman of Scrutiny Committee) and Councillor S Howell (Chairman of Performance and Audit Committee)

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 two working days prior notice.

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.**
To receive any apologies and declarations of interest
- 2 Minutes of previous meeting** 5 - 8
To consider the minutes of the meeting on 11 November 2014
- 3 Matters arising.**
To consider any matters arising from the minutes

- 4 Questions or statements from non executive members of the council**
To receive questions or statements from non-executive members on matters included on the agenda
- 5 Matters referred to the Executive (standing item)**
To consider matters referred to the Executive in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules
- 6 Reports from Performance and Audit and Scrutiny Committees (standing item)**
To consider any reports from Performance and Audit and Scrutiny Committee
- 7 Financial Outlook and 2015-16 Budget Strategy** 9 - 36
To consider the financial outlook for 2015/16 and approve the strategy for drawing up the 2015/16 budget
- 8 Housing Allocations Policy** 37 - 86
To consider a revised Allocation Policy to be implemented from 1 January 2015
- 9 Anti-Social Behaviour Policy and Procedures** 87 - 134
To agree a revised Anti-Social Behaviour policy and procedures
- 10 Faircroft Road Car Park** 135 - 222
To consider the report and confirm agreement to the proposed land transactions
- 11 Designation of Felsted Neighbourhood Plan Area** 223 - 228
To consider the designation of the Felsted Neighbourhood Plan Area
- 12 Elmdon Conservation Area Appraisal** 229 - 296
To approve the Elmdon Conservation Area Appraisal
- 13 Chairman's urgent items**
To consider any items that the Chairman considers to be urgent

MEETINGS AND THE PUBLIC

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The agenda is split into two parts. Most of the business is dealt with in Part 1 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.

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For information about this meeting

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**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 11 NOVEMBER 2014 at 6.00pm**

Present: Councillor H Rolfe – Leader
Councillor S Barker – Deputy Leader and Executive Member for
Environmental Services
Councillor J Cheetham – Executive member for Aviation.
Councillor R Chambers – Executive Member for Finance
Councillor V Ranger – Executive Member for Communities and
Partnerships
Councillor A Walters – Executive Member for Community Safety

Also present: Councillors E Godwin, S Howell, M Lemon, J Menell, E Oliver, J
Salmon and L Wells.

Officers in attendance: J Mitchell (Chief Executive), 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).

CA54 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Redfern and Dean.

CA55 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 28 October 2014 were received and
signed by the Chairman as a correct record.

CA56 UTTLESFORD GYPSY AND TRAVELLER LOCAL PLAN

The Chairman welcomed residents from Arkesden to the meeting and invited
Mr Colman, the clerk to Arkesden Parish Council to speak to the meeting.

Mr Colman said the parish council was totally opposed to the site that had
been put forward in Arkesden/Wickham Bonhunt. He appreciated that the
consultation should follow the same process as the housing allocations, that
all sites should be included and residents would have the opportunity to
comment on the merits of the site. However, he was concerned that the site
assessment, set out in the gypsy and traveller report was still included as an
appendix as this gave the impression to the general public that the site had
been used in the past and was suitable for future use. He believed that this
assessment, based on the opinion of Peter Brett, was inaccurate and came to
the wrong conclusions. He asked that the appendix be removed from the
consultation document.

The Leader thanked Mr Colman for his statement.

Councillor Barker presented the report. She explained that the Local Plan Working Group had met prior to this meeting. Members had gone through the consultation document in detail and agreed a small number of minor amendments.

There would be an 8 week consultation from Monday 8 December 2014 to Monday 2 February 2015, an extended time to take account of the Christmas period. The consultation would give the public the opportunity to comment on how and where to provide the 26 additional pitches and asked specific questions as to whether all the pitches should be provided now or just for the first 5 years, and whether there should be a small number of large sites or a larger number of small sites.

The Director of Public Services highlighted the amendments that had been made to the document.

Councillor Menell was concerned at the use of the words 'shortlisted' and 'potential' to describe the sites, as this could be misleading. She was assured that the final document would refer to submitted and existing sites. She asked for an explanation of how policy HO11 'the criteria for assessing sites for gypsies, travellers and travelling show people' was reflected in the document. It was explained that HO11 was a draft policy in the local plan, which would be subject to examination next week. The site criteria had been built on this policy.

Councillor Oliver was concerned at the inclusion of the appendices in the document. He felt that information for the site at Arkesden/Wickham Bonhunt was biased as it had been put forward by the owners of the site. The Director of Public Services replied that the appendices had been included as background information and were intended to facilitate the responses. Question 15 of the consultation gave the opportunity for any party to submit evidence about the sites.

Councillor Cheetham said the working group had gone through the document question by question and tried to ensure they were easy to understand.

The Leader said it was important to go through the laid down process and therefore all sites should be included in the consultation. The Council might be open to judicial review if it did not follow the correct procedure. He understood the residents' concern but said that the council had commissioned an independent study and this was now the opportunity for residents to comment. The key decisions on the allocation of sites would not be made until later in 2015.

RESOLVED that the Cabinet endorse the consultation document and time frame for consultation.

CA57

LAVENDER FIELD FLOOD RELIEF SCHEME

The Cabinet was asked to agree to implement a flood relief scheme to reduce the re- occurrence of flooding that had occurred during the previous winter. A

joint application between the residents and owners had been submitted to the council to enable it to draw down Defra funds to offset against the total cost of the scheme.

Councillor Cheetham asked if action had been taken following the flooding that had also occurred in Newport and Stansted last winter. She was advised that the issue in Newport was being taken up by Network Rail. In relation to Stansted, flood alleviation measures were required as part the new development at 2 Lower Street.

RESOLVED that

1. The council implements a flood relief scheme comprising clearance of the banks of the Slade watercourse, the construction of a flood wall, and the creation of an over ground floodwater channel on its land to the north of properties in Lavender Fields, subject to land owner consents and the costs not exceeding £45,000.
2. The installation of a trash guard be progressed as a separate scheme for future consideration.

The meeting ended at 6.30pm.

Committee: Cabinet

Agenda Item

Date: 4 December 2014

7

Title: Financial Outlook and 2015/16 Budget Strategy

Portfolio Holder: Councillor Robert Chambers

Key decision: No

Summary

1. This report summarises the financial outlook for 2015/16 and asks Members to approve the strategy for drawing up the 2015/16 budget.
2. The report also sets out the results of the public consultation on Council priorities.
3. Based upon the approved strategy officers will draw up a proposed budget for formal review by Members as follows:

Pre-Scrutiny review	Scrutiny Committee	25 November 2014
Cabinet	Cabinet	4 December 2014
Scrutiny review	Scrutiny Committee	10 February 2015
Finalisation of budget proposals	Cabinet	17 February 2015
Approval of final budget	Full Council	26 February 2015

4. The attached strategy sets out the financial outlook for the next five years and suggests that the Council should prudently work to the assumption that the position for 2015/16 and 2016/17 are as set out, but for following years sufficient reserves should be maintained to cover the eventualities that may arise from the 2015 General Election. The council should continue to look for service savings and cost sharing option.

Recommendations

5. The Cabinet is recommended to approve the Financial Outlook and 2015/16 Budget Strategy.

Financial Implications

6. There are no direct financial implications arising from the recommendation.

Background Papers

7. None.

Impact

Communication/Consultation	Detailed in the report
Community Safety	None
Equalities	An EQIA will be prepared as part of developing budget proposals for approval.
Health and Safety	None
Human Rights/Legal Implications	It is a legal requirement to ensure a balanced budget.
Sustainability	The budget is to be set within the context of the Medium Term Financial Strategy which is designed to ensure stability and sustainability of budget decisions.
Ward-specific impacts	None
Workforce/Workplace	Some of the decisions made as part of the budget setting process could have implications for staff.

8. Attached is the Financial Outlook and 2015/16 Budget Strategy document. The document was presented to the Scrutiny Committee for pre-scrutiny on 25 November and a verbal update will be provided to Cabinet by the Chairman of that Committee
9. The main elements of the strategy are that
 - a) Budget planning this year is again characterised by uncertainty about Government funding and local government finance generally. Root and branch reform of the funding system continues apace with localisation of business rates and council tax support having taken effect from 1 April 2013. The local government finance system has radically altered such that Councils' funding depends directly on growth and prosperity in their local economies. Further adjustments are expected to both New Homes Bonus and Business Rates Retention following the General Election in 2015.
 - b) Firm numbers to inform the UDC budget will not be available until the Local Government Finance Settlement is published, anticipated for early December. Meanwhile, during the Summer and Autumn the Government has issued various publications that enable their thinking to be interpreted and estimates to be made.
 - c) The numbers in this report are based upon these interpretations and are therefore subject to change when the Settlement is published.
 - d) The major uncertainty in the budget forecast is New Homes Bonus income which is £2.9m in 2014/15 and forecasted to be £3.4 million in 2015/16. This is a variable item and depends upon the number of new homes entering the Council Tax system. The format of the scheme in future years will be determined by the result of the general election next year. Terminology being used by the main party's ranges from 'reform' to 'scrapping' there is little or no talk of it staying in the current format. Whatever the outcome of the

election there is a high risk that the amount of funding received by this council will be significantly reduced. It is unlikely that any revision to the scheme will take place before 2017/18 and it is on this assumption that the model is based.

- e) The indications at this stage are that UDC has a stable budget outlook for 2015/16, in which an in-year surplus is forecasted. Assuming that the criteria for both New Homes Bonus and the Business Rates Retention Scheme remain the same 2016/17 will also show an in-year surplus. Thereafter the position is less certain.

Council Tax

- f) The Administration has given informal guidance that UDC's Council Tax should be frozen in 2015/16 and to plan on the basis of a 2% annual increase from 2016/17. The Administration shall be looking carefully at the Council's finances during the next 2-3 years and will take appropriate and responsible decisions depending on the circumstances at the time. Taxbase assumptions are in line with housing growth forecasts and an estimate of LCTS discounts, and additional income arising from reducing discounts on second homes and empty homes. These assumptions give rise to the forecasts below.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Tax Base	34,854	35,164	35,489	36,091	37,051	38,062
LCTS discounts	-2,420	-2,320	-2,220	-2,220	-2,220	-2,220
Extra taxbase from changing discounts	248	248	248	248	248	248
Tax Base (net)	32,826	33,361	33,824	34,547	35,665	36,482
UDC Band D	£143.03	£143.03	£143.03	£145.89	£148.81	£151.79
Planning assumptions	- 2%	Freeze	Freeze	+2%	+2%	+2%
Council Tax income	£4.695m	£4.772m	£4.838m	£5.040m	£5.307m	£5.538m

Cumulative CPI inflation since April 2010 (date of last UDC Council Tax increase) to August 2014 (latest published inflation data) is 12.35%. Projecting this forward to April 2015 gives an estimated cumulative inflation from April 2010 to April 2015 of 12.5%. If a freeze is approved by the Council, the district Band D figure will have reduced by 3% during this period. This would represent a real terms reduction in the UDC precept of 13.8% since 2010.

(2010/11 Band D £147.42 + 12.5% = £165.85. £143.03 is 86.2% of £165.85. Real terms reduction therefore of 13.8%.)

Summary of Budget Forecasts

10. The strategy produces the following forecasts for the next five years:

	Outturn					
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
	£000	£000	£000	£000	£000	£000
Gross service expenditure	34,275	35,443	31,772	25,106	19,787	18,811
Gross service income	-24,920	-25,519	-21,500	-14,407	-8,639	-7,176
Demand growth	0	50	100	150	200	250
Net service expenditure	9,355	9,974	10,372	10,849	11,348	11,885
Capital financing costs	1,780	1,600	1,342	1,104	1,515	1,509
Pension fund deficit	1,212	107	107	507	532	557
Recharge to HRA	-1,403	-1,450	-1,450	-1,450	-1,450	-1,450
Other corporate items	-311	-50	-50	-50	-50	-50
Total budget	10,633	10,181	10,321	10,960	11,895	12,451
Funding						
Business Rates Retention	-1,279	-1,360	-1,387	-1,415	-1,443	-1,472
Council Tax Freeze Grant*	-50	-100	0	0	0	0
DCLG - Other Funding	-44	0	0	0	0	0
Flood Support Scheme	-27	0	0	0	0	0
Formula Grant	-1,643	-1,155	-750	-500	-250	0
New Homes Bonus	-2,877	-3,469	-4,020	-4,143	-4,874	-5,350
Total Funding	-5,920	-6,084	-6,157	-6,058	-6,567	-6,822
Net Operating Expenditure	4,713	4,097	4,164	4,902	5,328	5,629
Movement in Reserves	-319	-93	-239	-260	-193	-109
COUNCIL TAX REQUIREMENT	4,394	3,937	3,934	4,772	5,198	5,519
COUNCIL TAX INCOME	-4,695	-4,772	-4,838	-5,040	-5,307	-5,538
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18

11. The forecasts show:

- An in-year surplus of £768,000 for 2015/16 and £913,000 for 2016/17
- Significantly decreasing in-year surplus for each of the following three years.

12. These figures represent a “best case” scenario. It is emphasised that all forecasts, in particular those about Government funding, are not based on firm information and figures from 2016 especially are (informed) conjecture. The model is unavoidably full of assumptions about the future which obviously may prove to be correct, optimistic or pessimistic.

13. The strategy also looks at potential implications of a cut in NHB funding following reform or replacement.

14. As set out in the report it is highly likely that New Homes Bonus will at best be reformed and at worst scrapped and replaced with an alternative form of formula grant. Below are the effects of a 10%, 20% and 30% cut in NHB from 2017/18 (whilst this refers to NHB it should be interpreted as a cut in government grant).

a) 10% cut

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
	£000	£000	£000	£000	£000	£000
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18
10% cut in NHB	0	0	0	415	488	535
Revised surplus (-) / deficit	-301	-768	-913	17	316	517

b) 20% cut

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
	£000	£000	£000	£000	£000	£000
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18
20% cut in NHB	0	0	0	829	975	1070
Revised surplus (-) / deficit	-301	-768	-913	431	803	1,052

c) 30% cut

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
	£000	£000	£000	£000	£000	£000
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18
30% cut in NHB	0	0	0	1,243	1,463	1,605
Revised surplus (-) / deficit	-301	-768	-913	845	1,291	1,587

The red highlighted areas are shortfalls in budget which would have to be met from service savings in the long term, covered by use of reserves in the shorter term. For clarity, taking a 20% cut in grant would mean savings required of £431,000 in 2017/18, an additional £803,000 in 2018/19 and a further £1,052,000 in 2019/20.

15. Subject to further analysis and in particular, confirmation of the Local Government Finance Settlement, it is felt that the Council should prudently work to the assumption that the position for 2015/16 and 2016/17 are as set out in this report, but for following years sufficient reserves should be maintained to cover the eventualities that may arise from the 2015 General Election. The council should continue to look for service savings and cost sharing options as opportunities arise.
16. Whilst at present the Administration has not set out its plan for using the 2015/16 surplus, the forecast surplus in 2016/17 should be set aside to cover any reduction in government grant. Once the new funding position is known a revised plan for that surplus can be established.
17. This is a risk based approach given that the uncertainties arising from the General Election are too many to reasonably try and quantify. Having sufficient identified reserves of at least £2m will enable the worst case scenario identified above to be managed.
18. Because of the degree of estimation involved, and the longer term projections referred to in the proceeding paragraphs, it will be absolutely essential to maintain strong financial discipline around all aspects of the Council's costs and income. The Council must ensure it is in a strong position to anticipate and adapt to funding outcomes that differ from what is currently assumed. Therefore any decision to incur additional costs e.g. service investment or to reduce income e.g. fees & charges reductions must be fully funded by sustainable cost savings and/or additional income elsewhere in the Council's budget.
19. Total General Fund usable reserves during this five year model are estimated to reduce from £7m to £5.6m. This excludes any in-year surpluses or deficits. A schedule of forecasted reserves balances is set out on the following page.

£000	31.3.2014	31.3.2015	31.3.2016	31.3.2017	31.3.2018	31.3.2019	31.3.2020
	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Working Balance	1214	1,214	1,281	1,122	842	629	580
USABLE RESERVES							
<u>Financial management Reserves</u>							
Budget Equalization	1416	668	668	668	668	668	668
Change Management	923	923	923	923	923	923	923
Council Tax Freeze Grant	174	225	225	225	225	225	225
Budget Slippage Reserve	28	28	28	28	28	28	28
<u>Contingency Reserves</u>							
LGRR Contingency	1385	1,458	1,358	1,258	1,258	1,258	1,258
Emergency Response	140	140	140	140	140	140	140
Municipal Mutual Insurance	51	51	51	51	51	51	51
NHB Contingency	790	632	632	632	632	632	632
<u>Service Reserves</u>							
Planning	935	952	952	952	952	952	952
Neighbourhood Front Runners	57	57	57	57	57	57	57
Waste Management	300	300	300	300	300	300	300
Homelessness	101	84	84	84	84	84	84
Economic Development	220	170	170	170	170	170	170
Licensing	47	22	22	22	22	22	22
Elections	67	87	27	47	67	87	27
Hardship Fund	100	100	100	100	100	100	100
NHB Community Projects	15	15	0	0	0	0	0
Strategic Initiatives Fund	0	318	0	0	0	0	0
Access Fund	0	200	0	0	0	0	0
TOTAL USABLE RESERVES*	6,749	6,430	5,737	5,657	5,677	5,697	5,637

* Excludes Working Balance.

20. A review of reserves, their purpose, risks and lifespan is scheduled as part of the 2015/16 budget setting process.

Public Consultation

21. This is the fourth year that a consultation asking for residents' views on the headline priorities for setting the budget has been run. Information about the budget setting process and the survey was distributed to every household in the district in the council's magazine *Uttlesford Life* and, as part of the authority's drive towards channel shift, the 2014 survey was also available through an online questionnaire which was publicised on the website and in press releases. A small number of additional copies of *Uttlesford Life* were distributed to libraries and the council's CIC points across the district to ensure that all residents would have a chance to taking part even if they had lost their original issue of the magazine. A copy of the survey was not, this year, included in the summer Citizens Panel questionnaire as it was considered that panellists could respond independently. 196 people responded to the survey, the results are detailed below.
22. Questions posed in the 2014 budget consultation are similar to those asked in previous years and take account of the council's long term strategy as promoted in the Corporate Plan 2014-19. Residents were asked to indicate their preferences for the three priority areas that they felt the council should be concentrating on, based on a list of the key corporate objectives. An additional option was provided to permit consultees to record an objection to the council pursuing any of the aforementioned priority options.

Results

23. The results of the survey were analysed using a rating system which weighted the responses selected by residents.
24. A rating system is an appropriate analysis tool for the Council Spending Survey since the same area of spending might have been chosen by different respondents at a different level of priority; more weight is thus given to that selection if it is selected as the highest priority than if the same spending area is still chosen as priority, but at a lower level. Consequently, a fair analysis is achieved by allocating three points to each vote for the highest priority, two points to each vote for the second highest priority and one point to each vote for the third highest priority. The consequent results appear in the following table:

Priority	Spending Area
Highest priority	[A] "Keep Council Tax as low as possible while maintaining or improving services and providing support to the vulnerable"
Second highest	[G] "Work with Essex County Council to ensure our roads are maintained to a good standard"
Third highest	[B] "Continue with sound financial management to ensure the council remains financially stable"
Don't do	[K] "Work with the owners of Stansted Airport to ensure economic and social benefits while maintaining vigilance against a second runway"

25. These results demonstrate that amongst respondents to the spending consultation there was a marked preference for “Keep[ing] Council Tax as low as possible while maintaining or improving services and providing support to the vulnerable”. This spending area scored highest using the rating scale, with a total of 239 points out of a total weighted score across *all* of the spending areas of 1,161 (20.59%). This represents a change from the previous three years when “continuing with sound financial management” had been consistently selected as the primary direction of travel for the council’s budgetary provision¹. The result is perhaps indicative of an overall appreciation of the council’s current financial stability and approbation for the established policies of cutting Council Tax by 1% in 2013/14 and by a further 2% in 2014/15.
26. Caring for the local transport infrastructure formed the headline view for the second highest spending priority. Using the rating system to analyse the results, “Work with Essex County Council to ensure our roads are maintained to a good standard” scored 182 points out of a possible 1,161 (15.68%). The same ranking was attributed to this spending area by the results of the 2013 survey. However, then it was jointly tied with concerns over the provision of affordable housing. In 2014, that option (rendered as question F in the survey - “Provide affordable housing for local people through a robust Local Plan”) had slipped down in its ranking and scored only 10.85% using weighted scores.
27. All of the spending areas listed in the survey were chosen by consultees at all three levels of priority. “Continu[ing] with sound financial management to ensure the council remains financially stable” came in with the third highest figure when using weighted scores, since it had also been chosen by a significant proportion of survey participants as either their highest or second highest spending priority. Although no longer in the “highest priority” position, which it had occupied during the previous three years, these results indicate it remains a matter of importance to residents who chose to participate in this year’s survey.
28. Respondee were also offered the option to select a category of spending where they considered the council should be curtailing resources. Since consultees were only asked to select one category, using a rated system to analyse results would not be appropriate. The results used are thus straight percentage scores. In 2013, there was a marked opinion by 25.9% that the council should not be allocating funds to “Work more closely with the business community to benefit the local economy”. In 2014, though, only 5.3% voiced concern over comparable initiatives rendered in the survey as option I - “Encourage business growth in West Essex ...”. Instead there was a demonstrable shift of opinion by 28% of respondees that the council should not be devoting resources to “Work with the owners of Stansted Airport to ensure economic and social benefits while maintaining vigilance against a second runway”.
29. The full version of the consultation report can be found on the Uttlesford District Council website at www.uttlesford.gov.uk/finance

¹ In 2013 36.7% indicating that they felt this area of spending should be the council’s highest priority. This was a continuation of the trend, though with a slight decrease, established in 2011 and 2012 when 51.8% and 45.7% so rated this option.

30. There is a statutory requirement to undertake business ratepayers consultation which as in previous years will be undertaken during November/December via correspondence with the key business representative groups in Uttlesford.

Housing Revenue Account

31. 2015/16 shall be the fourth year of self-financing. The Business Plan sets out estimates of revenue headroom and how this will be invested, including improvements to the Council's housing stock, and new build including the development of Mead Court and garden sites.

32. The key issues for 2015/16 will be:

- ensuring that delivery of the Business Plan is on course
- maintaining clear plans which demonstrate how headroom is to be used.
- applying UDC rent setting policy and ensuring that income is maximised where appropriate
- monitoring the effects of Right To Buy invigoration
- ensuring that the Housing Service has the capacity deliver the Plan.

33. In the event of slippage in the use of revenue headroom the Council will need to consider whether to pay off a proportion of the £88.4m debt it has been required to take on under the self-financing reform. The debt has been structured so that it is repaid in years 6 to 30 i.e. from 2017/18 to 2041/42 however up to £10m can be paid off early without financial penalty.

Main Assumptions

34. When preparing this document a number of significant assumptions have been made. For clarity these are set out below along with potential consequences if the assumptions prove to be incorrect

- a) **New Home Bonus** – It is assumed that no change to the current scheme will take place before 2017/18. If in fact changes are made to 2016/17 i.e. the first full year of a new government then the forecast surplus will be significantly smaller.
- b) **Localisation of Business Rates** – it is assumed that there will be no significant change to the current scheme. The scheme has a “safety net” element so unless this is removed potential impact on the council budget is limited.
- c) **Universal Credit** – It is assumed that Universal Credit will be implemented on the current timescales. If there is any delay this will have a significant impact on the council budget as the forecast reduction in the Working

Balance Reserve is entirely down to the reducing council budget following the introduction of Universal Credit.

Key actions and budget strategy for 2015/16

35. The following are the key actions and assumptions that will inform the 2015/16 budget process

- a) To take account of budget consultation results when drawing up budget proposals.
- b) To plan on the basis that the UDC Council Tax will be frozen for 2015/16.
- c) To maintain, and seek opportunities to enhance, support for the voluntary sector.
- d) Unless there is a significant change in circumstances, not to require any cuts in services to make financial savings, although efficiency savings will continue to be sought.
- e) To introduce and implement a new Reserves Strategy that takes account of areas of priority.
- f) To strive to achieve better accuracy at the time of annual budget setting (the council is currently forecasting to spend 97.2% of the 2014/15 outturn budget).
- g) Continue to implement the HRA Business Plan.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Changes in circumstances and/or new information becomes available that affects the assumptions in the budget strategy	2 (inherent risk of variability in any budget model)	3 (sums involved are potentially significant)	<p>A detailed risk assessment will be prepared and incorporated with budget approval papers in February.</p> <p>The Working Balance is to be maintained at a minimum safe contingency level.</p> <p>Medium Term Financial Strategy outlines clear criteria for decision making.</p>

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.

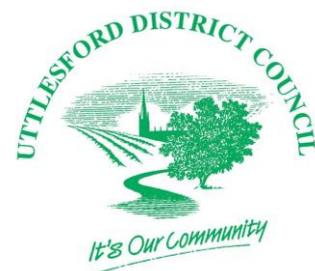


Uttlesford District Council

Financial Outlook and 2015/16 Budget Strategy



Prepared by:
Finance Section
Uttlesford District Council
November 2014



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Financial Outlook

Budget planning this year is again characterised by uncertainty about government funding and local government finance generally. Root and branch reform of the funding system continues apace with localisation of Business Rates and Council Tax support having taken effect from 1 April 2013. The local government finance system has radically altered such that councils' funding depends directly on growth and prosperity in their local economies. Further adjustments are expected to both New Homes Bonus and localisation of business rates following the general election.

Firm numbers to inform the budget will not be available until the Local Government Finance Settlement is published, anticipated for early December. Meanwhile, during the summer and autumn the government has issued various publications that enable their thinking to be interpreted and estimates to be made.

The numbers in this report are based upon these interpretations and are therefore subject to change when the settlement is published.

When preparing this document, a number of significant assumptions have been made. For clarity these are set out below along with potential consequences if the assumptions prove to be incorrect

- a) **New Home Bonus (NHB)** – This is the major uncertainty in the budget forecast; New Homes Bonus income which is £2.9m in 2014/15 and forecasted to be £3.4 million in 2015/16. This is a variable item and depends upon the number of new homes entering the Council Tax system. The format of the scheme in future years will be determined by the result of the general election next year. Terminology being used by the main parties range from “reform” to “scrapping”. There is little or no talk of it staying in the current format. Whatever the outcome of the election there is a high risk that the amount of funding received by this council will be significantly reduced. It is unlikely that any revision to the scheme will take place before 2017/18 and it is on this assumption that the model is based. If in fact changes are made to 2016/17 (i.e. the first full year of a new government) then the forecast surplus will be significantly smaller.
- b) **Localisation of Business Rates** – whilst some change to the current scheme is expected, it is assumed that it will not be significant. The scheme has a “safety net” element so unless this is removed or significantly reduced, potential impact on the council budget is limited.
- c) **Universal Credit** – It is assumed that Universal Credit will be implemented on the current timescales. If there is any delay this will have a significant impact on the council's budget as the forecasted reduction in the Working Balance Reserve is entirely due to the fact that the council budget will reduce following the introduction of Universal Credit.

Taking all of this into account, the indications at this stage are that the council has a stable budget outlook for 2015/16, in which an in-year surplus is forecasted. Assuming that the criteria for both New Homes Bonus and localisation of Business Rates will not change before 2017/18, then 2016/17 will also show an in-year surplus. Thereafter the position is far less certain.

Public Consultation

This is the fourth year that a consultation asking for residents' views on the headline priorities for setting the budget has been run. Information about the budget setting process and the survey was distributed to every household in the district in the council's magazine *Uttlesford Life* and, as part of the authority's drive towards channel shift, the 2014 survey was also available through an online questionnaire which was publicised on the website and in press releases. A small number of additional copies of *Uttlesford Life* were distributed to libraries and the council's CIC points across the district to ensure that all residents would have a chance to taking part even if they had lost their original issue of the magazine. A copy of the survey was not, this year, included in the summer Citizens Panel questionnaire as it was considered that panellists could respond independently. 196 people responded to the survey, the results are detailed below.

Questions posed in the 2014 budget consultation are similar to those asked in previous years and take account of the council's long term strategy as promoted in the Corporate Plan 2014-19. Residents were asked to indicate their preferences for the three priority areas that they felt the council should be concentrating on, based on a list of the key corporate objectives. An additional option was provided to permit consultees to record an objection to the council pursuing any of the aforementioned priority options.

Results

The results of the survey were analysed using a rating system which weighted the responses selected by residents. Rating is a system particularly recommended by Snap Surveys following the introduction of Version 11 of their software earlier in 2014. This system is used to collate the majority of the council's general survey work throughout the year and was employed on the analysis of the current Council Spending Survey results.

A rating system is an appropriate analysis tool for the Council Spending Survey since the same area of spending might have been chosen by different respondents at a different level of priority; more weight is thus given to that selection if it is selected as the highest priority than if the same spending area is still chosen as priority, but at a lower level. Consequently, a fair analysis is achieved by allocating three points to each vote for the highest priority, two points to each vote for the second highest priority and one point to each vote for the third highest priority. The consequent results appear in the following table:

Priority	Spending Area
Highest priority	[A] "Keep Council Tax as low as possible while maintaining or improving services and providing support to the vulnerable"
Second highest	[G] "Work with Essex County Council to ensure our roads are maintained to a good standard"
Third highest	[B] "Continue with sound financial management to ensure the council remains financially stable"
Don't do	[K] "Work with the owners of Stansted Airport to ensure economic and social benefits while maintaining vigilance against a second runway"

These results demonstrate that amongst respondents to the spending consultation there was a marked preference for “Keep[ing] Council Tax as low as possible while maintaining or improving services and providing support to the vulnerable”. This spending area scored highest using the rating scale, with a total of 239 points out of a total weighted score across *all* of the spending areas of 1,161 (20.59%). This represents a change from the previous three years when “continuing with sound financial management” had been consistently selected as the primary direction of travel for the council’s budgetary provision¹. The result is perhaps indicative of an overall appreciation of the council’s current financial stability and approbation for the established policies of cutting Council Tax by 1% in 2013/14 and by a further 2% in 2014/15.

Caring for the local transport infrastructure formed the headline view for the second highest spending priority. Using the rating system to analyse the results, “Work with Essex County Council to ensure our roads are maintained to a good standard” scored 182 points out of a possible 1,161 (15.68%). The same ranking was attributed to this spending area by the results of the 2013 survey. However, then it was jointly tied with concerns over the provision of affordable housing. In 2014, that option (rendered as question F in the survey - “Provide affordable housing for local people through a robust Local Plan”) had slipped down in its ranking and scored only 10.85% using weighted scores.

All of the spending areas listed in the survey were chosen by consultees at all three levels of priority. “Continu[ing] with sound financial management to ensure the council remains financially stable” came in with the third highest figure when using weighted scores, since it had also been chosen by a significant proportion of survey participants as either their highest or second highest spending priority. Although no longer in the “highest priority” position, which it had occupied during the previous three years, these results indicate it remains a matter of importance to residents who chose to participate in this year’s survey.

Respondee were also offered the option to select a category of spending where they considered the council should be curtailing resources. Since consultees were only asked to select one category, using a rated system to analyse results would not be appropriate. The results used are thus straight percentage scores. In 2013, there was a marked opinion by 25.9% that the council should not be allocating funds to “Work more closely with the business community to benefit the local economy”. In 2014, though, only 5.3% voiced concern over comparable initiatives rendered in the survey as option I - “Encourage business growth in West Essex ...”. Instead there was a demonstrable shift of opinion by 28% of respondees that the council should not be devoting resources to “Work with the owners of Stansted Airport to ensure economic and social benefits while maintaining vigilance against a second runway”.

The full version of the consultation report can be found on the Uttlesford District Council website at www.uttlesford.gov.uk/finance

There is a statutory requirement to undertake business ratepayers consultation which as in previous years will be undertaken during November/December via correspondence with the key business representative groups in Uttlesford.

¹ In 2013 36.7% indicating that they felt this area of spending should be the council’s highest priority. This was a continuation of the trend, though with a slight decrease, established in 2011 and 2012 when 51.8% and 45.7% so rated this option.

Budget Model

To inform the financial outlook for UDC, a detailed budget model is used. The following are key assumptions used in the model.

- a) **Gross service expenditure:** Uses the 2014/15 base budget as a starting point and one-off items removed. Assumptions about annual inflation for 2015/16 are used: staff pay 2.2%; utilities 5%; contractual indexation 2.5% (unless specified otherwise); price inflation 2%.
- b) **Gross Service Income:** Again uses the 2014/15 base budget as a starting point. Assumed price inflation 2% for fees and charges except where special arrangements apply e.g. car park charges and taxi licences.
- c) **Universal Credit** – assumed that Housing Benefits expenditure and subsidy will start to phase out of the UDC budget in 2015/16 and this process to complete by 2017/18.
- d) **Service demand** – because of growing population and housing numbers, it is prudent to assume greater demand for council services such as refuse and recycling, revenues collection, etc. A cumulative figure of £50,000 pa has been used.

£000	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Gross service expenditure	34,275	35,443	31,772	25,106	19,787	18,811
Gross service income	-24,920	-25,519	-21,500	-14,407	-8,639	-7,176
Service demand	0	50	100	150	200	250
Net service expenditure	9,355	9,974	10,372	10,849	11,348	11,885

- e) **Corporate items:** Pension Fund deficit payment – inflationary increase. Capital Financing Costs – in line with expected capital expenditure financing requirements. Investment Income – nominal sum only due to continued low interest rates and prudent investment policy. Recharges to HRA – no change in methodology.

£000	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Pension Fund	1,212	107	107	507	532	557
Capital Financing	1,780	1,600	1,342	1,104	1,515	1,509
Collection Fund Balance	-256	0	0	0	0	0
Recharge to HRA	-1,403	-1,450	-1,450	-1,450	-1,450	-1,450
Investment income	-55	-50	-50	-50	-50	-50
Total corporate items	1,278	207	-51	111	547	566

Government Funding Assumptions

- f) **Specific grants:** Assumed no change to PFI, Homelessness and NNDR collection costs funding. Housing Benefits subsidy at 98% of expenditure, phased out from 2015/16. Benefits admin subsidy reduced to reflect onset of Universal Credit
- g) **Council Tax Freeze Grant** – The Government has announced that Council Tax Freeze Grant awarded from 2013/14 onwards will continue to 2015/16, at the level of 1% which for UDC is approximately £50,000. Assuming that the council freezes its Council Tax in 2015/16 a further award will be made. It is possible that the awards will be rolled into formula grant from 2016/17 onwards, but as this has not been confirmed it is prudent not to assume that for the time being.

£000	2014/15	2015/16	2016/17	2017/18	2018/19
Council Tax Freeze Grant 2013/14	50	50	-	-	-
Council Tax Freeze Grant 2014/15	50	50	-	-	-
Council Tax Freeze Grant 2015/16	-	50	-	-	-
Total	100	150	-	-	-

- h) **Localisation of Business Rates** – Under most foreseeable scenarios the amount retained by UDC shall be between £1.3m and £1.5m. The figures assumed in the model are based on incremental growth from the 2014/15 baseline position. In the event of gross revenue reduction e.g. because of the Diamond Hangar case, or additional discretionary rate relief being granted, the amount retained by the council would reduce.

£000	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Retained business rates	1,279	1,360	1,387	1,415	1,443	1,472

- i) **Formula Grant:** 2015/16 figure based on indicative sum published by DCLG in late 2013. The model assumes Formula Grant is nil by 2019/20 and is profiled accordingly.

£000	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Formula Grant	1,643	1,155	750	500	250	0

- j) **New Homes Bonus:** Assumes that the scheme will continue in line with the existing published methodology. The council will be rewarded by around £1,456 pa for six years for each new home brought into the Council Tax system. There are two major uncertainties here. NHB is a six year scheme and the MTFs period goes beyond the sixth year. Based upon predictions of housing growth consistent with the latest Local Plan Statement the estimated NHB funding is as shown on the next page.

MTFS PERIOD									
£000	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
2011/12 award	714	714	714	714	714	714			
2012/13 award		534	534	534	534	534	534		
2013/14 award			794	794	794	794	794	794	
2014/15 award				835	835	835	835	835	835
2015/16 provisional					592	592	592	592	592
2016/17 provisional						551	551	551	551
2017/18 provisional							837	837	837
2018/19 provisional								1,265	1,265
2019/20 provisional									1,270
TOTAL NHB	714	1,248	2,042	2,877	3,469	4,020	4,143	4,874	5,350

Council Tax

- k) The Administration has given informal guidance that UDC’s Council Tax should be frozen in 2015/16 and 2016/17, thereafter to plan on the basis of a 2% annual increase from 2017/18. The Administration shall be looking carefully at the council’s finances during the next 2 to 3 years and will take appropriate and responsible decisions depending on the circumstances at the time. Tax base assumptions are in line with housing growth forecasts and an estimate of LCTS discounts and additional income arising from reducing discounts on second homes and empty homes. These assumptions give rise to the forecasts below.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Tax Base	34,854	35,164	35,489	36,091	37,051	38,062
LCTS discounts	-2,420	-2,320	-2,220	-2,220	-2,220	-2,220
Extra taxbase from changing discounts	248	248	248	248	248	248
Tax Base (net)	32,826	33,361	33,824	34,547	35,665	36,482
UDC Band D	£143.03	£143.03	£143.03	£145.89	£148.81	£151.79
Planning assumptions	- 2%	Freeze	Freeze	+2%	+2%	+2%
Council Tax income	£4.695m	£4.772m	£4.838m	£5.040m	£5.307m	£5.538m

Financial Outlook and 2015/16 Budget Strategy

Cumulative CPI inflation since April 2010 (date of last UDC Council Tax increase) to August 2014 (latest published inflation data) is 12.35%. Projecting this forward to April 2015 gives an estimated cumulative inflation from April 2010 to April 2015 of 12.5%. If a freeze is approved by the council, the district Band D figure will have reduced by 3% during this period. This would represent a real terms reduction in the UDC precept of 13.8% since 2010.

(2010/11 Band D £147.42 + 12.5% = £165.85. £143.03 is 86.2% of £165.85. Real terms reduction therefore of 13.8%.)

Outcome of Budget Modelling

	Outturn 2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000
Gross service expenditure	34,275	35,443	31,772	25,106	19,787	18,811
Gross service income	-24,920	-25,519	-21,500	-14,407	-8,639	-7,176
Demand growth	0	50	100	150	200	250
Net service expenditure	9,355	9,974	10,372	10,849	11,348	11,885
Capital financing costs	1,780	1,600	1,342	1,104	1,515	1,509
Pension fund deficit	1,212	107	107	507	532	557
Recharge to HRA	-1,403	-1,450	-1,450	-1,450	-1,450	-1,450
Other corporate items	-311	-50	-50	-50	-50	-50
Total budget	10,633	10,181	10,321	10,960	11,895	12,451
Funding						
Business Rates Retention	-1,279	-1,360	-1,387	-1,415	-1,443	-1,472
Council Tax Freeze Grant*	-50	-100	0	0	0	0
DCLG - Other Funding	-44	0	0	0	0	0
Flood Support Scheme	-27	0	0	0	0	0
Formula Grant	-1,643	-1,155	-750	-500	-250	0
New Homes Bonus	-2,877	-3,469	-4,020	-4,143	-4,874	-5,350
Total Funding	-5,920	-6,084	-6,157	-6,058	-6,567	-6,822
Net Operating Expenditure	4,713	4,097	4,164	4,902	5,328	5,629
Movement in Reserves	-319	-93	-239	-260	-193	-109
COUNCIL TAX REQUIREMENT	4,394	3,937	3,934	4,772	5,198	5,519
COUNCIL TAX INCOME	-4,695	-4,772	-4,838	-5,040	-5,307	-5,538
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18

* The £50,000 of Council Tax Freeze Grant for 2015/16 is incorporated in the income figure of £25,519. The £100,000 is the 2nd and 3rd years of the 2013/14 and 2014/15 awards.

The forecasts show:

- An in-year surplus of £768,000 for 2015/16 and £913,000 for 2016/17
- Significantly decreasing in-year surplus for each of the following three years.

These figures represent a “best case” scenario. It is emphasised that all forecasts, in particular those about government funding, are not based on firm information and figures from 2016 onwards especially are (informed) conjecture. The model is unavoidably full of assumptions about the future which obviously may prove to be correct, optimistic or pessimistic.

As set out on page 3 it is highly likely that New Homes Bonus will at best be reformed and at worst scrapped and replaced with an alternative form of formula grant. Below are the effects of a 10%, 20% and 30% cut in NHB from 2017/18 (whilst this refers to NHB it should be interpreted as a cut in government funding).

a) 10% cut

	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18
10% cut in NHB	0	0	0	415	488	535
Revised surplus (-) / deficit	-301	-768	-913	17	316	517

b) 20% cut

	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18
20% cut in NHB	0	0	0	829	975	1070
Revised surplus (-) / deficit	-301	-768	-913	431	803	1,052

c) 30% cut

	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000
In year surplus (-) / deficit	-301	-768	-913	-398	-172	-18
30% cut in NHB	0	0	0	1,243	1,463	1,605
Revised surplus (-) / deficit	-301	-768	-913	845	1,291	1,587

The red highlighted areas are shortfalls in budget which would have to be met from service savings in the long term, covered by use of reserves in the shorter term. For clarity, taking a 20% cut in grant would mean savings required of £431,000 in 2017/18, an additional £803,000 in 2018/19 and a further £1,052,000 in 2019/20.

Subject to further analysis and, in particular, confirmation of the Local Government Finance Settlement, it is felt that the council should prudently work to the assumption that the position for 2015/16 and 2016/17 are as set out in this report, but for following years sufficient reserves should be maintained to cover the eventualities that may arise from the 2015 General Election. The council should continue to look for service savings and cost-sharing options as opportunities arise.

At the time of writing, the Administration has not yet set out its plan for using the 2015/16 surplus; the forecast surplus in 2016/17 should be set aside to cover any reduction in government funding. Once the new funding position is known a revised plan for that surplus can be established.

This is a risk-based approach, given that the uncertainties arising from the General Election are too many to reasonably try to quantify. Having reserves of at least £2m will enable the worst case scenario identified on the previous page to be managed.

Because of the degree of estimation involved and the longer term projections referred to in the preceding paragraphs, it will be absolutely essential to maintain strong financial discipline around all aspects of the council's costs and income. The council must ensure it is in a strong position to anticipate and adapt to funding outcomes that differ from what is currently assumed. Therefore any decision to incur additional costs (e.g. service investment) or to reduce income (e.g. fees & charges reductions) must be fully funded by sustainable cost savings and/or additional income elsewhere in the council's budget.

Reserves

Total General Fund usable reserves during this five year model are estimated to reduce from £7m to £5.6m. This excludes any in-year surpluses or deficits. A schedule of forecasted reserves balances is set out below.

£000	31.3.2014 Actual	31.3.2015 Forecast	31.3.2016 Forecast	31.3.2017 Forecast	31.3.2018 Forecast	31.3.2019 Forecast	31.3.2020 Forecast
Working Balance	1214	1,214	1,281	1,122	842	629	580
USABLE RESERVES							
<u>Financial management Reserves</u>							
Budget Equalization	1416	668	668	668	668	668	668
Change Management	923	923	923	923	923	923	923
Council Tax Freeze Grant	174	225	225	225	225	225	225
Budget Slippage Reserve	28	28	28	28	28	28	28
<u>Contingency Reserves</u>							
LGRR Contingency	1385	1,458	1,358	1,258	1,258	1,258	1,258
Emergency Response	140	140	140	140	140	140	140
Municipal Mutual Insurance	51	51	51	51	51	51	51
NHB Contingency	790	632	632	632	632	632	632
<u>Service Reserves</u>							
Planning	935	952	952	952	952	952	952
Neighbourhood Front Runners	57	57	57	57	57	57	57
Waste Management	300	300	300	300	300	300	300
Homelessness	101	84	84	84	84	84	84
Economic Development	220	170	170	170	170	170	170
Licensing	47	22	22	22	22	22	22
Elections	67	87	27	47	67	87	27
Hardship Fund	100	100	100	100	100	100	100
NHB Community Projects	15	15	0	0	0	0	0
Strategic Initiatives Fund	0	318	0	0	0	0	0
Access Fund	0	200	0	0	0	0	0
TOTAL USABLE RESERVES*	6,749	6,430	5,737	5,657	5,677	5,697	5,637

* Excludes Working Balance.

A review of reserves, their purpose, risks and lifespan is scheduled as part of the 2015/16 budget setting process. This will enable the creation of a Reserves Strategy.

Housing Revenue Account

2015/16 shall be the fourth year of self-financing. The HRA Business Plan sets out estimates of revenue headroom and how this will be invested, including improvements to the council's housing stock, and new build including the development of Mead Court and garden sites.

The key issues for 2015/16 will be:

- ensuring that delivery of the HRA Business Plan is on course
- maintaining clear plans which demonstrate how headroom is to be used.
- applying UDC rent setting policy and ensuring that income is maximised where appropriate
- monitoring the effects of Right To Buy invigoration
- ensuring that the Housing Service has the capacity to deliver the plan.

In the event of slippage in the use of revenue headroom, the council will need to consider whether to pay off a proportion of the £88.4m debt it has been required to take on under the self-financing reform. The debt has been structured so that it is repaid in years 6 to 30 i.e. from 2017/18 to 2041/42. However, up to £10m can be paid off early without financial penalty.

Key Actions and Budget Strategy for 2015/16

The following are the key actions and assumptions that will inform the 2015/16 budget process:

- a) To take account of budget consultation results when drawing up budget proposals.
- b) To plan on the basis that the UDC Council Tax will be frozen for 2015/16.
- c) To maintain, and seek opportunities to enhance, support for the voluntary sector.
- d) Unless there is a significant change in circumstances, not to require any cuts in services to make financial savings, although efficiency savings will continue to be sought.
- e) To introduce and implement a new Reserves Strategy that takes account of areas of priority.
- f) To strive to achieve better accuracy at the time of annual budget setting (the council is currently forecasting to spend 97.2% of the 2014/15 outturn budget).
- g) Continue to implement the HRA Business Plan.

Committee: Cabinet

Agenda Item

Date: 4 December 2014

8

Title: Allocations Policy

Author: Julie Redfern Housing Portfolio Holder

Item for decision

Summary

1. The new Housing Allocations Policy has been developed with regard to recent statutory guidance. It has also been influenced by feedback from consultation carried out with the public, partners and members in order to best reflect the housing needs of local people, and to achieve the right balance of priorities within the allocations scheme.
2. This policy will replace the previous Housing Allocations Policy and if approved by Cabinet will be implemented from 1 January 2015.

Recommendations

3. That the Cabinet approves the adoption of the new Housing Allocations Policy.

Financial Implications

4. None

Background Papers

5. None

Published Papers

6. Providing social housing for local people. Statutory Guidance on social housing allocations for local authorities – DCLG December 2013
7. Uttlesford District Council's Housing Allocations Policy

Impact

- 8.

Communication/Consultation	Consultation has taken place with members , the public and partners
Community Safety	N/A

Equalities	The policy has been equality impact assessed
Health and Safety	N/A
Human Rights/Legal Implications	The new government guidance is not mandatory but members must have regard to it and must justify any departure from it
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

Situation

9. The council implemented its current Housing Allocation Policy in January 2013.
10. This policy took into account the flexibilities given to local authorities in the writing of their allocations policy by the government's 2012 statutory guidance document and followed a period of extensive consultation.
11. The government has since issued further guidance which particularly highlights their view that local authorities should ensure that they prioritise applicants who can demonstrate a close association with their local area.
12. Following consultation new eligibility criteria have been introduced for applicants wishing to join the housing register. The changes give a far greater degree of priority to people with a local connection and those who do not have the financial resources to meet their housing need within the private sector.
13. Changes have also been made to prioritisation and allocation of accommodation available to applicants on the Housing Register and the offer that can be made to accepted homelessness cases, including the use of the private sector when there are suitable properties available.
14. Additional priority may still be given to some accepted homelessness cases eligible to join the housing register. This is because there are homelessness applicants who have greater needs than others, by virtue of their particular circumstances. This extra priority is not dependant on, or related to, the type/tenure of temporary accommodation they occupy.
15. The policy will be implemented from the 1 January 2015. Applicants on the register at that date who do not meet the new eligibility criteria will be contacted and removed from the register. Applicants who as at the 31st December 2014 are within six months of meeting the residency criteria will be allowed to remain on the register providing they meet all other eligibility criteria.

16. Applicants who have made homeless applications prior to the 1 January 2015 will be dealt with in accordance with the existing allocations policy.

17. The Housing Board has reviewed and approved this policy and has recommended its adoption by Cabinet.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
The council pays no heed to new government guidance on local allocations	1 Little or no risk as guidance will be considered fully and the outcome of these deliberations will be fully documented	2 Some Risk. There is a risk of legal challenge if members depart from the guidance without having good grounds for doing so	The Guidance document has been brought before members so that reasons for either amending the allocations policy or keeping the policy unchanged can be fully considered and debated

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.



UTTLESFORD DISTRICT COUNCIL

HOUSING ALLOCATIONS SCHEME (ALLOCATIONS POLICY)

Uttlesford District Council Housing

Allocations Scheme

1. Introduction

- 1.1 The Council is required, by virtue of Section 167 of the Housing Act 1996 to have an allocations scheme for determining priorities and the procedure to be followed in allocating housing accommodation.
- 1.2 We have written and published this policy so everyone can be clear how:
 - i. Council houses are allocated
 - ii. The homes we are offered by our Registered Providers (RP) are allocated
 - iii. Applicants on our housing register have some choice about the home they are offered;
 - iv. We meet the law's requirements about people whose housing needs we should consider.
 - v. We make best use of the available housing stock within the District
 - vi. We give preference to those applicants who have a local connection to the District
- 1.3 This Allocations Scheme has been formulated in accordance with the provisions of the Housing Act 1996, as amended by the Homelessness Act 2002, and has regard to the Allocation of Accommodation: Choice Based Lettings Code of Guidance 2008, Statutory Guidance on the Allocation of Social Housing 2009, The Localism Act 2011, The Allocation of Accommodation: Guidance for Local Housing Authorities England 2012, Providing social housing for local people: Statutory Guidance December 2013 and recent case law.
- 1.4 In operating the Allocations Scheme, the Council will have due regard to legislation which shall take precedence.

2. Choice Based Lettings

- 2.1 The Council allocates accommodation through a Choice Based Lettings Scheme (CBL) called Home Option. The scheme enables applicants to express an interest in available properties which are advertised in a fortnightly publication and on a website. All applicants are provided with detailed information explaining how the scheme operates.

2.2 Under the CBL Scheme, applicants are able to register their interest in properties which are suitable for their household size and needs in accordance with the terms of this Allocations Policy.

2.3 Direct Lets

2.3.1 Direct Lets will not be part of the choice based lettings scheme.

2.3.2 Direct Lets may apply in the following circumstances:

- i. Extra care properties
- ii. If a property is needed to house someone in council property temporarily
- iii. In cases of where someone has to be moved immediately a direct let may be made
- iv. In the case of a specially adapted property built for a specific person
- v. Decants – Council properties required to be vacated by the Council for a specific purpose
- vi. If a previously joint applicant qualifies to be offered the property of which they were previously a joint tenant we will make them an offer of that property
- vii. Where applicants owed a homelessness duty by the Council under Section 193 of the Housing Act 1996 as amended who do not meet the Council's Allocation's Policy eligibility criteria.
- viii. In cases where a multi-agency team requests a planned move to resolve a serious management situation a direct let (one offer only to be made) may only be considered if the situation cannot be resolved by any other means and the tenant is either an existing Uttlesford tenant or the tenant of a RP property within Uttlesford and the subsequent vacancy would be allocated through the council's Choice Based Lettings Scheme

3. The Allocations Scheme

3.1 Allocation of accommodation will be through the Housing Register in accordance with the provisions of the Allocations Scheme.

3.2 The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, Assistant Director

of Housing and Environmental Health will have delegated authority to make decisions, as he/she considers appropriate and these will be fully documented.

3.3 The Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to RPs for which the Council is required to make nominations.

3.4 The provisions of this Allocations Scheme will apply to applicants on the Council's Housing Register at the effective date of this Allocations Scheme, as well as those who apply after the effective date.

3.5 **The Allocations Scheme will not apply in the following cases;**

- i. Where a tenant succeeds to a secure tenancy on the death of a tenant
- ii. Where a tenancy is assigned to a person who would qualify to succeed to the secure tenant
- iii. Where a tenancy is assigned by way of a mutual exchange to an existing secure tenant or RP assured tenant
- iv. Where a tenancy is disposed through the courts (under matrimonial and family proceedings)
- v. Where a priority transfer is agreed in urgent circumstances due to person's safety being at risk.
- vi. Where a property has been identified as temporary accommodation
- vii. Where the council needs to provide alternative accommodation for a council tenant in order to carry out repairs or improvements to their property.
- viii. Where the council has a duty to re-house home owners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s 39, or under the Rent Agricultural Act 1976. (If it is not possible to provide a permanent tenancy immediately, the applicant will be registered within band A of the scheme).
- ix. Where the council grants a secure tenancy to a former owner of a defective home under the Housing Act 1985, s554 or s555

4. The Housing Register

4.1 The Council is not legally obliged to maintain a Housing Register but has chosen to do so.

- 4.2 The Housing Register will be maintained by Housing Services at the Council Offices in Saffron Walden.
- 4.3 The Housing Register will be open to all categories of person except those who are ineligible as defined at Paragraph 5.
- 4.4 The Housing Register will be open to;
- i. homeseekers of 18 years of age and over
 - ii. current council or RP tenants
 - iii. 16 and 17 year olds owed a full housing duty by a local housing authority under homelessness legislation.
 - iv. 17yr 6mth old Care Leavers who were resident in Uttlesford at the time they were placed in Care

5. Eligibility categories

5.1 Eligibility

- 5.1.1 The following categories of applicant may not be eligible for the Housing Register;
- i. Persons subject to immigration control (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing)
 - ii. Persons not habitually resident in the Common Travel Area (i.e. the U.K., Channel Islands, Isle of Man and the Irish Republic)
- 5.1.2 Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act.
- 5.1.3 Eligibility for housing will be determined in accordance with the Allocation of accommodation: guidance for local authorities in England issued by the government under s169 of the Housing Act 1996 Part 6 as amended by the Localism Act 2011.
- 5.1.4 Any other persons the Secretary of State may by regulations prescribe as persons from abroad who are ineligible to be allocated housing by local authorities in England.

5.2 Local Connection Eligibility

- 5.2.1 Any applicant who does not meet the following local connection eligibility criteria will be ineligible and therefore not qualify to join the housing register.

- i. Have lived continuously in the Uttlesford District for the last three years (time spent away at University or college will count as living continuously within the district providing the applicant had previously lived in the district for the three years immediately prior to the start of their course.)
- ii. Living outside of Uttlesford but have immediate family members who have lived in Uttlesford for the last 5 years and from whom they are receiving ongoing support.
- iii. Living outside of Uttlesford but have been permanently employed in the Uttlesford District for a minimum of 2 years and working at least 24 hours per week.
- iv. Applicants who were registered on the Housing Register on **31st Dec 2014** and who have lived in the District for at least two and a half years continuously prior to this date or whose immediate family support connection has lived here continuously for the past four and a half years prior to this date.
- v. Other special reasons to be agreed by the Assistant Director: Housing and Environmental Health at their discretion – for example, where an applicant has no safe connection to another area due to violence.

5.2.2 The following categories of person will be exempt from local connection criteria:-

- i. Existing social housing tenants residing in the Uttlesford District
- ii. Applicants who are serving members of the regular forces or who have served in the regular forces or been honourably discharged, if the application is made within five years of their date of discharge.
- iii. Applicants who have recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:-
 - the spouse or civil partner has served in the regular forces; and
 - their death was attributable (wholly or partly) to that service
 - Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is

attributable (wholly or partly) to that service and the application is made within five years of discharge.

5.3 Financial Eligibility

- 5.3.1 Any applicant who in the opinion of the Council has sufficient funds including: annual income, residential property equity, savings, or other assets to enable them to meet their own housing costs by open market purchase or open market renting will be ineligible to join the housing register.
- 5.3.2 Any lump sums received as compensation for injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, will be disregarded from this criterion
- 5.3.3 Owner Occupiers who are financially ineligible to join the housing register will be eligible to join if they qualify for sheltered housing.

5.4 Housing Related Debt Eligibility

- 5.4.1 Applicants with housing related debt will generally not be eligible to join the housing register if they are not addressing the debt. Housing related debt includes rent arrears to the Council, RP, other local authority or private landlord, also Council Tax and any monies given through the Councils Rent Deposit Guarantee Scheme.
- 5.4.2 When a financial assessment carried out by the Council shows that the debt cannot be cleared immediately then a realistic and affordable repayment arrangement should be agreed to clear the debt.
- 5.4.3 Applicants will become eligible to join the register if they have an agreed repayment plan in place and have made regular payments for at least 12 months or the debt has been cleared in full.
- 5.4.4 Council and RP tenants who have been accepted onto the housing register but have rent arrears on their current property will not be offered another tenancy until all rent arrears have been cleared in full.
- 5.4.5 Accepted homeless applicants who have rent arrears on their current temporary accommodation will not be offered accommodation that would discharge the Council's homelessness duty until the rent arrears are cleared in full.
- 5.4.6 Housing Associations may also hold their own policy on debt.

5.4.7 All cases of housing related debt will be considered on an individual basis taking account of all the information provided by all interested parties.

5.5 Exclusions from the Housing Register

5.5.1 The Council may exclude someone from the register if it considers it proportionate and reasonable to do so as a result of unacceptable behaviour. The Council will take into account all relevant factors such as health, dependants and the individual circumstances of the applicant when making these decisions. The decision to exclude someone from the housing register will in the first instance be made by the Housing Needs Team Leader.

5.6 Unacceptable Behaviour

5.6.1 “Unacceptable behaviour” “ is defined as behaviour, which would, if the person was either a secure tenant or a member of a secure tenants household, entitle a landlord to a possession order under any of grounds 1 to 7 of HA 1985 sch 2.”

5.6.2 If an applicant who has previously been refused an application onto the housing register because of unacceptable behaviour and considers that their unacceptable behaviour should no longer be held against them they can complete a new application from.

5.6.3 When making decisions regarding unacceptable behaviour Uttlesford District Council will consider:

- i. If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- ii. When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed, this will be a minimum of two years and whether there has been any change in circumstances.
- iii. What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for the landlord to be granted a possession order as detailed above.
- iv. Whether the behaviour is serious enough to make the applicant unsuitable as a tenant.
- v. If the applicant or any member of their household is subject to an Anti-Social Behaviour Order an Acceptable Behaviour

Contract or any similar penalty introduced by the ASB and Crime and Policing Act 2014 or any relevant legislation.

- 5.6.4 The Council may decide to exclude existing applicants from the register where they become aware of unacceptable behaviour that would make them unsuitable to be a tenant.
- 5.6.5 All decisions made by the Council in relation to excluding applicants from the housing register are subject to review if requested by the applicant (see 16).

5.7 Notifying an ineligible applicant

- 5.7.1 Applications from ineligible applicants will not be registered. The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them.

6. Application to the Housing Register

6.1 Advice and Information

- 6.1.1 The Council will ensure that advice and information is available free of charge to persons in the District about the right to make an application for housing.
- 6.1.2 The advice and information can be provided by the Council on the phone, by letter/e-mail or in person at the Council Offices. Applicants may also seek advice from other agencies such as the Citizens Advice Bureau.
- 6.1.3 Applicants will be required to complete an on-line application form for inclusion on the Housing Register and to provide supporting documentation as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made.

6.2 Joint Applicants

- 6.2.1 Applicants may be a joint applicant with another person although for a joint application, both applicants must be eligible under this policy, except for the local connection criteria where only one of joint applicants needs to meet the criteria.

6.3 Definition of a household

- 6.3.1 Applicants should only include persons on their application who will be part of their household and occupying the accommodation as their only principal home.
- 6.3.2 Non- dependent children/step-children or adults previously dependant on the applicant, will only be considered as part of the household where they have had continuous recorded residence with the applicant and have never had their own independent accommodation, unless this was whilst in further education.
- 6.3.3 Applicants with a shared residence order or staying contact for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the council will not accept responsibility for providing a second home for children. The council will make an assessment based on the individual circumstances.

6.4 Documents

- 6.4.1 As part of the application process, applicants will be asked to provide documentary proof of certain things such as:
 - i. Photographic proof of their identity and that of all those included on their application
 - ii. Their current address
 - iii. Proof of meeting the local connection residency criteria
 - iv. Details of any dependants living with them
 - v. Their income
 - vi. Their savings
 - vii. Details relating to previous accommodation where appropriate
- 6.4.2 We may require additional information according to an applicant's circumstances and may sometimes need to contact third parties to verify the information that the applicant has given us. By completing the application form applicants, as detailed on the form, are giving consent for us to do this.
- 6.4.3 If all the required supporting documents are not received within 28 days the application will be cancelled.

6.4.4 If assistance is needed in making an application to the Housing Register help will be available from the Housing Services Department.

6.5 User guide

6.5.1 When an applicant has been found to be eligible to join the Register, we will assess their application and they will receive a letter of confirmation and access to an on-line Scheme User Guide which will tell them:

- i. Their HomeOption identification number;
- ii. The Band that their application has been placed in and the date from which this takes effect
- iii. The size of home for which they are eligible
- iv. Details of how they can register interest for a home under CBL

6.5.2 If from an application form we have identified that an applicant may need assistance with using the Scheme we will add their name to a database of applicants for whom assistance with making expressions of interest is offered. Applicants can be added to this list at any time upon their request.

6.5.3 A printed version of the User Guide can be provided on request.

6.6 Renewal of applications

6.6.1 In order to keep the Housing Register up to date, applicants will be required to renew their application, this will normally be on the anniversary of their application. Applicants will be prompted to renew their application when they log on to the HomeOption website. They will also be sent an email to the email address supplied on their application or a letter to the address registered on the application.

6.6.2 If an applicant fails to renew their application within 28 days from the date they received a communication to say that renewal is due, they will be deleted from the Housing Register without further notification.

6.7 Cancelling an application

6.7.1 We will only cancel an application if:

- i. The applicant has written to us to ask us to cancel it, or
- ii. The applicant has not responded to the renewal requests (see paragraph 6.6 above) or
- iii. The applicant has accepted an offer of accommodation through HomeOption.
- iv. The applicant has ceased to be eligible (see paragraph 5 above), or
- v. The applicant has made false or deliberately misleading statements in connection with their application (see paragraphs 18 below)
- vi. The applicant has not provided documentary proofs for their application within 28 days of completing the on-line form

7. Access to Information

7.1 Upon written request, an applicant, will be able to;

- i. receive a copy of their details entered on the Housing Register free of charge
- ii. receive copies of documents provided by them
- iii. have access to their file in accordance with the provisions of the Data Protection Act 1998
- iv. ask for a formal review of any decisions about the facts of their case
- v. be informed in writing of any decision about the facts of their case and of their right to request a review of any such decision
- vi. receive general information to enable an applicant to assess;
 - how their application is likely to be treated
 - whether accommodation appropriate to their needs is likely to be available and, if so, when

8. Assessment of Housing Need and Allocation of Properties

8.1 Assessing Housing Need

- 8.1.1 Applicants housing circumstances are assessed on their individual circumstances and their application placed in one of five Bands. These Bands ensure that we give greatest priority to those in the greatest housing need, so that we make the most effective use of available homes. The law also requires us to give preference to certain categories of housing need, and these have been included within the banding priority criteria.
- 8.1.2 Band A is considered the highest priority of housing need, Band B the next highest etc., with Band E being the lowest priority.
- 8.1.3 Within each Band, the applicant with the greatest priority is the applicant who has spent the longest time in that band.
- 8.1.4 Some allocations will be dealt with outside the scheme; these are explained in paragraphs 2.3 and 3.2.
- 8.1.5 Where an applicant or one of joint applicants is a tenant of the Council at the time of the application then the property subject to that tenancy will be inspected by the Council to ensure compliance with the terms of the tenancy agreement before the application is processed.
- 8.1.6 Further details of how each band has been assessed is provided below:

The Band Criteria

8.1.6.1 BAND A

Applicants meet at least one of the following criteria

- i. Accepted Homeless in severe need
- ii. Critical Medical/Welfare award – to include emergency situations
- iii. Relationship breakdowns in council properties where applicants are under-occupying but have been assessed as having housing need within Uttlesford
- iv. Successor tenants in council properties where applicants are under-occupying

- v. Releasing a property in need (council or RP property that the Council has nominations rights to) or where it prevents the Council making expensive alterations to a property
- vi. Those applicants within Uttlesford required to leave their homes as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004
- vii. Uttlesford Council tenants, or tenants in RP property where the Council will receive the nomination, who are currently in accommodation larger than their needs(Uttlesford tenants may be eligible for removal expenses grant see paragraph 9.21 below)
- viii. Multiple needs - If someone has two or more needs in band B they will be moved to band A (accepted homeless cases do not come under this category – if additional preference is needed for homeless cases they will be assessed as accepted homeless in severe need)

8.1.6.2 High welfare and multiple needs in band A would be expected to express an interest within 4 cycles of available properties otherwise priority may be reduced.

8.1.6.3 **BAND B**

Applicants meet at least one of the following criteria

- i. Serious Medical/Welfare award
- ii. Overcrowding in permanent social housing within Uttlesford
- iii. Accepted homeless cases
- iv. Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the council as likely to be in priority need and who are receiving housing advice from the council to prevent homelessness. If in rented accommodation under an assured or assured short hold tenancy or tied accommodation this threat will be deemed to exist at the point at which the applicant's landlord can begin an application to the Court to seek possession of the property. This is the point at which a notice of seeking

possession or notice to quit expires and there is a clear indication that the landlord intends to seek possession.

- v. Nominations from supported housing schemes where the Council has agreed move-on arrangements and the applicant is ready to move on. These applicants will be able to use the CBL scheme for a period of 4 weeks from the date they are placed into this band to express interest in any suitable flatted accommodation. If they have not been successful after the end of this period they will be made one offer of suitable flatted accommodation which may be either in the private or social sectors which if they refuse will result in them being down banded to a band that reflects their housing need.
- vi. A prohibition order or demolition order has been served, or is about to be served in relation to the applicant's dwelling. This indicates that the property contains one or more category 1 hazards that probably cannot be remedied.
- vii. An improvement notice has been, or is about to be, served in relation to the applicant's dwelling and :-
 - a. The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time
 - b. The cost of the remedies are beyond the means of the applicant (where applicable)
 - c. The remedies will make the property unsuitable for occupation by the applicant
- viii. Multiple needs – Applicants with four or more needs in band C will move to band B

8.1.6.4 **BAND C**

Applicants meet at least one of the following criteria

- i. Moderate medical/welfare award
- ii. Notice of Seeking Possession
- iii. Notice to Quit - other than s.21 HA 1988 notices served at the start of a tenancy

- iv. Applicants who are homeless or threatened with homelessness who are assessed by the council as not in priority need
- v. Applicants who following a homelessness application have been deemed by the council to be in priority need but intentionally homelessness
- vi. No fixed abode
- vii. Overcrowded in private rented accommodation or social housing outside Uttlesford
- viii. Fixed term licensees
- ix. Shared facilities – not generally applicable for single applicants under 35yrs
- x. Lacking facilities
- xi. A hazard awareness notice has been served in relation to a category 1 or 2 hazard at the applicant's dwelling

and

the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time;

or

the cost of the remedies are beyond the means of the applicant (where applicable);

or

the remedies will make the property unsuitable for occupation by the applicant

- xii. Applicants assessed as meeting band B criteria but with no local connection to Uttlesford.

8.1.6.5 **BAND D**

- i. Applicants assessed as meeting Band C criteria but have been down banded by one band.

8.1.6.6 **BAND E**

Applicant meets at least one of the following criteria

- i. Caravan or mobile home but no housing need
- ii. Tied accommodation but no housing need
- iii. Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities.
- iv. In prison
- v. A suspended prohibition order or improvement notice has been or will be served by the Environmental Health Department in relation to the applicant's dwelling but the criteria leading to it becoming active are not met by the applicant.
- vi. A hazard awareness notice or improvement notice has been or will be served in relation to the applicant's dwelling but the specified remedies are low cost and straight-forward to achieve.

8.2 **Allocation of Properties**

8.2.1 With the exception of those allocations dealt with outside the scheme; these are explained in paragraphs 2.3 and 3.2 properties will be allocated to the applicant who expressed interest in the property, who is in the highest Band and with the earliest priority date within that Band.

8.2.2 At the time of the offer of a property applicants will be asked to provide proof that they continue to meet all eligibility criteria to be included on the housing register

8.2.3 Where two applicants have the same priority date in the Band the property will be allocated to the household who it is judged to have the family composition that makes best use of the accommodation. This will be decided by a Senior Manager and the reasons documented

8.2.4 **Houses** – Transfer applicants and homeseekers who are tenants of RP accommodation within Uttlesford, where UDC has the nomination rights, will be given priority for houses with the same number of bedrooms as their current property, ahead of other homeseekers even if they are in a lower Band or have a lower

priority date. For properties larger than one bedroom this will only apply if there are children under 16 within the household.

9. Housing Priority

9.1 Deciding who has priority on the register

9.1.1 Applicants will be placed in the relevant Band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with the legal duties of the Council.

9.2 Overcrowding

9.2.1 Homeless applicants placed in temporary accommodation by the council will not be assessed under the criteria for overcrowding.

9.2.2 Applicants will be placed in Band B if they are overcrowded, i.e. lacking one or more bedrooms and live in Council or Housing Association properties where the Council has nomination rights to the RP.

9.2.3 Applicants will be placed in Band C if they are overcrowded in private rented accommodation or living with relatives or friends.

9.2.4 Overcrowded applicants with a local connection to Uttlesford, but living in Council or Housing Association properties outside the District will be in Band C.

9.2.5 Rooms which do not meet the standards for use as living accommodation for one person (the standards are given in the Housing Act 1985 Part X) will not be counted.

9.2.6 If applicants need an extra room for medical or welfare/hardship reasons they will not be considered overcrowded but will be assessed for medical or welfare priority.

9.2.7 Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds.

9.2.8 Where an applicant is pregnant and the birth of the child will mean that they are entitled to a larger property, the applicant will not receive overcrowding priority until the baby is born.

9.3 Children sharing bedrooms

9.3.1 Two children of the same sex are expected to share a bedroom until one of them reaches the age of 16.

9.3.2 Two children of the opposite sex are expected to share a bedroom until the oldest is 10 years old.

9.4 Applicants without children

9.4.1 Single applicants and couples without children who are living in overcrowded conditions will not be given priority for overcrowding unless they are in self-contained accommodation which is too small, for example a couple in a one person bed-sit. Young adults living with their parents or people temporarily sharing with friends will not get overcrowding priority.

9.5 Disrepair, poor design and lack of facilities

9.5.1 Any complaint about poor repair within Council or RP properties must be reported to the applicant's landlord's Repairs service.

9.5.2 Applicants living in private sector accommodation in poor condition must be referred to the Council's Environmental Health Department who will assess the situation and then make their recommendations according to the Allocations Scheme.

9.5.3 If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or adequate heating they will be placed in Band C.

9.6 Sharing with another household

9.6.1 Applicants will be placed in Band C if they share any of the following facilities with either people they are not related to or their family if they are wishing to live separately from them.

i. living room

ii. kitchen

iii. bathroom or toilet.

9.6.2 Single applicants under the age of 35 who are sharing will generally be considered as adequately housed. Consideration will be given for applicants in special circumstances.

9.7 People living in mobile homes or caravans

- 9.7.1 Applicants living in a caravan, mobile home or houseboat will be placed in band E if there is no other housing need, reflecting parity with other private sector applicants.
- 9.7.2 It does not matter if the caravan is on a site or not or if they own or rent the property.
- 9.7.3 If their accommodation lacks facilities or is in poor repair (see paragraph 9.5) they will be placed in band C.

9.8 Homelessness

- 9.8.1 Accepted homeless households are applicants to whom:
- i. The Council has accepted a duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) **and**
 - ii. the council accepts a duty to provide suitable accommodation.
- 9.8.2 In the first instance the Council will look to discharge its homelessness duty for all accepted homeless applicants within the private rented sector. The Council will ensure that any offer of private rented housing is appropriate to the needs of the household, that the length of any tenancy is a minimum of 12 months and that the property meets the Homelessness (Suitability of Accommodation) (England) Order 2012. An assessment will also be carried out to assess the affordability of the property, including the eligibility to receive Local Housing Allowance/Housing Benefit. The property may not be within the Uttlesford District.
- 9.8.3 Whilst the Council is looking for suitable accommodation within the private sector, applicants who meet the Council's Allocation Policy eligibility criteria will be allowed to make expressions of interest on suitable properties advertised through the CBL system. If after a period of 2 cycles from when the applicant received their S.184 decision letter they have either not been offered a suitable private sector property or been successful through the CBL system, the Council will express interest on their behalf and make one final offer of suitable accommodation. This will be in whichever tenure is available first and will generally be flatted accommodation. If this offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to have been discharged.
- 9.8.4 Accepted homeless applicants, who meet the Council's Allocation Policy eligibility criteria, who are housed in temporary

accommodation provided by the Council, including Bed & Breakfast accommodation, hostels or homeless at home, will be placed in Band B. Accepted homeless applicants in severe need will be placed in Band A

- 9.8.5 Homeless applicants who do not meet the Council's Allocation Policy eligibility criteria will be made only one offer of suitable accommodation. This will be a final offer and will generally be a in the private rented sector. If a suitable private rented sector offer cannot be made within 3 months of the Section 184 decision letter, the council may make one final offer of suitable flatted social housing accommodation. If this offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to have been discharged.
- 9.8.6 When a private rented property becomes available it will be offered to the accepted homeless applicant for whom the property is suitable and if this is more than one applicant, it will be offered to the applicant with the earliest homeless application date.
- 9.8.7. Any private rented tenancy that discharges the council's homelessness duty will be for a period of not less than 12 months. If within 2 years, beginning with the date on which the applicant accepts a private rented sector offer, the applicant re-applies for accommodation, or for assistance in obtaining accommodation, and if the applicant is found to be homeless (from the date of the expiry of the termination notice) and did not become homeless intentionally from the private rented accommodation, the Council will accept a homelessness duty regardless of whether the applicant has a priority need.

9.9 Accepted homeless households in severe need

- 9.9.1 These are applicants to whom:
- i. the council has accepted a duty under the Homelessness legislation **and**
 - ii. the meet the Councils eligibility criteria
 - iii. are elderly and vulnerable due to frailty***or**
 - iv. have a terminal or long-term illness **or**
 - v. have severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act **or**
 - vi. are permanent wheelchair users **or**

- vii. are council or RSL tenants who have an urgent need to transfer as they are suffering from violence or threats of violence and are considered to be at significant risk **or**

9.9.2 Where the above circumstances apply these applicants will be placed in Band A.

9.9.3 The Council will decide who will be placed in Band A. Recommendations will be made by the Housing Officer dealing with the case because they have the most accurate and up-to-date information on the applicant, due to the investigations carried out before an applicant is accepted as homeless.

9.9.4 *Elderly non-frail applicants may still be placed in Band A, however clear supporting evidence will be required to support their application.

9.10 Other Homeless households not owed a duty

Other homeless applicants who are not owed a duty under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) are still entitled to reasonable preference and will be placed in Band C of the scheme.

9.11 Prevention of homelessness

9.11.1 Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the council as likely to be in priority need and who are receiving housing advice from the council to prevent homelessness will be placed in Band B. If the applicant is in rented accommodation under an assured or assured short hold tenancy the threat of homelessness will be deemed to exist at the point at which your landlord can begin an application to the Court to seek possession of their property. This is the point at which a notice of seeking possession or notice to quit expires.

9.11.2 If they are subsequently accepted as homeless they will remain in Band B but their earlier effective date will remain.

9.11.3 An applicant is subsequently deemed to be not working with the Council and who has not expressed interest in suitable properties advertised through the CBL system or has refused a suitable offer of accommodation will be down banded to the Band that otherwise reflects their housing need.

9.12 Assured shorthold tenants under notice

9.12.1 Assured shorthold tenants who have received a 'Notice Requiring Possession'/ Notice to Quit from their landlord will be placed in Band C if there is less than three months before the notice expires.

9.12.2 All applicants will be offered advice regarding their housing options.

9.13 Lodger under notice

9.13.1 This applies to applicants living in the same property as their landlord.

9.13.2 They must be renting a room that is for their own use only, and be paying a market rent.

9.13.3 Proof that notice has been served is required.

9.13.4 They will be placed in Band C if there is less than three months before the notice expires.

9.13.5 The Council will then check to see whether the notice will be enforced.

9.14 Tenants of tied accommodation under notice

9.14.1 Tenants in tied accommodation with no need to move will be placed in Band E.

9.14.2 If they have received a legal notice asking them to leave that accommodation they will be placed in Band C.

9.15 Protected tenants with a possession order

9.15.1 This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured shorthold tenancy).

9.12.5 They must have been served with a court order for possession and then will be placed in Band C.

9.16 Fixed-term licensee

9.16.1 This applies to applicants living in supported housing schemes. Applicants in these schemes will be placed in Band C.

9.16.2 Applicants in supported housing schemes where the Council has agreed move-on arrangements will be placed in Band B if they are judged as ready to move on.

9.16.3 Applicants accepted by the Council as being owed the full homeless duty and in a specialist refuge for victims of domestic abuse will be placed in Band B

9.17 Applicants with no fixed address

9.17.1 This applies to applicants who have no fixed address.

9.17.2 They will be placed in Band C.

9.17.3 If they are in prison they will be placed in Band E.

9.18 Medical, welfare and hardship

9.18.1 Important: priority can only be awarded under **one** heading: medical, welfare, hardship or harassment.

9.18.2 Applicants can be assessed under all headings, but get awarded priority under only one heading.

9.18.3 Any medical or welfare priority can be reassessed if an applicant's circumstances change.

9.19 Medical assessments

9.19.1 This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

9.19.2 Applicants may also be awarded priority if the applicant is asking to be rehoused so they can receive care or specialist support.

9.19.3 Extra information may be sought from private sector landlords, housing officers, GPs, health visitors and other parties.

9.19.4 The table below is used to act as a guide to priority:

Effect on housing	Medical Problem			
	Very Serious	Serious	Moderate	Low
Very Serious	Band A	Band B	Band C	No award
Serious	Band B	Band B	Band C	No award
Moderate	Band C	Band C	Band C	No award
Low	No award	No award	No award	No award

9.19.5 Assessments of medical priority will be carried out by two senior officers in consultation with any officers with direct knowledge of

the applicants and using all information available at the time and using the above guide.

9.19.6 Applicants accepted under Homelessness legislation will not be eligible for medical priority. If a homeless applicant's temporary accommodation is unsuitable on medical grounds the Council will first look to see if alternative temporary accommodation can be found.

9.19.7 Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.

9.20 Welfare/Hardship/Harassment assessments

9.20.1 This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

9.20.2 These people will have a need to move but may not get medical priority because their present housing may be suitable for their needs.

9.20.3 The table below is used to act as a guide to priority:

Need for settled suitable accommodation	Level of Vulnerability		
	High	Medium	Low
High	Band A	Band B	Band C
Medium	Band B	Band B	Band C
Low	Band C	Band C	Band C

9.20.4 Welfare/Hardship/Harassment priority will be carried out by two senior officers in consultation with any officers with direct knowledge of the applicants and using all information available at the time and using the above guide.

9.20.5 Homeless applicants will not be looked at under welfare issues. If a homeless applicant's temporary accommodation is unsuitable on welfare grounds the Council will first look to see if alternative temporary accommodation can be found.

9.20.6 If a homeless applicant or household is particularly vulnerable and they may be at significant risk in temporary accommodation the Council can consider the category of 'accepted homeless applicants in particular need' to increase them to band A (see paragraph 9.9).

9.21 Tenants with a home that is bigger than they need

9.21.1 This applies to Uttlesford District Council secure tenants or tenants of RPs (where the Council has nomination rights), who are 'under-occupying' their homes and want to move to a smaller property. These applicants are given high priority because it enables a household with high need to move into the freed up larger home.

9.21.2 Applicants who are currently in property larger than their needs will be placed Band A.

9.21.3 Where an Uttlesford District Council tenant is downsizing to a Council or RSL property they may be eligible for a downsizing grant to help with removal costs. For further details please see the Council's Decant Policy.

9.22 Applicants offered housing because of the death of an Uttlesford Council secure tenant

9.22.1 This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.

9.22.2 To be a 'successor tenant' the applicant has to meet certain rules – usually must be related to the tenant, or be their partner, and have lived in the property a certain time. The rules for this are in the tenancy conditions for the property.

9.22.3 If the successor tenant does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985. This will be served more than six months but less than twelve months after the tenant's death.

9.22.4 Where successor tenants are in a property larger than they need or with major adaptations they do not require they will be placed in band A. They are able to express an interest for suitable properties under the scheme. If they have not expressed an interest within six months of their application their case will be reviewed and the Council may reserve the right to express an interest for them on suitable properties.

9.23 Uttlesford Council secure tenants offered housing because of a Relationship breakdown

9.23.1 This category applies to Uttlesford secure tenants only.

9.23.2 If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.

9.23.3 Applicants will be placed in Band A when there is a relationship breakdown and the joint tenant moves out and ends the tenancy and the other tenant qualifies to be offered a smaller property.

9.23.4 They will be able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed. The Council reserves the right to express an interest for them on suitable properties.

9.23.5 If a property is then subsequently refused they will have no right to remain in their current property and therefore action will be taken by the council to gain possession of the property.

9.23.6 If an applicant qualifies to be offered the same property we will make them a direct let offer of that property.

9.24 Transfers which will release a property that is needed

9.24.1 Applicants will be placed in Band A of the scheme if they wish to move **and**

- i. the property they would leave is needed to meet the urgent housing needs of another household on the register which otherwise would not be met within a reasonable time **or**
- ii. where it prevents the Council making expensive alterations to the property **and**
- iii. there is not a serious shortage of the types of home they want to move to.

9.25 Applicants who have deliberately made their housing situation worse

9.25.1 The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of re-housing through the register.

9.25.2 If it is decided that the applicant has made their housing situation worse, they will remain in the band that reflects their housing need in their previous accommodation.

9.25.3 If the applicant was not registered from their previous address, the assessment of housing need will be based on the accommodation occupied before their accommodation changed.

9.25.4 The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new band.

9.26 Owner-occupiers

9.26.1 Applicants who previously owned a property and have sold it will be asked to provide proof of the sale and evidence of any proceeds received.

9.26.2 Owner-occupiers will generally not be eligible to join the housing register unless they are able to demonstrate that they are unable to meet their housing needs through their own resources.

9.26.3 Property owners over 60 will be eligible to join the housing register if they can demonstrate a need for sheltered accommodation.

9.27 Applicants in 'tied' accommodation which is suitable for their needs

9.27.1 Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee. This includes applicants who are accommodated by HM Forces.

9.27.2 Applicants in 'tied' accommodation will be placed in band E. They will be moved to Band C if:

- i. they are six months away from retirement **or**
- ii. they have received a legally binding notice asking them to leave their accommodation.

9.28 Deciding the effective date

9.28.1 Priority within bands relates to an applicant's effective date. The effective date is usually the date the application is received, except;

- i. Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.
- ii. Where an applicant receives priority on medical or welfare grounds their effective date will be the date the Council receives the required supporting evidence to make this award.
- iii. Where an applicant has been accepted as Homeless their effective date will be the date they applied as homeless; unless they already qualify for Band B with an earlier date.

9.29 Armed Forces Priority

9. 29.1 Members of the Armed Forces, who are in urgent housing need who fall within one or more of the following criteria, will be placed in one Band higher than their housing need.

- i. Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- ii. Formerly served in the regular forces or was honourable discharged where the application is made within 5 years of their date of discharge
- iii. Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
- iv. Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

9.29.2 For this purpose "the regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006(4)

9.30 By-passing applications that would otherwise meet eligibility criteria for an offer of accommodation

The Council reserves the right to by-pass an offer of accommodation while shortlisting applicants in the following circumstances

- i. The property is not in accordance with an applicants assessed medical needs
- ii. Applicant has pets and the property is not suitable or pets are not permitted
- iii. Applicant has housing related debt where an agreed repayment plan has been breached (see 5.4)
- iv. Applicant is a Council or RP tenants with rent arrears (see 5.4)
- v. If the applicant does not meet the rules relating to age or household size by the RP advertising the property.
- vi. Other reasons where the Council deem that a sensitive allocation is necessary and this has been agreed by a Senior Manager .

- vii. If the applicant has been offered a property and have not yet refused that offer.
- viii. If the applicant is unable to view or accept the property within the required timescale.
- ix. Where the applicant has not notified the Council of a change of circumstances material to their application.

9.31 Penalty for refusal of offers of accommodation

Any applicant (except from existing Council or RP tenants who are under-occupying and wishing to move to smaller accommodation) who refuses 2 offers of accommodation, for properties on which they have expressed interest, within a 6 month period, will have their application e suspended for 12 months.

10. Types of Tenancies

- 10.1 The type of tenancy an applicant will be offered will be in accordance with the Council's tenancy policy or the tenancy policy of the landlord of the property. Tenancy policies will be set having regard to the West Essex Tenancy Strategy.
- 10.2 The Council will offer joint tenancies to adult partners where there is a need for a long term commitment to a joint home, except where one of the prospective joint tenants is excluded from or ineligible to join the housing register.
- 10.3 Generally, homeless applicants residing at homeless accommodation (including the Council's managed short stay accommodation) or bed and breakfast accommodation, if offered Council accommodation, will be offered an Introductory Tenancy followed by secure or flexible tenancy in accordance with the Council's Introductory Tenancy Scheme and Tenancy Policy.

11. Tenancy Start Dates

- 11.1 The Council will allow applicants 7 days to reach a decision whether to accept any Council accommodation they are offered, although we may allow longer having regard to personal circumstances.
- 11.2 Where possible the applicant will be given an opportunity to view the property they are being offered before they have to give the Council a decision.

11.3 If the applicant is interested in the tenancy they will either be advised by telephone when the property is ready for letting or receive a formal offer of the tenancy by first class post.

11.4 Generally, for properties becoming ready for letting on Friday, the tenancy start date will be the following Monday.

12. Redecoration Scheme

Internal decorations to an Council property are the tenant's responsibility. However, if a property (excluding sheltered accommodation) offered to a housing applicant is, in the view of the inspecting officer, in need of redecoration, a voucher for the purchase of an appropriate amount of paint will be provided.

13. Designation of Property Type – Age restrictions

13.1 To make best use of housing stock properties are designated as being either general needs or for older persons or people with disabilities.

13.2 Older person's properties, such as bungalows, will normally be allocated to the following categories of person:-

- i. Those aged 60 or over (55 for some RP accommodation)
- ii. Those under 60 with Band B medical assessment for mobility who require this type of accommodation. In these circumstances single people and couples will only be offered 1 bed bungalows and will not be able to express interest in general needs properties.

13.3 In areas of lower demand some bungalows may be advertised without an age restriction, however, in the first instance preference will still be given to applicants over 60 expressing interest.

13.4 General needs properties such as houses or flats will be allocated to persons under 60 unless there are special circumstances which indicate that a particular general needs property is suitable for and applicant who is 60 or over.

14. Allocating Sheltered Housing

14.1 When allocating sheltered housing the same general principles as for other property types are followed, apart from the following:

- i. An assessment of the applicants suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.

- ii. When assessing suitability for sheltered housing applicants will also be given advice about the allocation scheme and how to bid. If an applicant needs help with the process, this will be noted and appropriate arrangements made.
- iii. Applicants must generally be over 60 years of age to be eligible for sheltered housing (over 55 for some RP accommodation)

15. Properties designed or adapted for people with physical disabilities

- 15.1 If an applicant needs a home suitable for wheelchair users or needs other specialist adaptations we will usually require an assessment by an Occupational Therapist before an offer can be considered. (Please refer to the Council's Disabled Adaptations Policy)
- 15.2 Homes particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.
- 15.3 Properties which have been adapted to a very high standard may not be included in the scheme and may be directly allocated.

16. Reviews

- 16.1 If an applicant considers they have been unfairly or unreasonably treated having regard to the provisions of the Allocations Scheme they have the right to request a review of their case. (i.e. the band they have been placed in)
- 16.2 In the first instance, they must appeal in writing to the Housing Needs Team Leader and will receive a written response within 10 working days.
- 16.3 If, having received this response they wish to make a further appeal they can write to the Housing Needs and Landlord Services Manager who will then review the case.

17. Equal Opportunities

- 17.1 The Council's allocation scheme will be operated strictly in accordance with Council policy irrespective of an applicant's ethnic origin, race, nationality, colour, religion, gender, sexual orientation, marital status, age or disability.
- 17.2 The Council will have regard to, and implement, the provisions of the Race Relations Code of Practice in Rented Housing, which it has adopted. The Council will also abide by the Race Relations Act 1976.
- 17.3 As an aid to ensuring that applicants are not discriminated against on the grounds of race, the Council will monitor the racial origin of:

- i. Applicants on the Housing Register
- ii. Applicants allocated housing
- iii. Applicants offered sheltered accommodation

17.4 The practices and procedures of Housing Services will be monitored by the Head of Service to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that practices or procedures may be contravening the Equalities Act 2010.

18. False and Withheld Information

18.1 It is an offence for anyone seeking housing assistance from us to give false information or withhold information that may affect their application for housing.

18.2 This could result in:

- i. Criminal prosecution
- ii. Cancelling the applicant's housing register application (see paragraph 6.6 above)
- iii. Possession proceedings for any tenancy an applicant has obtained as a result of giving or withholding false information

18.3 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 if a tenant has induced the Council to grant a tenancy by knowingly or recklessly making a false statement. The Council can prosecute and fine up to £5,000 if found guilty.

19. Information on the Allocations Scheme

19.1 The Council will:-

- i. Publish a summary of its Allocations Scheme in a leaflet and provide copies free of charge on request to any member of the public
- ii. Provide copies of the Allocations Scheme free of charge at Housing Services, Council Offices, Saffron Walden
- iii. Enable copies of the Allocations Scheme to be downloaded on the Internet from the Council's web-site: www.uttlesford.gov.uk

19.2 Within a reasonable period of time, the Council will notify applicants on the Housing Register of an alteration to the Allocations Scheme reflecting a major change of policy, explaining in general terms the effect of the change.

20. Review of Allocations Scheme

The Allocations Scheme will be reviewed periodically by the Council's Housing Board and any recommended changes agreed by the Council's Cabinet.

21. Consultation on Changes to the Allocations Scheme

Before adopting a new Allocations Scheme or making an alteration reflecting a major change of policy in an existing Allocations Scheme, the Council will notify every RP with which it has nomination arrangements of the change, and all local Councils affording them a reasonable opportunity to comment on the proposals.

Data Protection Act

The information you provide may be put on a computer system registered under the current Data Protection law. It may be checked with other information or data held by the Council. It may be disclosed for the purposes as described on the Register Entry in the Council's Data Protection Register. We may also share data with other agencies for the prevention and detection of crime.

**IF YOU REQUIRE THIS INFORMATION LEAFLET IN AN ALTERNATIVE
FORMAT AND OR LANGUAGE PLEASE CONTACT HOUSING SERVICES ON
01799 510510**

Housing Services
Uttlesford District Council
Council Offices
London Road
Saffron Walden
CB11 4 ER

Telephone: 01799 510510
Email: uconnect@uttlesford.gov.uk
Website: www.uttlesford.gov.uk

Appendix I

For General Needs Accommodation, the number of bedrooms that working age applicants are eligible to express interest in, will generally be in line with the prevailing Housing Benefit Regulations on size criteria.

Size of Accommodation Allocated – working age applicants

Household Size	Number of rooms
1 adult	Bedsit/ 1 bedroom
2 adults living together as a couple	1 bedroom
1 adult (2 adults living together as a couple) expecting baby and the pregnancy is over 24 weeks	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 1 child* - 2 children* of different sexes where neither child is over 10 years of age - 2 children* of the same sex up until the eldest child is 16 years of age	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 2 children* of different sexes where the oldest child is over 10 years of age - 2 children* of the same sex where the eldest child is over 16 years of age - 3 children* - 4 children* regardless of sex up until the eldest child is 16 years of age	3 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 4 children* where 1 child is over 16 years of age - 5 or more children*	4 bedrooms

***Parents with ‘staying access’ to dependent children or shared residence orders**

- Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the council will not accept responsibility for providing a second home for children. The council will make an assessment based on the individual circumstances.

Single applicants or couples where one is over 60 years of age will be eligible to express interest in 1 or 2 bedroom designated older persons accommodation.

Appendix II

Local Lettings Plans

A Local Letting Plan is an arrangement for the allocation of properties to meet the specific needs of a locality in response to results of a housing needs survey..

Rural Housing – Exception site

When vacancies arise in properties that have been built in rural localities (rural exception sites) and a planning agreement specifies a local connection requirement, this takes precedence over the local connection eligibility in 5.2. This means that households wishing to apply for housing on an exception site who fulfil the local connection requirement set out in a planning agreement, but not the eligibility criteria in 5.2, will be eligible to join the housing register but **only** for this specific development site.

The age criteria for some properties may be waived on some sites to allow older people to remain in a village.

In the event that it is not possible to allocate a property to applicants who meet the local connection requirements and who need a property of that size, then the property may be allocated to applicants who meet the local connection requirement who will under-occupy the property, providing that the under-occupancy created does not exceed one bedroom.

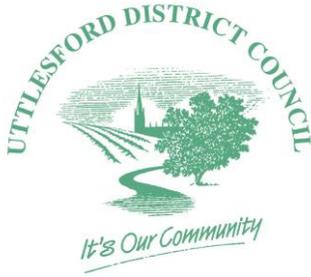
Rural Housing – Non exception site

Requiring applicants to have a connection with the locality may also be considered by the Council, on a proportion of the affordable housing provision, on any site subject to the terms of a planning obligation where a local need can be demonstrated through a housing needs survey, no more than three years old at the time of the submission of the planning application.. To be eligible for an allocation on these sites applicants must be assessed as having a housing need by being in Bands A – D of the allocation policy.

Sustainable Communities

In exceptional circumstances, the council may decide to let properties on a slightly different basis from normal, in the interests of building a strong and sustainable community or to deal with particular local issues. The decision to apply such criteria will be jointly made by the landlord of the property and the council.

On new developments, the Council and the landlord may consider widening the eligible bands for home types on first lettings, again taking equal opportunities and legal issues into account



Uttlesford District Council

Fast-track equality impact assessment (EqIA) tool

What is this tool for?

This tool will help you to assess the impact of existing or new strategies, policies, projects, contracts or decisions on residents and staff. It will help you to deliver excellent services, by making sure that they reflect the needs of all members of the community and workforce.

What should be equality impact assessed?

You only need to equality impact assess strategies, policies, projects, contracts or decisions that are **relevant** to equality. If you are not sure whether your activity is relevant to equality take the 'relevance test' on Page 9.

How do I use the tool?

This tool is easy to use and you do not need expert knowledge to complete it. It asks you to make judgments based on evidence.

The tool uses a system of red flags  to give you an indication of whether or not your responses are identifying potential issues. Getting a red flag does not necessarily indicate a problem, but it does mean that your assessment is highlighting issues or gaps in data that may require further investigation or action.

If there is insufficient space to answer a question, please use a separate sheet.

General information		
1	Name of strategy, policy, project, contract or decision.	Allocations Policy
2	What is the overall purpose of the strategy, policy, project, contract or decision?	To inform people how we assess housing applications and allocate social housing in Uttlesford.
3	Who may be affected by the strategy, policy, project, contract or decision? The housing register is open to all client groups who are not subject to immigration control and meet the local eligibility criteria	<input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Those not meeting the local eligibility criteria
4	Responsible department and Head of Division.	Department: Housing Services Head of Division: Roz Millership
5	Are other departments or partners involved in delivery of the strategy, policy, project, contract or decision?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (please state): Housing Associations with properties within Uttlesford.
Gathering performance data		
6	Do you (or do you intend to) collect this monitoring data in relation to any of the following <u>diverse groups</u> ? The information is collected from the application form. Reports can be run off to see what people fall into the diverse groups mentioned. The CORE data is also used to monitor the allocations of housing.	<input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Disability <input checked="" type="checkbox"/> Gender/Transgender <input checked="" type="checkbox"/> Race <input type="checkbox"/> Religion & Belief <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Rural Isolation <input checked="" type="checkbox"/> Social Economic <input type="checkbox"/> Other (please state)Location <input type="checkbox"/> None 

7	<p>How do you (or how do you intend to) monitor the impact of the strategy, policy, project, contract or decision?</p> <p>Monitored through customer complaints using the Corporate Compliments and Complaints system. Core data shows who are housed and we monitor that the statistics match throughout all the data collected. Eligibility criteria is determined by legislation. Local eligibility criteria will be monitored by reports from CBL system</p>	<p><input checked="" type="checkbox"/> Performance indicators or targets</p> <p><input checked="" type="checkbox"/> User satisfaction</p> <p><input checked="" type="checkbox"/> Uptake</p> <p><input checked="" type="checkbox"/> Consultation or involvement</p> <p><input type="checkbox"/> Workforce monitoring data</p> <p><input checked="" type="checkbox"/> Complaints</p> <p><input checked="" type="checkbox"/> External verification</p> <p><input checked="" type="checkbox"/> Eligibility criteria</p> <p><input type="checkbox"/> Other (please state):</p> <p><input type="checkbox"/> None </p>
---	--	---

Analysing performance data

8	<p>Consider the impact the strategy, policy, project, contract or decision has already achieved, measured by the monitoring data you collect. Is the same impact being achieved for diverse groups as is being achieved across the population or workforce as a whole?</p> <p>The statistics show that the proportion of diverse groups housed are consistent with the background population as a whole as compared against census data, CORE data and housing register reports.</p>	<p><input checked="" type="checkbox"/> Yes *</p> <p><input type="checkbox"/> No*</p> <p><input type="checkbox"/> Insufficient </p> <p><input type="checkbox"/> Not applicable </p> <p><i>*Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:</i></p>
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9	<p>Is uptake of any services, benefits or opportunities associated with the strategy, policy, project, contract or decision generally representative of <u>diverse groups</u>?</p> <p style="color: red;">Policy is aimed at the local population of Uttlesford and will be monitored to check that those applying to the housing register are representative of the local population in relation to diverse groups</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40px; text-align: center;"><input type="checkbox"/></td> <td>Yes *</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>No*</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Insufficient </td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Not applicable </td> </tr> </table> <p><i>*Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:</i></p>	<input type="checkbox"/>	Yes *	<input checked="" type="checkbox"/>	No*	<input type="checkbox"/>	Insufficient	<input type="checkbox"/>	Not applicable
<input type="checkbox"/>	Yes *									
<input checked="" type="checkbox"/>	No*									
<input type="checkbox"/>	Insufficient									
<input type="checkbox"/>	Not applicable									

Checking delivery arrangements

10	<p>You now need to check the accessibility of your delivery arrangements against the requirements below. Click on the hyperlinks for more detailed guidance about the minimum criteria you should meet.</p> <p><i>If assessing a proposed strategy, policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.</i></p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: center;">Yes</th> <th style="width: 10%; text-align: center;">No </th> <th style="width: 10%; text-align: center;">N/A</th> </tr> </thead> <tbody> <tr> <td>The premises for delivery are accessible to all.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Consultation mechanisms are inclusive of all.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Participation mechanisms are inclusive of all.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p>If you answered 'No' to any of the questions above please explain why giving details of any legal justification.</p>		Yes	No	N/A	The premises for delivery are accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consultation mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Participation mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A															
The premises for delivery are accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
Consultation mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
Participation mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															

Checking information and communication arrangements

11	<p>You now need to check the accessibility of your information and communication arrangements against the requirements below. Click on the hyperlink for more detailed guidance about the minimum criteria you should meet.</p> <p><i>If assessing a proposed strategy policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.</i></p>	
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	Yes	No 	N/A
Customer contact mechanisms are accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic, web-based and paper information is accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicity campaigns are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Images and text in documentation are representative and inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you answered 'No' to any of the questions above please explain why, giving details of any legal justification.

Future Impact

12 Think about what your strategy, policy, project, contract or decision is aiming to achieve over the long term and the ways in which it will seek to do this. This is your opportunity to take a step back and consider the practical implementation of your strategy, policy, project, contract or decision in the future. As well as checking that people from diverse groups will not be inadvertently excluded from or disadvantaged by any proposed activities, it is also an opportunity to think about how you can maximize your impact, reach as many people as possible and really make a difference to the lives of everyone in Uttlesford regardless of their background or circumstances.

Is it likely to inadvertently exclude or disadvantage any diverse groups?

No
 Yes * 
 Insufficient evidence 

*Please state any potential issues Identified.

OVERVIEW
70,000 residents
Demographic make up according to diverse groups.

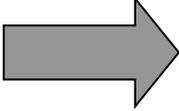
Improvement actions

13 If your assessment has highlighted any potential issues or red flags, can these be easily addressed?

Yes
 No* 
 Not applicable

		<i>*If Yes, please describe your proposed action/s, intended impact, monitoring arrangements implementation date and lead officer:</i>
--	--	--

Making a judgement – conclusions and next steps

14	Following this fast-track assessment, please confirm the following:		
	<input checked="" type="checkbox"/> There are no inequalities identified that cannot be easily addressed or legally justified		No further action required. Complete this form and implement any actions you identified in Q13 above
	<input type="checkbox"/> There is insufficient evidence to make a robust judgement.		Additional evidence gathering required (go to Q17 on Page 7 below).
	<input type="checkbox"/> Inequalities have been identified which cannot be easily addressed.		Action planning required (go to Q18 on Page 8 below).

15	If you have any additional comments to make, please include here.	<input checked="" type="checkbox"/> None
----	---	--

Completion

16	Name and job title (Assessment lead officer)	Judith Snares – Housing Needs and Landlord Services Manager
	Name/s of any assisting officers and people consulted during assessment:	Natalie Leatham
	Date:	27/10/2014
	Date of next review:	1 year after implementation of new policy – implementation anticipated Jan 2015
	<i>For new strategies, policies, projects, contracts or decisions this should be one year from implementation.</i>	.

When completed, a copy of this form should be saved with the strategy, policy, project, contract or decision’s file for audit purposes and in case it is requested under the Freedom of Information Act.

Additional evidence gathering and action planning

17 If your fast-track assessment indicated that **complex issues** or **inequalities** were identified which could not be easily addressed, or you had **insufficient evidence** to make a judgement, you need to undertake an additional evidence gathering and action planning process. This is described below:

- (a) Gather and analyse relevant additional evidence (which may include engagement with diverse groups), to address gaps in your knowledge, enhance understanding of the issues and inform options for addressing these. Additional evidence is likely to include any or all of the following:

Data gathering

- Demographic profiles of Uttlesford
- Data about the physical environment, e.g. housing market, workforce, employment, education and learning provision, transport, spatial planning and public spaces
- Results of local needs analysis
- Results of staff surveys
- Research reports on the needs/experience of diverse groups
- National best practice/guidance
- Benchmarking with other organisations

Consultation and involvement

- Existing consultation findings that may provide insight into the issues
 - New, specially commissioned engagement with diverse groups
 - Expert views of stakeholders/employers organisations representing diverse groups
 - Advice from experts or national organisations
 - Specialist staff/in-house expertise.
- (b) For advice on evidence gathering or engagement with diverse groups please contact your departmental equality lead officer. Discuss any proposed consultation with your departmental equality lead officer to ensure it is coordinated with related exercises across the Council as a whole.
- (c) Use your evidence gathering, analysis and engagement with diverse groups to develop options for addressing inequalities or unmet need, consulting with relevant management teams, Members, strategic groups/partners where necessary to confirm proposed actions and resource issues.
- (d) When options for addressing any issues are agreed, if these cannot be implemented immediately integrate them into the appropriate service plan/strategic plan/multi-agency strategy, so that it is clear how they will be delivered, when they will be delivered, by whom and how this will be monitored.
- (e) Identify how the continuing implementation and impact of the strategy, policy, project, contract or decision on diverse groups in Uttlesford will be monitored.
- (f) Having gathered evidence re-evaluate this assessment.

	(g) Following completion of the above, please confirm the following:
18	<p>The conclusions and agreed proposals: The policy is still in consultation and will be delivered to the Tenant Forum and Community & Housing Committee by the 10th June</p>
	<p>Summary of evidence gathered, including any internal and external consultation (please include full document titles and dates of publication and consultation for audit purposes): Legal Housing Initiative task group RSL Partners Homelessness partnership Parish Councils Housing Act 1996 as amended as amended by the homelessness act 2002 Choice based lettings guidance code of guidance 2008. Statutory guidance on the allocation of social housing 2009. Relevant Case Law Consultation through – Tenant forum, Community and Housing Committee, Openday consultation event.</p>
	<p>Date proposals to be implemented and lead officer: To be approved by committee 06/2010 and will be implemented by the end of 2010 - Judith Snares</p>
	<p>Where implementation is not immediate, please state in which service plan or strategy the proposed actions will be integrated: To be implemented after final approval from the Tenant Forum and Community and Housing Committee.</p>
	<p>Monitor arrangements (please include full details for audit purposes): Continue to monitor through performance indicators and as previously mentioned. Reviewed 06/07/2012 – No changes to be made, no complaints received regarding the protected characteristics. NL.</p>

Additional Comments		
19	If you have any additional comments to make, please include here:	<input checked="" type="checkbox"/> None
Completion		
20	Name and job title (Lead Officer): Name/s of other assisting officers: Date: Date of next review (if any):	Judith Snares – Housing Options Homelessness Manager. Natalie Leatham. 20/05/2010 Reviewed 06/07/2012 – No changes to be made, no complaints received regarding the protected characteristics. NL.
When completed, a copy of this form should be saved with the strategy, policy, project, contract or decision's file for audit purposes and in case it is requested under the Freedom of Information Act.		

Committee: Cabinet

Agenda Item

Date: 4 December 2014

9

Title: Anti-Social Behaviour Policy and Procedure

Author: Julie Redfern – Housing Portfolio Holder

Item for decision

Summary

1. In response to the Anti-Social Behaviour, Crime and Policing Act 2014 and following a period of public consultation, the council's Anti-Social Behaviour Policy and Procedures have been fully reviewed and amended.
2. This policy and the related procedures will replace all previous policies or procedures and if approved by Cabinet will be implemented from 1 January 2015.

Recommendation

3. That the Cabinet approves for adoption the Anti-Social Behaviour Policy and Procedures

Financial Implications

4. None

Impact

- 5.

Communication/Consultation	Tenants newsletter and council website, distribution to all partner agencies
Community Safety	N/A
Equalities	EIA has been carried out
Health and Safety	N/A
Human Rights/Legal Implications	None
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	All UDC staff

Situation

6. The Anti-Social Behaviour, Crime and Policing Act, 2014 is a large and important piece of legislation which makes fundamental changes to a wide range of areas of local authority and police activity including, anti-social behaviour (ASB) powers.
7. The Act is intended to introduce simpler, more effective powers to tackle ASB that provide better protection for victims and communities. The intention is that the new Community Trigger and Community Remedy will empower victims and communities, giving them a greater say in how agencies respond to complaints of ASB.
8. In response to the new Act the council has now fully reviewed its ASB Policy and Procedures.
9. Following a period of public, member and stakeholder consultation the ASB Policy and Procedures have been reviewed and approved by the Housing Board and it has recommended their adoption by Cabinet.

Risk Analysis

10.

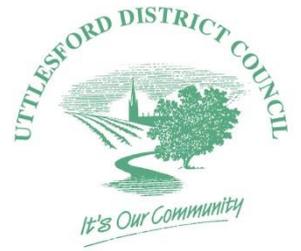
Risk	Likelihood	Impact	Mitigating actions
The Council's ASB policy does not reflect current ASB legislation	3 – the current policy reflects legislation that has now been updated	3 – reputational risk to council if cases of ASB are not being dealt with by the most current powers available to the council	The proposed changes bring the ASB Policy and Procedures in line with current legislation
Dissatisfaction amongst complainants if cases of ASB are not dealt with in the manner expected under ASB legislation	3 – complainants will be able to make ombudsman complaints if matters not dealt with correctly	3 – reputational and financial risk to the council if complaints upheld and compensation payments required	All departments of the council will have access to policy and procedures that give clear guidelines as to how complaints of ASB will be dealt with. Staff will also receive training

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.



UTTLESFORD DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR PROCEDURE

1 Scope and purpose of this procedure document

This document is one of two that tells you about Uttlesford District Council's anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the **procedure** document. It tells you how you can expect us to deal with your case should you report an ASB problem to the Council.

The ASB **policy document** tells you what we mean by 'anti-social behaviour' and sets out our responsibilities and objectives for the council's ASB services. It says what we want our services to achieve for people experiencing ASB, and details the kind of service level and quality we aim to provide. It also explains the broad approach we have agreed to adopt in order to support and advance these objectives.

As explained in the policy document, the council's responsibilities to tackle ASB arise from three distinct roles which are:

1. Our landlord role.
2. Our role as a key member of the Uttlesford Community Safety Partnership.
3. Our environmental protection role.

While these are distinct roles, there are very strong links between all three and close working arrangements between the various departments that deliver the services.

However, the procedures described in this document mainly concern our landlord and Community Safety Partnership roles and so tend to say more about the work of the council's Housing Department and the council's Community Safety Team.

Environmental ASB is tackled by various departments within the council each of which works to its own set of policies and procedures.

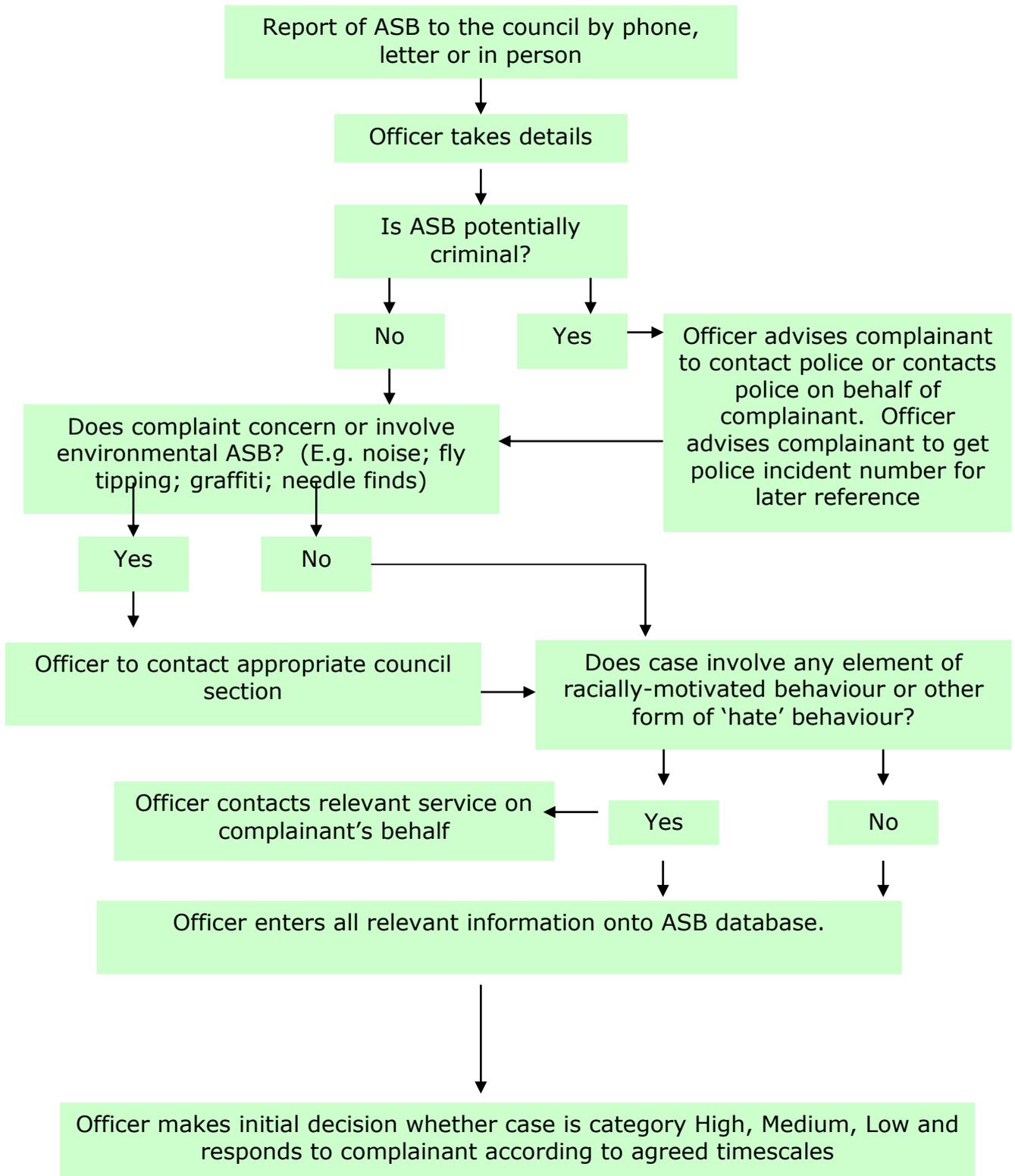
2. How we categorise cases

All complaints of anti-social behaviour made to the council are categorised according to their level of seriousness. Incidents reported to the council are categorised as explained in the following table. How a case is rated is an important judgement which may affect how quickly we deal with a case, although we will always keep an open mind and change the rating of a case if we feel it has become more or less serious.

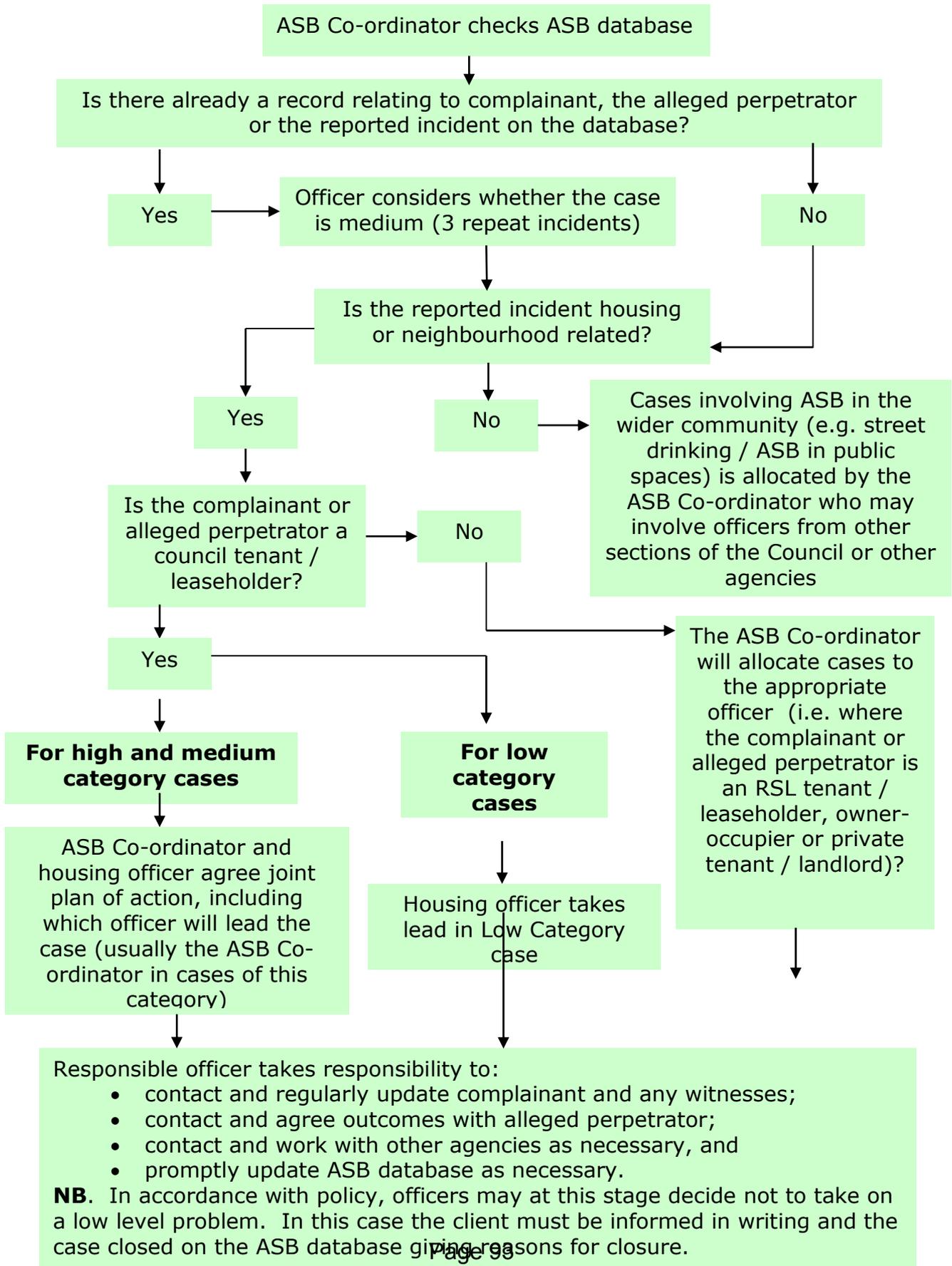
Category	Definition	Target time for first response
High	<ol style="list-style-type: none"> 1. Behaviour that is a serious risk to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity. 2. Any complaint (including those that would otherwise be classed Medium) where the complainant or perpetrator is a “vulnerable adult” as defined by s.59 of the Safeguarding Vulnerable Groups Act 2006. 3. Any complaint that would otherwise be classed ‘medium but where there have been previous incidents and it appears to the officer that, taking these together, a more serious position has developed or may be developing. 	1 working Day
Medium	Unreasonable, prolonged disturbance such as verbal abuse or persistent noise nuisance.	2 – 7 working Days
Low	Disputes between neighbours such as disagreements about parking, minor noise issues, children, pets and minor lifestyle differences.	No more than 7 working Days

Note on the definition of “vulnerability”: S. 59 of the Safeguarding Vulnerable Groups Act provides a comprehensive definition of “vulnerable adult”. For most practical purposes, the summary definition provided by Department of Health and Home Office publication *No Secrets* is sufficient. This defines a vulnerable adult as a person age 18 years or over “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”

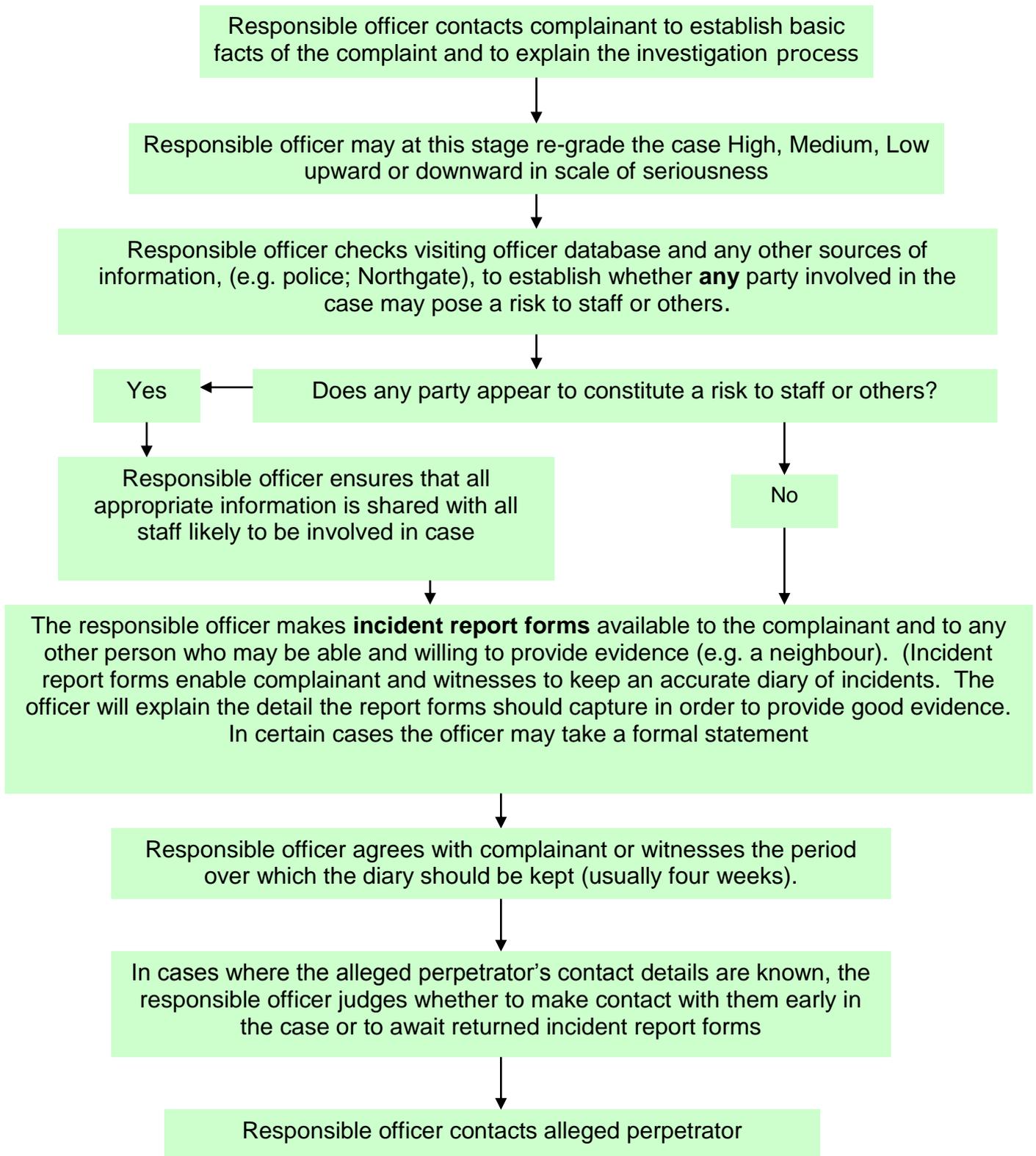
3. Flowchart: Referring and grading cases reported to the council



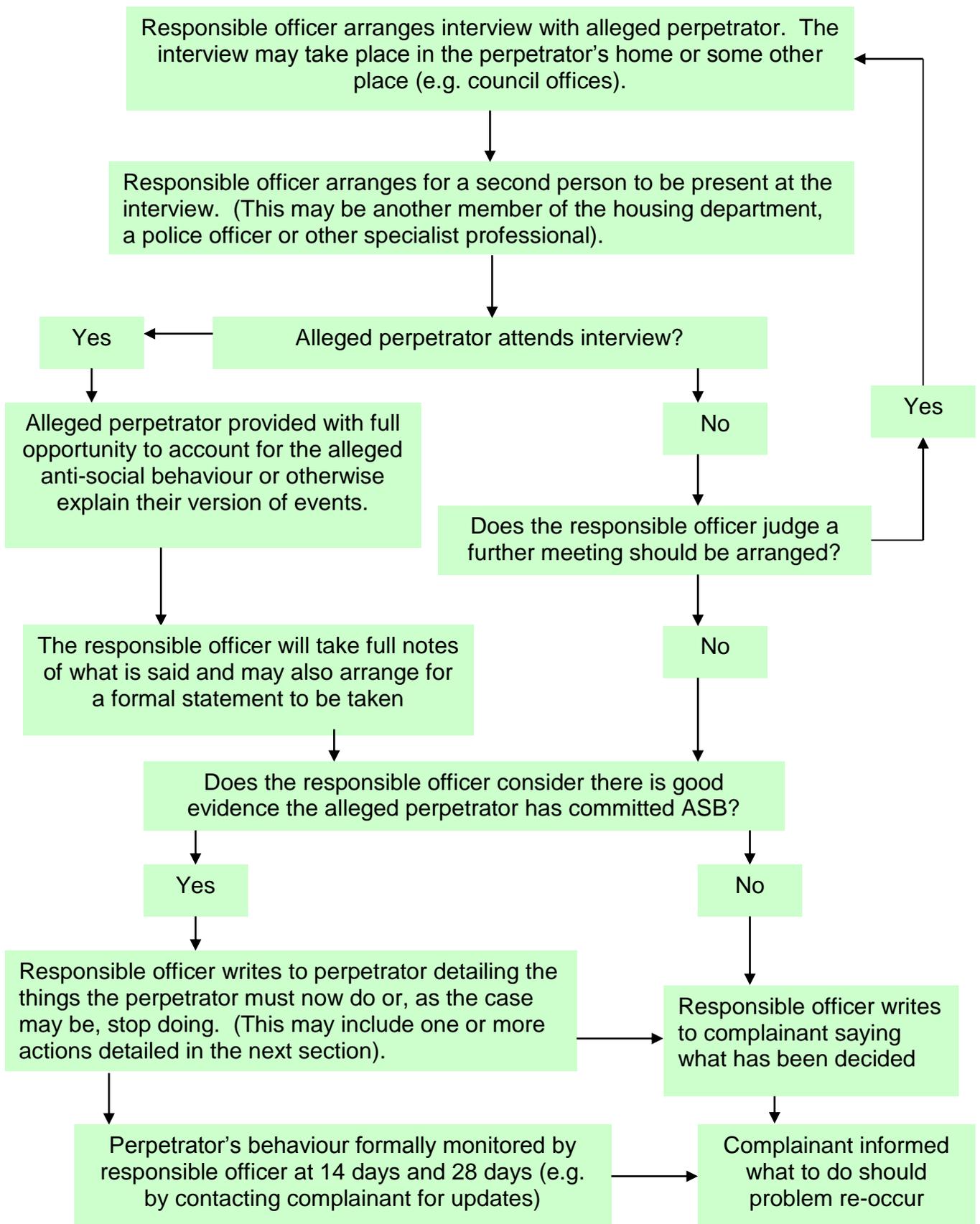
4 Flowchart: Allocating a Responsible officer



5. Flowchart: Processing a case and gathering evidence



6. Flowchart: How a case is processed – dealing with the alleged perpetrator



7. What we can do to deal with ASB

Our ASB policy commits us to trying to reach a fair and lasting solution to ASB problems as quickly as possible. In most non-serious cases we will start with low-level action and then, if this does not stop the problem or reduce it to a reasonable level, start to take increasingly stronger measures which may include a referral to mediation.

The council (on its own or in partnership with other agencies like the police) can deal with anti-social behaviour problems in a variety of ways. The approach we will take in any individual case will depend on a large number of things, in particular whether the problem is housing-related, whether it is ASB in the wider community (which may require a “strategic” or project-based approach) or whether it is environmental ASB.

Council policy commits us to using any of the tools and powers available to us under the law and council policy, according to our best professional judgement. However, legal remedies will usually take time. Officers will explain this to victims of ASB and also explain that if a case goes to court **it will be the Court and not the council** that will decide whether an action like an injunction or eviction, is justified.

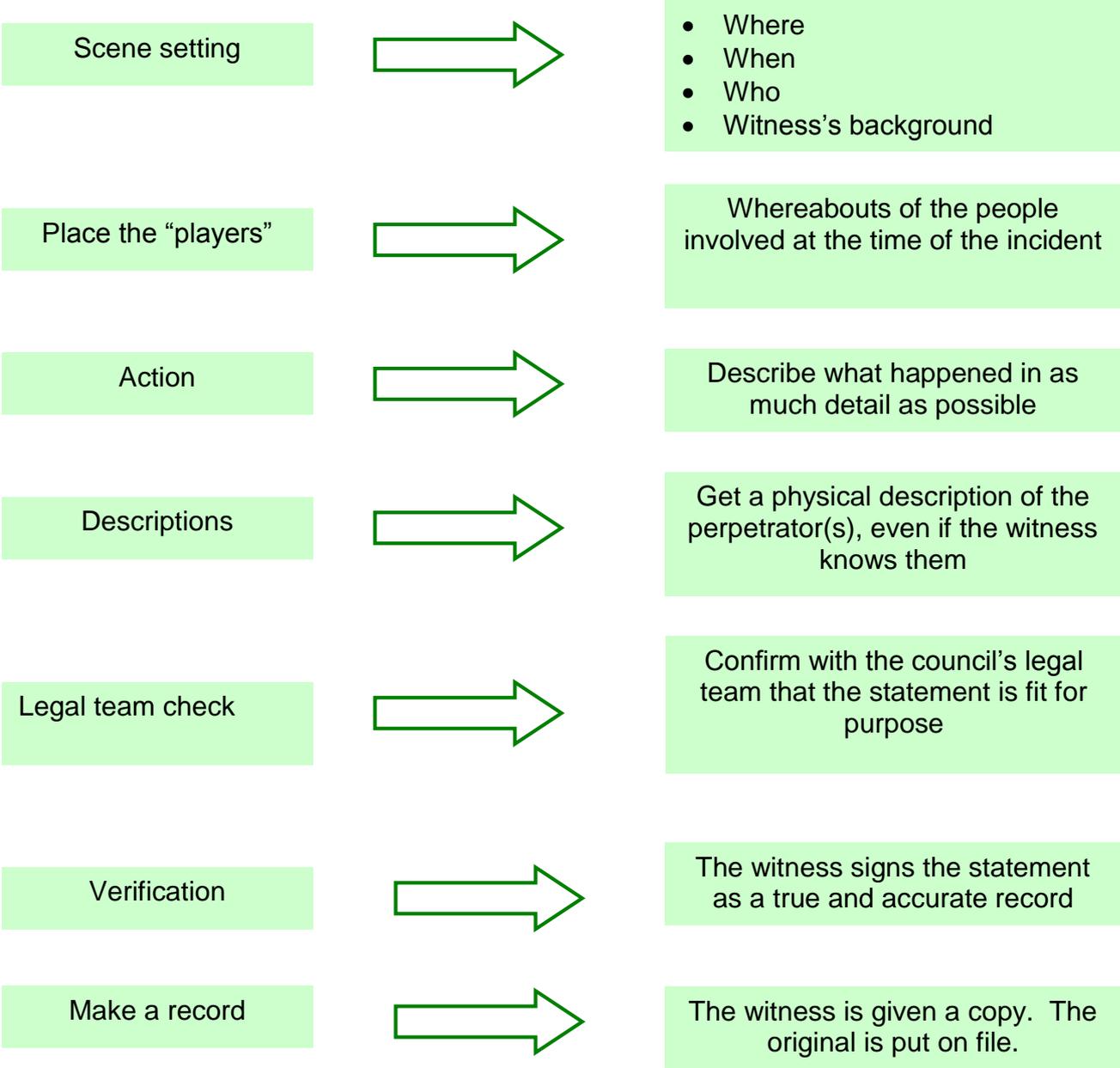
Following changes to the Anti-Social Behaviour Crime and Policing Act 2014, a new range of powers are available for authorities to use to tackle ASB.

8. Evidence

If there is a likelihood that a case may go to court the lead officer will need to gather good-quality evidence. Officers will record the time, the date, and the place and from whom the evidence was collected. This information will need to be recorded on the ASB database and the ASB diary.

Witness Statements can be taken from any person over the age of 10 years, but for anyone under 19 or with a mental or physical impairment an appropriate representative must be present.

Witness statement procedure



8.2 Ways of getting evidence

Council officers may also gather evidence using:

- incident report forms;
- letter drops to neighbours asking non-leading questions;
- photographs (of fouling; fly-tipping; illegal parking and so on);
- professional witnesses (in situations of harassment, threat or intimidation);

9. ASB in the wider community

The Council's duty to help deal with ASB in the wider community arises from each of its three roles (i.e. that of landlord, environmental protection agency and under its statutory obligation arising from the Crime and Disorder Act 1998). Officers from all three areas of responsibility will frequently work together both on agreed projects and on specific cases as these arise.

ASB in the wider community will often have a housing-related element (perhaps involving the relevant registered social landlord (RSL), privately-rented or owner-occupied housing), but it may also involve non-housing issues. Good examples of these are public space issues like illegal and anti-social parking, street drinking, and public rowdiness.

With regard to our ASB procedures, it is important for officers to be aware that the council does have this wider duty to deal with ASB in the community (on its own or in partnership with other agencies as a member of the Uttlesford Community Safety Partnership). This duty derives mainly from the Crime and Disorder Act 1998.

10. Victims, witnesses and others

To tackle ASB effectively, victims and witnesses must feel able to provide evidence in confidence and without fear. Information about protecting and supporting victims and witnesses can be found in our leaflet 'Victims and Witness's, what we can do' which can be found on our website.

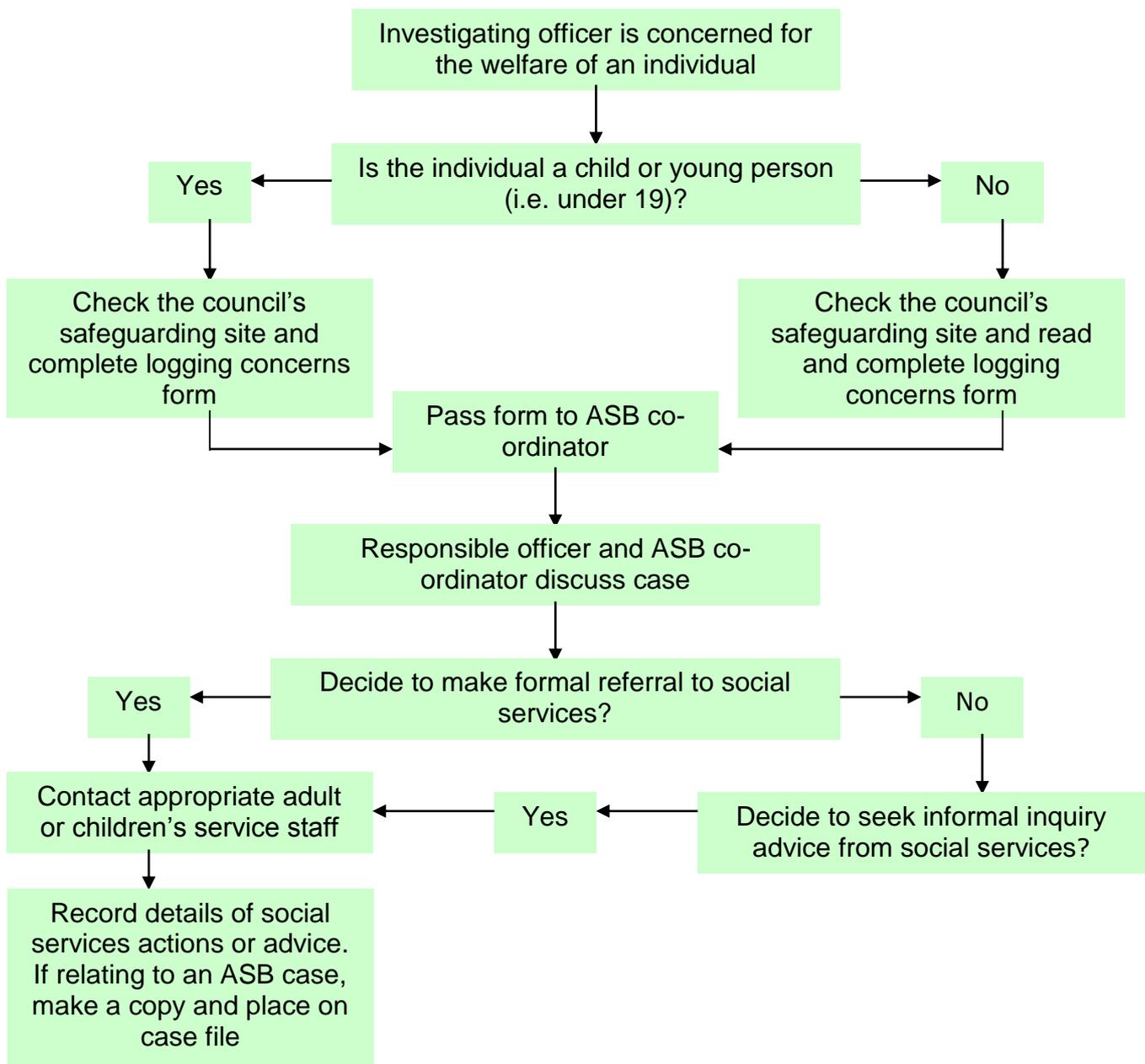
10.1 Impact on witnesses

In serious cases, especially those which may end up in court, the lead officer will always consider compiling a "witness impact statement" detailing the effects of the perpetrator's behaviour on the witness's life. This should be written to a standard that will allow it to be used as evidence in court.

Officers will always advise complainants of the final outcome of cases and of any measures aimed at preventing problems from recurring.

11. Logging concerns for children, young people or vulnerable adults

In the course of an investigation an officer may come across a person whose welfare may raise concerns. Such people may have no direct connection to the case under investigation, but it remains a duty for officers to ensure that these concerns are properly logged and passed to social services. The procedure is as follows:



12. Monitoring the service

Uttlesford District Council is committed to delivering a good quality anti-social behaviour service. Our aim is to continually improve the way we work and to

acknowledge, and try to learn from the occasions when the service fails to meet expectations.

One way in which we monitor the quality of the service is to ask people who have used it to tell us about their experience. We monitor each returned satisfaction survey form for what it can tell about how the individual case was dealt with, and we monitor forms collectively for trends in the provision of the service.

13. Complaints about the service

We aim to provide a good service and so we always want to know when we have fallen short of the standards you have a right to expect from us. Responding to reasonable complaints is an important and welcome part of our service improvement process.

We will try to resolve any complaint about the ASB service as quickly as possible at officer level. If this isn't possible, or if the complaint is very serious, it will be investigated at management or senior management level. If the complaint still remains unresolved it can then be taken to the Local Government Ombudsman.

14. Information Sharing

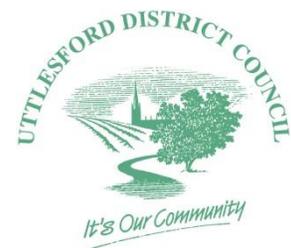
Where appropriate, Uttlesford District Council will share information with the Police and other key agencies under joint information exchange protocols so that all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998. The District Council will also work to ensure that residents of the District are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated where appropriate.

The District Council will work within the Data Protection Act which provides a background for the sharing of information and the need for confidentiality and privacy.

15. Discretion

This procedure commits us to dealing with ASB in Uttlesford in a way that will always be fair and, in all important respects, consistent across cases of a similar kind. However, our services are constantly evolving and each ASB case we deal with is likely to be unique in some or other aspect. This means that we may occasionally use our discretion to vary our approach from that described in this document. We may do this in any individual case, following appropriate consultation, or we may make any change of approach apply in all subsequent cases, in which case we will formally amend our policy and procedure.

The next formal review of this document will be 2 years after the date of publication.



UTTLESFORD DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR POLICY

Introduction

Uttlesford District Council recognise that the problems created by Anti-Social Behaviour (ASB) need to be addressed in a fair but firm manner. Residents are entitled to live in a quiet and peaceful environment and where appropriate the Council will endeavour to act quickly and efficiently to tackle incidents of ASB.

Uttlesford District Council will not tolerate incidents of ASB and this will be made clear to all tenants, prospective tenants and residents of the district.

The Council's ASB Policy applies to tenants and residents, their families and any other occupants and visitors. The same principles apply to members of staff and other people working on behalf of the council.

In response to the Anti-social Behaviour, Crime and Policing Act 2014 Uttlesford District Council has fully reviewed its ASB Policy and Procedures.

1. Scope and purpose of this policy document

This document is one of two that tells you about Uttlesford District Council's anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the policy document. It tells you what we mean by 'anti-social behaviour' and sets out our objectives for the Council's ASB services. It says what we want our services to achieve for people experiencing ASB, and details the kind of service level and quality we aim to provide. It also explains the broad approach we have agreed to adopt in order to support and advance our objectives.

This document does not say how we will deal with ASB on a day-to-day basis. This is explained in our procedure document, which should be read alongside this one.

2. The Council's ASB responsibilities

The Council has a wide range of responsibilities to tackle ASB. These arise from three distinct roles which are:

a. Our landlord role

As a landlord, the Council has a duty to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and usually act in addition to, the duties and powers we have to deal with ASB in the wider community. In this document (and the procedure document) we will make it clear when a policy or a power applies only to Council tenancies.

b. Our role as a part of the Uttlesford Community Safety Partnership

Under the Crime and Disorder Act 1998, the Council must work with the police and other agencies to reduce crime and disorder in Uttlesford. In this role we play a key part in dealing with anti-social behaviour of all kinds and also undertake project and preventative work.

c. Our environmental protection role

The Council has a range of responsibilities to deal with 'environmental' ASB like noise, graffiti, litter, dumped rubbish and abandoned cars. These responsibilities arise from a number of

Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

While these are distinct roles, there are very strong links between all three and close working arrangements have been developed between the teams that deliver the various services. However, the policies described in this document mainly concern our landlord and Community Safety Partnership roles and so tend to say more about the work of the Council's Housing Department and the Council's Community Safety Team. Environmental ASB is tackled by a number of different teams within the Council each of which works to its own set of policies and procedures.

3. What is anti-social behaviour?

Uttlesford District Council considers anti-social behaviour to be:

- behaviour capable of causing nuisance or annoyance to any person, including Council tenants, other residents, council staff, contractors, partner agency staff or any other person lawfully going about their business ; or
- any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household; or
- using or threatening to use Council property for unlawful and or immoral purposes

3.1 Examples of ASB

Anti-social behaviour may include (but is not limited to):

Noise:

- loud televisions and music
- persistent, unnecessary or excessive noise
- shouting or yelling
- persistent alarms
- excessively loud or frequent parties
- dogs persistently barking

Intimidation, harassment and violence:

- verbal or written abuse
- threats of violence

- assault
- damage to property
- keeping and failing to control an aggressive dog
- Using or allowing the premises to be used for illegal or immoral activity such as prostitution, handling or storing drugs and handling or storing stolen goods.

Environmental ASB:

- dumping rubbish and littering
- vandalism
- dog fouling
- graffiti
- fly-posting
- abandoned vehicles

Hate behaviour directed at a person's:

- race or nationality;
- gender;
- sexual orientation;
- disability; or
- faith

3.2 ASB affecting our landlord role (in addition to the above):

- failure by tenants to prevent children or visitors from behaving anti-socially;
- failure by tenants to observe any ASB-related tenancy condition;
- any act (whether or not committed by a tenant or leaseholder); which directly or indirectly adversely affects the Council's housing management function.
- misuse of communal areas (including parking areas); and
- use of motor vehicles in an anti-social manner by tenants or visitors.

4. What is not ASB?

ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and will not be investigated by the District Council. Examples include;

- Children playing in the street or communal areas
- Young people gathering socially unless they are being intimidating
- Being unable to park outside your own home
- DIY and car repairs unless they are taking place late at night
- Civil disputes between neighbours e.g. shared driveways
- One off complaints against noise e.g. parties.

5. The Council's objectives

The Council's ASB policy is founded on the following 5 objectives.

1. No one should have to put up with ASB

Our policy is to:

- 1.1 make people aware of what anti-social behaviour is;
- 1.2 publicise and promote our various services to combat ASB;
- 1.3 encourage people to report ASB and make it possible for them to do this using a range of reporting methods;
- 1.4 seek to respond to each reported case of ASB as quickly as possible and
- 1.5 support victims of ASB throughout the case to the extent the seriousness of the case requires.

2. Reports of ASB will be treated seriously and dealt with professionally.

Our policy is to:

- 2.1 assess (and periodically reassess) the seriousness of anti-social behaviour reported to us, and take action according to our target times;
- 2.2 treat all reports as confidential, sharing information only with other organisations that can help with the problem (for example the police) and observing data protection laws and information sharing agreements;
- 2.3 ensure that criminal ASB reported to the Council is quickly passed on to the police;
- 2.4 register each case we take on;
- 2.5 fully investigate the complaint, which may involve interviewing any alleged perpetrator and may involve interviewing third party witnesses;
- 2.6 quickly refer cases between the different departments of the Council and to other agencies as necessary;

- 2.7 continue to treat any case referred to another Council department or external agency as a 'live' case until, in the opinion of the Housing Management and Anti-Social Behaviour Co-Ordinator, the case can be closed;
- 2.8 formally close all cases in writing;
- 2.9 respond promptly to complaints about the service and advise anyone not satisfied with the way their case was handled how to make a formal complaint; and
- 2.10 explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this.

3. ASB will be dealt with firmly, fairly and proportionately.

Our policy is to:

- 3.1 take any necessary early action to protect people and property;
- 3.2 investigate the circumstances and seek to understand all the facts of any matter reported to us;
- 3.3 seek always to resolve cases at the lowest level of intervention taking formal action when the ASB is serious or persistent or when it threatens people's safety or health;
- 3.4 use any of the tools and powers available to us under the law and council policy, according to our best professional judgment;
- 3.5 take it into account (and adjust our approach as necessary) when a victim or a perpetrator is a vulnerable person;
- 3.6 not necessarily intervene in low level disputes between households concerning minor lifestyle differences, for example, noise made by younger children playing in their home, garden or in communal areas, or parking disputes involving non-allocated spaces;
- 3.7 with the consent of the people involved, we may refer suitable low-level cases to a mediation service; and
- 3.8 not necessarily intervene where the issue involves private sector housing (owner-occupied or privately rented), or private businesses, where there is no statutory duty on the council to act.

4. We will work with partners in order to deliver an effective, value for money ASB service across the community.

Our policy is to:

- 4.1 play a full part as a key member of the Uttlesford Community Safety Partnership;
- 4.2 participate in relevant strategic or preventative initiatives;

- 4.3 participate in permanent or ad-hoc multi-agency workgroups dealing with specific ASB issues;
- 4.4 work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources.

5. We will provide a high quality service which meets people's identified needs.

Our policy is to:

- 5.1 ensure that staff dealing with ASB are appropriately trained;
- 5.2 ensure that staff dealing with ASB understand and follow agreed policies and procedures;
- 5.3 the policy will be reviewed on a regular basis reflecting new legislation and lessons learnt;
- 5.4 formally seek the views of service users and partner organisations when the documents are reviewed;
- 5.5 seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

6.0 Examples of tools that we can use to tackle ASB

6.1 Tenancy Agreement

Under the terms and conditions of Uttlesford District Councils tenancy agreements, tenants are responsible for the behaviour of everyone (including children) living in or visiting their home and neighbourhood.

Upon moving into Council Housing, the tenant will receive a tenants' handbook, which clearly outlines the rights and responsibilities placed on the tenant for the duration of his or her tenancy and the consequences of any breaches.

6.2 Mediation

In many cases of ASB mediation can be an effective tool, solving the issue quickly by bringing all parties to the table. This can be very effective in neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints and similar situations where it can sometimes be difficult to identify the victim and the perpetrator.

6.3 Acceptable Behaviour Agreements (ABA)

ABA's are voluntary written agreements between the person who has been involved with Anti-Social Behaviour and one or more local agencies whose role it is to prevent such behaviour usually the District Council and the Police. The agreement will contain a number of Anti-Social Behaviour acts that the person has been involved in and agrees not to continue e.g.

- Not to be abusive, offensive, threatening or intimidating to members of the public.
- Not to cause criminal damage
- Not to be found drunk and disorderly in a public place
- Not to write graffiti
- Positive measures may also be included to help improve their behaviour e.g.
 - ✓ To attend school/college on the required days stated in your timetable
 - ✓ To engage with the Youth Offending Team

The agreement is not legally binding and usually lasts for six months. If a person fails to attend the interview or does not agree to sign, the contract may be used as evidence in Court if further action is taken. If a person breaches the conditions of the contract, enforcement action may be taken and this may include seeking an Injunction or Anti-social Behaviour Order.

6.4 Anti-Social Behaviour Injunctions.

The Housing Act 1996 sections 153A, 153B, 153C and 153D enable social landlords to apply to the court for an injunction to prevent anti-social behaviour, unlawful use of premises and breaches of the tenancy agreement. An injunction is a civil remedy obtained through the County Court and either compels a person to do something or forbids a person from doing something. The injunction is effective for twelve months from being served. An injunction may be used to address the following;

- Unreasonable car repairs on a person's property
- Untidy gardens
- Noise nuisance

- Damage or unauthorised alterations to property.

The Housing Act 1996 also allows for a power of arrest in relation to a breach or an anticipated breach of the terms of the tenancy agreement. The Local Authority, in accordance with the Anti-Social Behaviour Act 2003 is able to take out an injunction against anyone, not just tenants, who are causing a nuisance which affects the way in which their property stock is managed.

6.5 Civil Injunctions (replacing ASBO/ASBI)

Anti-Social Behaviour Orders were introduced by the Crime and Disorder Act 1998. They are Civil Orders designed to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress.

Under the ASB Crime and Policing Act 2014 the ASBO and the ASBI (anti – social behaviour injunction) will be replaced by the Civil Injunction.

The purpose of a civil injunction is to stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. This can be applied for by Local councils, Social landlords, Police (including British Transport Police), Transport for London.

The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities in both housing-related and non-housing related situations. This can include vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying.

An Injunction is issued by the County Court and High Court for over 18s and the youth court for under 18s. It will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.

Breach of the injunction is not a criminal offence, but a breach must be proved to the criminal standard, that is, beyond reasonable doubt. The consequences of a breach are

- ✓ Over 18s: civil contempt of court with unlimited fine or up to two years in prison.
- ✓ Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.

6.6 Criminal Behaviour Order

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, persistently being drunk and aggressive in public or criminal damage. It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the CBO. Failure to comply with a prohibition or requirement should be notified to the police. The court has the power to impose serious penalties on conviction, including:

- on summary conviction in the magistrates' court: a maximum of six months in prison or a fine or both.
- on conviction on indictment in the Crown Court: a maximum of five years in prison or a fine or both.

6.7 Community Protection Notice

The community protection notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A warning letter will be sent requesting the nuisance behaviour to cease prior to the CPN.

A CPN can be issued if the Council is satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- ✓ is having a detrimental effect on the quality of life of those in the locality;
- ✓ is persistent or continuing in nature; and
- ✓ is unreasonable.

CPNs can only be issued for behaviours that are persistent or continuing and unreasonable.

Possible sanctions for breach of the Notice include; a fixed penalty notice, paying for remedial work; forfeiture of items.

6.8 Public Spaces Protection Order

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

6.9 Closure Order

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by the council or the police out of court. Following the issuing of a closure notice, an application must be made to the magistrates' court for a closure order, unless the closure notice has been cancelled

Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

Breaching a closure order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

7. Demoted Tenancy (for Uttlesford Council Tenants)

Sections 14 and 16 of the Anti-Social Behaviour Act 2003 allow the local housing authority to apply to the court for a demotion order, which when applied to a secure tenancy results in a non-secure tenancy. This removes the tenants 'Right to buy', 'the right to exchange' and their security of tenure for a minimum of one year. If however, the behaviour of the tenant is modified within this period, a new secure tenancy agreement will be issued.

7.1 Possession Orders (for Uttlesford Council Tenants)

Possession proceedings allow landlords to apply for and possibly take back possession of a property in cases where there has been a breach of the tenancy or where the Local Authority considers other Orders or Agreements to be inappropriate.

A notice of seeking possession will be served in the first instance and then an application to the County Court for a court hearing must be made. It is at this hearing that the judge will decide if it is reasonable for the perpetrator to lose their home.

7.2 Suspension of certain rights in connection with ASB

Section 192 of the Housing Act 2004 enables landlords of secure tenants to seek an order suspending the right to buy for a specified period in respect of the tenancy on the grounds of anti- social behaviour.

The court may only grant such an order if it is satisfied that the tenant or a person residing in or visiting the property has engaged or threatened to engage in anti-social behaviour (which includes using the premises for unlawful purposes) and that it is reasonable to make the order.

7.3 Amendments to the discretionary grounds for eviction

Section 98 of the Anti-Social Behaviour Crime and Policing Act came into force on 13 May 2014. This section inserted new provisions into the 1985 and 1988 Acts to enable the landlord to seek possession where a tenant (or a person living in or visiting the tenants home) is guilty of conduct likely to cause nuisance or annoyance to the landlord, or someone employed in connection with the landlords management functions, where the conduct relates to or affects those housing management functions. There is no requirement for this conduct to have taken place within the locality of the tenant's home.

8. Support for victims of ASB

A Housing Officer is available during normal office hours for Council tenants. This officer will normally be the first point of contact and will make an initial assessment of the severity of the problem. A home visit will be offered. The Housing Officer may work alongside other relevant officers of the council.

Uttlesford District Council will work with local agencies and community groups to help provide support, both practical and emotional, for victims of anti-social behaviour.

The council is committed to providing a high level of service to both victims and witnesses of ASB. The Council will consider using professional witnesses and hearsay evidence. The Council recognises that racial and homophobic harassment is a serious offence and will remove racist, sexist and homophobic graffiti and carry out emergency repairs as a matter of urgency after an incident is reported. The Council will keep the victims of ASB updated with action being taken.

The Anti -Social Behaviour, Crime and Policing Act 2014 includes new measures designed to give victims and communities a say in which ASB is dealt with.

8.1 Anti-Social Behaviour Case Review (Community Trigger)

ASB Case Reviews give victims and communities the right to request a review of their case and bring agencies together to take a joined up problem solving approach to find a solution. The Council as a statutory authority will have a duty to participate in case reviews where necessary.

Across Essex a consistent approach has been developed to support all agencies involved in the use of the new legislation, aiming to provide victims of ASB with a clear and effective response regardless of where they live in the County.

The Essex ASB Case Review Guidance can be found at Appendix 1

9. Information Sharing

Where appropriate, the council will share information with the Police and other key agencies under joint information exchange protocols so that all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998. The council will also work to ensure that residents of the district are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated where appropriate.

The District Council will work within the provisions of the Data Protection Act which provides a background for the sharing of information and the need for confidentiality and privacy.

10. Discretion

This policy commits us to dealing with ASB in Uttlesford in a way that will always be fair and, in all important respects, consistent across cases of a similar kind. However, our services are constantly evolving and each ASB case we deal with is likely to be unique in some or other aspect. This means that we may occasionally use our discretion to vary our approach from that described in this document. We may do this in any individual case, following appropriate consultation, or we may make any change of approach apply in all subsequent cases, in which case we will formally amend our policy and procedure.

11. Supporting Legislation

ASB Crime and Policing Act 2014

Data Protection Act 1998 and 2003

Crime and Disorder Act 1998

Anti -Social Behaviour Act 2003

Police Reform Act 2002

Police and Criminal Evidence Act (PACE)

Mental Health Act 1983 (amended 2007)

Environmental Protection Act 1990

Criminal Justice and Police Act 2001

Housing Act 1996

The Noise Act 1996 as amended by ASB Act 2003 and the Clean Neighbourhoods and Environment Act 2005

Children's Act 2004

Harassment Act 1997

Human Rights Act 1998

Homelessness Act 2002

Freedom of Information Act 2000

Equalities Act 2010

APPENDIX 1

ESSEX ASB CASE REVIEW GUIDANCE

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ESSEX ASB CASE REVIEW GUIDANCE

BACKGROUND

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

An Act to make provision about anti-social behaviour, crime and disorder, including provision about recovery of possession of dwelling-houses; to make provision amending the Dangerous Dogs Act 1991, the Police Act 1997, Schedules 7 and 8 to the Terrorism Act 2000, the Extradition Act 2003 and Part 3 of the Police Reform and Social Responsibility Act 2011; to make provision about firearms, about sexual harm and violence and about forced marriage; to make provision about the police, the Independent Police Complaints Commission and the Serious Fraud Office; to make provision about invalid travel documents; to make provision about criminal justice and court fees; and for connected purposes.

[13th March 2014]

The Act includes new measures designed to give victims a say in the way anti-social behaviour is dealt with and provides for the introduction of ASB Case Reviews (previously referred to as the Community Trigger) in October 2014.

Across Essex a consistent approach has been developed to support all agencies involved in the use of the new legislation, aiming to provide victims of anti-social behaviour with a coherent and effective response regardless of where they live in the County.

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can make many people's lives a misery from litter and vandalism to public drunkenness or noisy and abusive neighbours. Such a wide range of behaviour means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and housing providers.

PURPOSE

Victims of anti-social behaviour will be able to use the power in the event that they feel that agencies have not taken action in respect of their complaint, and where the case meets the locally defined threshold.

For the purpose of the ASB Case Review, anti-social behaviour is defined as behaviour "causing harassment, alarm or distress" to a member, or members, of the public. However, when deciding whether the threshold is met agencies should consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

ESSEX ASB CASE REVIEW GUIDANCE

In instances where the threshold is met relevant bodies including councils, the police, clinical commissioning groups and housing providers have a duty to undertake an Anti-Social Behaviour Case Review by way of a Review Panel. It is intended that the purpose of the review panel should be for agencies to take a more joined up, problem solving approach aiming to find a solution for the victim.

The ASB Case Review can also be used by any person on behalf of a victim, for example a family member, friend, Carer, Councillor, MP or other professional person. It is intended to ensure that all victims are able to use the review, however, the victim's consent should be sought by the person using the ASB Case Review on their behalf.

The ASB Case Review can be used by someone of any age, and agencies should make it as accessible as possible to all victims.

THRESHOLD

The need for a national threshold of 3 incidents of ASB within the last 6 months where the victim considers no action has been taken was acknowledged and accepted by the Home Affairs Select Committee¹.

The adopted model includes a lower threshold where the victim perceives the ASB to be of a Hate Crime nature to 1 incident within last 6 months where the victim considers no action has been taken has been adopted.

QUALIFYING COMPLAINTS

The legislation sets out what will be considered a 'qualifying complaint' for using the ASB Case Review to prevent someone reporting historical incidents of anti-social behaviour in order to use the ASB Case Review. The legislation sets out the following standards: *(agencies can set different levels if appropriate for their area, as long as it does not lower the standard set out)*

- The anti-social behaviour was reported within a month of the alleged behaviour taking place; and
- The application to use the ASB Case Review is made within six months of the report of anti-social behaviour.

RISK ASSESSMENT

Victims vulnerabilities will be assessed through the risk based harm model already in use across Essex.

¹ House of Commons Home Affairs Committee The draft ASB Bill: pre-legislative scrutiny. Twelfth Report of Session 2012-13. www.publications.parliament.uk

ESSEX ASB CASE REVIEW GUIDANCE

INFORMATION SHARING

Agencies have signed up to the Essex Trust Charter and/or local Community Safety Partnership Data Sharing Protocols already exist, the requirement to establish another data sharing protocol for the purposes of the Essex ASB Case Review was not considered to be necessary.

Requests for Information will be made through the form attached at Appendix ?

VEXATIOUS AND COMPLAINTS PROCEDURES

A statement is to be included within local authority vexatious complaints policies stating that *“vexatious complaints relating to the ASB Case Review Process will be dealt with through the local authority policy”*.

Local authorities will need to agree this approach locally with Registered Social Landlords and Housing Providers that operate in their area.

Reference is to be made within Complaints Procedures to show how complaints of ASB are dealt with.

APPEALS PROCESS

The review procedures must include provision about what is to happen when an applicant is dissatisfied with the way in which the relevant bodies have:

Dealt with an application for a review; or
Carried out an ASB Case Review

In such cases these will be sent to the Chair of the relevant Community Safety Partnership in the first instance and notified to PCC's office.

SINGLE POINT OF CONTACT (SPOC)

Each area is to identify a SPOC who has some level of independence and who would not generally be involved in ASB case management. In some areas this will be Community Safety Manager, in others this may not be appropriate and will need to be determined locally.

PUBLISHING THE ASB CASE REVIEW PROCEDURE AND CONTACT DETAILS

The responsible bodies must publish the ASB Case Review procedure, including the point of contact for making an application to use the ASB Case review.

The ASB Case Review procedure will be published on local Council websites and will include details on how to make an application, contact details, phone no.

ESSEX ASB CASE REVIEW GUIDANCE

email address. It is intended for generic materials to be produced and used County-wide.

ROLE OF THE POLICE AND CRIME COMMISSIONER

The local PCC must be consulted on the ASB Case Review procedure when it is established must be consulted whenever the procedure is reviewed. The PCC may be involved in the auditing and monitoring of the use of the ASB Case Review, as well as provide a route for victims to appeal decisions as to whether the threshold was met or the way the ASB Case Review was conducted.

The Essex model has made provision for the PCC to be notified of an appeal by the Chair of the local Community Safety Partnership.

The PCC may chose to monitor the use of the ASB Case Review across the County to identify any learning points to be disseminated to local Single Points of Contact.

GUIDANCE FOR USE OF THE MODEL

Step 1: Gateway to ASB Case Review

Victims will be able to access the ASB Case Review through the on-line reporting form which is required to be publicised on local Council websites. Hard copies of forms must be made available upon request – mechanism for doing this to be determined locally.

Each area is to have its own dedicated email address and telephone nos. promoted locally.

Upon receipt of the reporting form there is to be an acknowledgement sent within 3 working days, realistically this can be sent automatically through email or local areas may wish to use the letter attached to this guidance.

Step 2: Determine if Threshold has been met

The reporting form will be sent through to local Single Point of Contact, who along with the ASB Manager/lead will determine whether the threshold has been met. In some cases this may be obvious; in others it may be that an initial scoping exercise is undertaken with the relevant agencies to assist the determination.

The SPOC will send a determination letter to victim within 10 working days advising of decision, along with details of the appeal process if the threshold hasn't been met.

Step 3: Information Requests

ESSEX ASB CASE REVIEW GUIDANCE

If the threshold has been met the SPOC will send an information request to the relevant agencies asking for details of the case to be submitted to the identified SPOC within 10 working days and advising that their agency is required to part of the ASB Case Review Panel.

Step 4: Review Panel Meeting

The identified SPOC will arrange and Chair a review panel meeting where previous actions will be considered and recommendations will be provided. The Review Panel must formulate an action plan, details of which will be sent to the applicant. This must take place within 10 working days of the information requests being received.

Step 5: Decision Letter to Applicant

If the Review Panel determines that all agencies have taken appropriate action and that no further resolutions can be offered, a letter advising of the determination and providing details for decision will be sent to victim, along with details of the appeals process if they are dissatisfied with the outcome. Decision letter is to be sent within 10 working days.

If the Review Panel determines that further action can be taken, a letter will sent to the victim advising of the action plan detailing next steps and advising of anticipated timescales for delivery. This decision letter will provide details of the appeals process if they remain dissatisfied with the outcome. Decision letter is to be sent within 10 working days.

Step 6: Response to Trigger

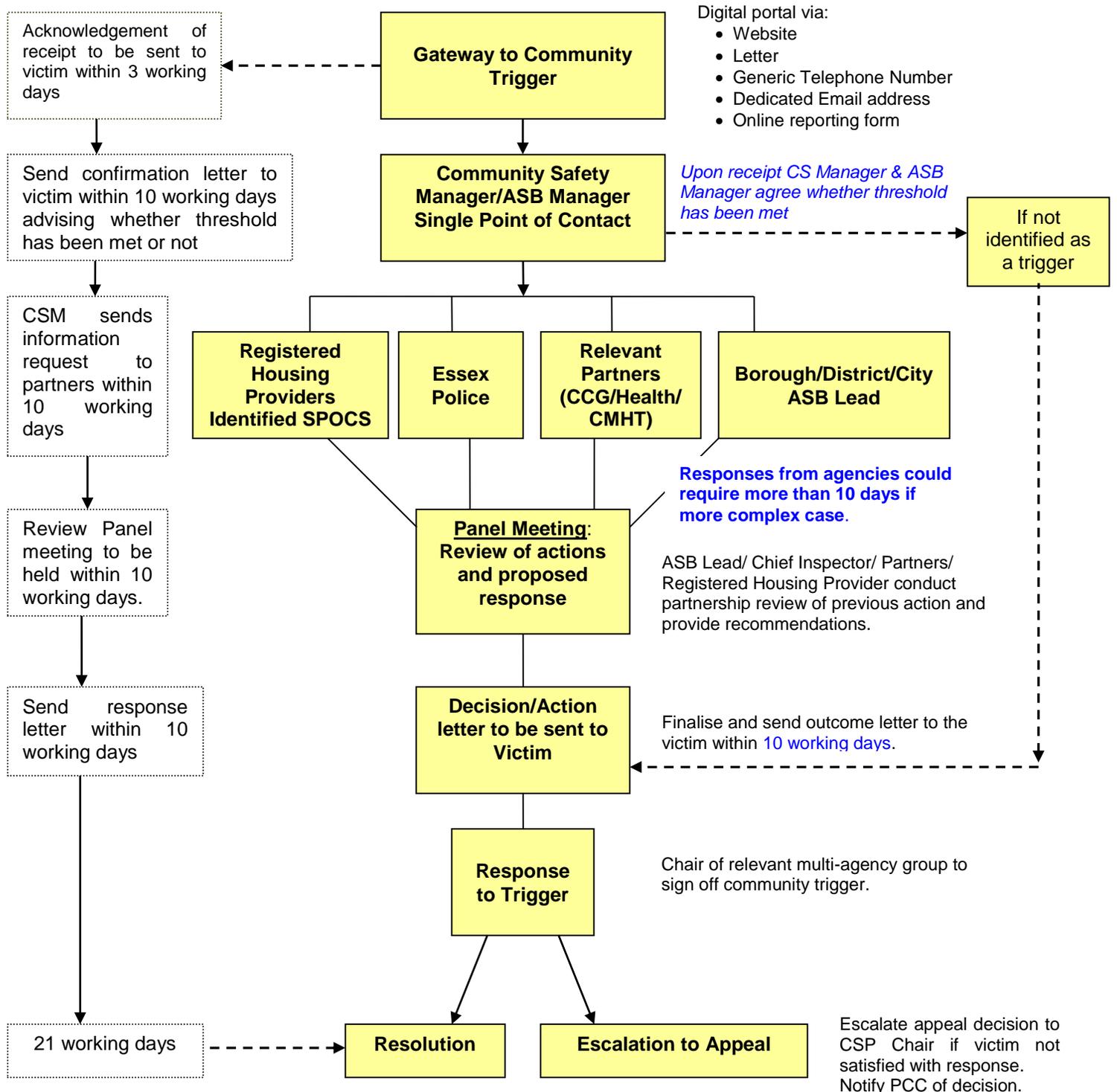
The Chair of the Community Safety Partnership (or other identified partnership) will sign off the ASB Case Review and the method for achieving this will be determined locally.

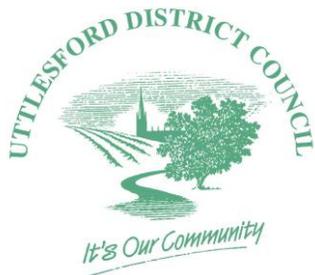
Step 7: Escalation to Appeal

If the applicant remains dissatisfied with the outcome they have a right to appeal the decision and the case will be escalated to the CSP Chair (or other identified person) who will review the details of the case and consider if the grounds for appeal. The CSP Chair will notify the PCC of decision.

ESSEX ASB CASE REVIEW GUIDANCE

ESSEX ASB CASE REVIEW MODEL





Uttlesford District Council

Fast-track equality impact assessment (EqIA) tool

What is this tool for?

This tool will help you to assess the impact of existing or new strategies, policies, projects, contracts or decisions on residents and staff. It will help you to deliver excellent services, by making sure that they reflect the needs of all members of the community and workforce.

What should be equality impact assessed?

You only need to equality impact assess strategies, policies, projects, contracts or decisions that are **relevant** to equality. If you are not sure whether your activity is relevant to equality take the 'relevance test' on Page 9.

How do I use the tool?

This tool is easy to use and you do not need expert knowledge to complete it. It asks you to make judgments based on evidence.

The tool uses a system of red flags  to give you an indication of whether or not your responses are identifying potential issues. Getting a red flag does not necessarily indicate a problem, but it does mean that your assessment is highlighting issues or gaps in data that may require further investigation or action.

If there is insufficient space to answer a question, please use a separate sheet.

General information		
1	Name of strategy, policy, project, contract or decision.	Draft ASB policy and procedure 2014
2	What is the overall purpose of the strategy, policy, project, contract or decision?	<p>To inform residents and tenants of the District</p> <ul style="list-style-type: none"> • What ASB is • What we will do to combat ASB • What the new powers are to help deal with ASB • What response the District Council will give to a ASB complaint • Information regarding the Essex ASB case review (Community Trigger)
3	Who may be affected by the strategy, policy, project, contract or decision? Tenants and Residents of the District	<input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Staff <input type="checkbox"/> A specific client group/s e.g. linked by geographical location, social economic factors, age, disabilities, gender, transgender, race, religion or sexual orientation (please state)
4	Responsible department and Head of Division.	Department: Housing Services Head of Division: Roz Millership
5	Are other departments or partners involved in delivery of the strategy, policy, project, contract or decision?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (please state): Housing Associations Essex Police Environmental Health Community Safety Partnership
Gathering performance data		

6	<p>Do you (or do you intend to) collect this monitoring data in relation to any of the following <u>diverse groups</u>?</p> <p>The information is collected from the incident report form.</p>	<table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Age</td> <td><input checked="" type="checkbox"/></td> <td>Disability</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Gender/ Transgender</td> <td><input checked="" type="checkbox"/></td> <td>Race</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Religion & Belief</td> <td><input type="checkbox"/></td> <td>Sexual Orientation</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Rural Isolation</td> <td><input type="checkbox"/></td> <td>Social Economic</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Other (please state)Location</td> <td><input type="checkbox"/></td> <td>None </td> </tr> </table>	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>	Disability	<input checked="" type="checkbox"/>	Gender/ Transgender	<input checked="" type="checkbox"/>	Race	<input type="checkbox"/>	Religion & Belief	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>	Rural Isolation	<input type="checkbox"/>	Social Economic	<input type="checkbox"/>	Other (please state)Location	<input type="checkbox"/>	None 
<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>	Disability																			
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<input type="checkbox"/>	Religion & Belief	<input type="checkbox"/>	Sexual Orientation																			
<input type="checkbox"/>	Rural Isolation	<input type="checkbox"/>	Social Economic																			
<input type="checkbox"/>	Other (please state)Location	<input type="checkbox"/>	None 																			
7	<p>How do you (or how do you intend to) monitor the impact of the strategy, policy, project, contract or decision?</p> <p>Monitored through the ASB data base and complaints system. Will also monitor the number of cases that reach the Community Trigger status.</p>	<table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Performance indicators or targets</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>User satisfaction</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Uptake</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Consultation or involvement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Workforce monitoring data</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Complaints</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>External verification</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Eligibility criteria</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Other (please state):</td> </tr> <tr> <td><input type="checkbox"/></td> <td>None </td> </tr> </table>	<input checked="" type="checkbox"/>	Performance indicators or targets	<input checked="" type="checkbox"/>	User satisfaction	<input checked="" type="checkbox"/>	Uptake	<input checked="" type="checkbox"/>	Consultation or involvement	<input type="checkbox"/>	Workforce monitoring data	<input checked="" type="checkbox"/>	Complaints	<input checked="" type="checkbox"/>	External verification	<input type="checkbox"/>	Eligibility criteria	<input type="checkbox"/>	Other (please state):	<input type="checkbox"/>	None 
<input checked="" type="checkbox"/>	Performance indicators or targets																					
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<input checked="" type="checkbox"/>	External verification																					
<input type="checkbox"/>	Eligibility criteria																					
<input type="checkbox"/>	Other (please state):																					
<input type="checkbox"/>	None 																					

Analysing performance data

8	<p>Consider the impact the strategy, policy, project, contract or decision has already achieved, measured by the monitoring data you collect. Is the same impact being achieved for diverse groups as is being achieved across the population or workforce as a whole?</p>	<p><input checked="" type="checkbox"/> Yes *</p> <p><input type="checkbox"/> No*</p> <p><input type="checkbox"/> Insufficient </p> <p><input type="checkbox"/> Not applicable </p> <p><i>*Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:</i></p>
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9	<p>Is uptake of any services, benefits or opportunities associated with the strategy, policy, project, contract or decision generally representative of <u>diverse groups</u>?</p> <p>Policy is aimed at the residents of the District as a whole suffering from ASB</p>	<p><input type="checkbox"/> Yes *</p> <p><input checked="" type="checkbox"/> No*</p> <p><input type="checkbox"/> Insufficient </p> <p><input type="checkbox"/> Not applicable </p> <p><i>*Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:</i></p>
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Checking delivery arrangements

10	<p>You now need to check the accessibility of your delivery arrangements against the requirements below. Click on the hyperlinks for more detailed guidance about the minimum criteria you should meet.</p> <p><i>If assessing a proposed strategy, policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.</i></p> <p style="text-align: right;"> Yes No  N/A <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p>
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The [premises](#) for delivery are accessible to all.

[Consultation](#) mechanisms are inclusive of all.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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[Participation](#) mechanisms are inclusive of all.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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If you answered 'No' to any of the questions above please explain why giving details of any legal justification.

Checking information and communication arrangements

11 You now need to check the accessibility of your information and communication arrangements against the requirements below. Click on the hyperlink for more detailed guidance about the minimum criteria you should meet.

If assessing a proposed strategy policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.

[Customer contact](#) mechanisms are accessible to all.

Yes	No 	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Electronic, web-based and paper information is accessible to all.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Publicity campaigns are inclusive of all.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Images and text in documentation are representative and inclusive of all.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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If you answered 'No' to any of the questions above please explain why, giving details of any legal justification.

Future Impact

12 Think about what your strategy, policy, project, contract or decision is aiming to achieve over the long term and the ways in which it will seek to do this. This is your opportunity to take a step back and consider the practical implementation of your strategy, policy, project, contract or decision in the future. As well as checking that people from diverse groups will not be inadvertently excluded from or disadvantaged by any proposed activities, it is also an opportunity to think about how you can maximize your impact, reach as many people as possible and really make a difference to the lives of everyone in Uttlesford regardless of their background or circumstances.

Is it likely to inadvertently exclude or disadvantage any diverse groups?

- No
- Yes * 
- Insufficient evidence 

*Please state any potential issues Identified.

OVERVIEW
70,000 residents
Demographic make up according to diverse groups.

Improvement actions

13 If your assessment has highlighted any potential issues or red flags, can these be easily addressed?

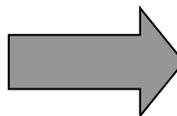
- Yes
- No* 
- Not applicable

**If Yes, please describe your proposed action/s, intended impact, monitoring arrangements implementation date and lead officer:*

Making a judgement – conclusions and next steps

14 Following this fast-track assessment, please confirm the following:

There are no inequalities identified that cannot be easily addressed or legally justified



No further action required. Complete this form and implement any actions you identified in Q13 above

There is insufficient evidence to make a robust judgement.



Additional evidence gathering required (go to Q17 on Page 7 below).

Inequalities have been identified which cannot be easily addressed.



Action planning required (go to Q18 on Page 8 below).

15 If you have any additional comments to make, please include here.

- None

Completion

16	Name and job title (Assessment lead officer)	Fiona Gardiner ASB and Housing Management Co-ordinator
	Name/s of any assisting officers and people consulted during assessment: Date: Date of next review: <i>For new strategies, policies, projects, contracts or decisions this should be one year from implementation.</i>	03/11/14 11/2016

When completed, a copy of this form should be saved with the strategy, policy, project, contract or decision's file for audit purposes and in case it is requested under the Freedom of Information Act.

Additional evidence gathering and action planning

17	<p>If your fast-track assessment indicated that complex issues or inequalities were identified which could not be easily addressed, or you had insufficient evidence to make a judgement, you need to undertake an additional evidence gathering and action planning process. This is described below:</p> <p>(a) Gather and analyse relevant additional evidence (which may include engagement with diverse groups), to address gaps in your knowledge, enhance understanding of the issues and inform options for addressing these. Additional evidence is likely to include any or all of the following:</p> <p>Data gathering</p> <ul style="list-style-type: none"> ■ Demographic profiles of Uttlesford ■ Data about the physical environment, e.g. housing market, workforce, employment, education and learning provision, transport, spatial planning and public spaces ■ Results of local needs analysis ■ Results of staff surveys ■ Research reports on the needs/experience of diverse groups ■ National best practice/guidance ■ Benchmarking with other organisations <p>Consultation and involvement</p> <ul style="list-style-type: none"> ■ Existing consultation findings that may provide insight into the issues ■ New, specially commissioned engagement with diverse groups ■ Expert views of stakeholders/employers organisations representing diverse groups ■ Advice from experts or national organisations ■ Specialist staff/in-house expertise. <p>(b) For advice on evidence gathering or engagement with diverse groups please contact your departmental equality lead officer. Discuss any proposed consultation with your</p>
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departmental equality lead officer to ensure it is coordinated with related exercises across the Council as a whole.

- (c) Use your evidence gathering, analysis and engagement with diverse groups to develop options for addressing inequalities or unmet need, consulting with relevant management teams, Members, strategic groups/partners where necessary to confirm proposed actions and resource issues.
- (d) When options for addressing any issues are agreed, if these cannot be implemented immediately integrate them into the appropriate service plan/strategic plan/multi-agency strategy, so that it is clear how they will be delivered, when they will be delivered, by whom and how this will be monitored.
- (e) Identify how the continuing implementation and impact of the strategy, policy, project, contract or decision on diverse groups in Uttlesford will be monitored.
- (f) Having gathered evidence re-evaluate this assessment.
- (g) Following completion of the above, please confirm the following:

18 **The conclusions and agreed proposals:**

The policy is still in consultation and will be delivered to the Housing Board and Cabinet November 2014

Summary of evidence gathered, including any internal and external consultation (please include full document titles and dates of publication and consultation for audit purposes):

Legal

Community Safety Partnership

Housing Act 1996 as amended as amended by the homelessness act 2002

Crime and Disorder Act 1998

ASB Crime and Policing Act 2014

Relevant Case Law

Consultation through – Tenant forum, Housing Board, Website,

Date proposals to be implemented and lead officer:

To be approved by Housing Board and Cabinet will be implemented by the 1 Jan 2015

Where implementation is not immediate, please state in which service plan or strategy the proposed actions will be integrated:

To be implemented after final approval from the Housing Board and Cabinet.

Monitor arrangements (please include full details for audit purposes):

Continue to monitor through performance indicators and as previously mentioned.

Additional Comments		
19	If you have any additional comments to make, please include here:	<input checked="" type="checkbox"/> None
Completion		
20	Name and job title (Lead Officer): Name/s of other assisting officers: Date: Date of next review (if any):	Fiona Gardiner ASB and Housing Management Co-ordinator Judith Snares Housing needs and landlord services manager 03/12/2014
When completed, a copy of this form should be saved with the strategy, policy, project, contract or decision's file for audit purposes and in case it is requested under the Freedom of Information Act.		

Committee: Cabinet

Agenda Item

Date: 4 December 2014

10

**Title: Saffron Walden Pig Market Charity,
Fairycroft Road Car Park**

Portfolio Holder: Cllr Barker and Cllr Chambers

Key decision: No

Summary

1. The District Council is the Trustee of the Saffron Walden Pig Market Charity which owns part of the Fairycroft Road Car Park, the other part being owned by the Council in its local authority capacity.
2. As part of the Waitrose redevelopment works the Council has retained the services of Mark Paynter of Chase and Partners to advise the Council. He has undertaken a report on behalf of the Charity as required by the Charities Act 2011 to give his advice to the Charity on the proposed land transactions. The Council in their role as Trustee need to consider the report and confirm their final agreement to the proposed transactions.

Recommendations

3. The Trustees agree
 - a. To exchange the land in its ownership shown on the Plan at Appendix 8 the Surveyor's report for the land owned by the District Council being of equivalent area shown on the same Plan on such terms and conditions as are reasonable including the granting of rights of way
 - b. To grant a lease (jointly with the Council) for 50 years to Waitrose Limited of the newly constructed car park on the terms set out in the Surveyor's report
 - c. To accept a lease back of the newly constructed car park from Waitrose Limited for 50 years less 3 days jointly with the Council on the terms set out in the Surveyor's
 - d. To the temporary relocation of the 6 spaces under the control of Self Build Limited to the Charity land during the period of the rebuild
 - e. To the redevelopment of the car park by Waitrose on the terms set out in the Surveyor's report
 - f. To enter into the Car Park Management Agreement with the Council and Waitrose on the terms set out in the Surveyor's report
4. To delegate to the Assistant Chief Executive –Legal the authority to conclude the legal documents following receipt of the Charity Commission approval and

in accordance with their requirements That the Charity's share of car park income split is 22.38% (with UDC having 55.7%, and the remainder to Waitrose).

Financial Implications

- The cost of the report from Chase and Partners has been covered by Waitrose, together with other Council costs.

Background Papers

- 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

Impact

-

Communication/Consultation	Charity Commission
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The Trustees need to act independently from the Council and in the best interests of the Charity, and those interests will not necessarily be the same as those of the Council. The Charity's only asset is the car park land, and it is from that the Charity derives income that it can apply to its charitable purposes.
Sustainability	None
Ward-specific impacts	Saffron Walden Audley
Workforce/Workplace	Legal staff

Situation

- The Council is the sole trustee of the Saffron Walden Pig Market charity. The Charity owns part of the Faircroft Road car park (a share equivalent to 66/303). The purpose and administration of the charity is set out in a Scheme approved by the Charity Commission in 1980 which states that the land has to be used as a car park for the benefit of the inhabitants of Saffron Walden and

the public and that any income should be applied for any charitable purposes for the general benefit of the inhabitants of Saffron Walden.

9. The land at Faircroft Road is the only asset the Charity holds and the only way that it can obtain income, which it then applies to charitable purposes through the provision of grants.
10. As previously reported to Members, the Council and Waitrose have been in negotiations over the upgrading of Faircroft Road car park, as part of Waitrose's scheme to extend their store. Members agreed in September 2013 to the principle of the proposals.
11. The requirements of the 1980 Scheme and the Charities Act 2011 are for the Charity to obtain Charity Commission consent to sell land and to enter into long leases of the land.
12. Before granting their consent, the Charity Commission require the Charity to have followed the requirements of the Charities Act 2011. These requirements are:
 - a. To obtain and consider a written report from a qualified surveyor
 - b. Follow your surveyor's advice as to whether to advertise the disposal or not,
 - c. Decide you are satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances of the disposal
13. The Council has retained the services of Mark Paynter, a chartered surveyor of Chase and Partners to advise the Council and the Charity. He has prepared for the Charity a report that meets the requirements of the Charity Commission on the proposed land transactions and the terms and conditions thereof from the point of view of the Charity's interests – appended to this report.
14. The Council in their role as Trustee need to consider the report and confirm their agreement to enter in the land transactions if they are satisfied that it is in the best interests of the Charity and that the terms proposed are the best terms that can reasonably be obtained in the interests of the Charity. These may not be the same as the interests of the Council and Members need to be careful to consider this proposal only from the point of view of the Charity.
15. The Charity Commission when considering whether to give approval to the transaction will want to see that the Charity :
 - a. has obtained a realistic valuation for the property
 - b. has understood the professional advice received
 - c. has understood the powers and restrictions contained in the Charity's governing document
 - d. knows exactly what is being disposed
 - e. has made the case that the disposal is in the best interests of the Charity
 - f. has obtained the best terms for the Charity that can reasonably be sought in the circumstances
 - g. has managed any conflict of interest

16. Through the negotiations the Council has been able to secure a positive deal for the ongoing income split of 78.1% for PMT/UDC (an increase from the current 76.57%). To ensure that PMT does not lose out on income as a result of the deal the advice is to split the income so that PMT receives 22.38% of the total income and UDC 55.7%, with the remainder to Waitrose. Para 14.18 of the appendix refers.

Risk Analysis

17.

Risk	Likelihood	Impact	Mitigating actions
Transaction does not comply with Charity Commission rules	1- Advice has been sought and is being followed	3 – The Council as trustees would be in breach of their duties	Charity Commission advice has already been sought, and copies of the surveyor's report provided, and Trustees are acting in accordance with their advice.

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.

Uttlesford District Council
Acting as Trustees for the Pig Market Trust
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

For the attention of Ms C Nicholson

Email: rmp@chaseandpartners.co.uk

17 October 2014

Our Ref: RMP/KS

Dear Sir

PROPERTY - FAIRCROFT CAR PARK, ELM GROVE, SAFFRON WALDEN
PARTIES - UTTLESFORD DISTRICT COUNCIL (UDC)
- UTTLESFORD DISTRICT COUNCIL ACTING AS TRUSTEES FOR THE
PIG MARKET TRUST (PMT)
- WAITROSE PLC (WPLC)
- STRATHCLYDE PENSION FUND (SPF)

1.0 Instructions

- 1.1 Chase & Partners have been instructed to prepare a report setting out the background and providing justification for proceeding with the proposed transaction in relation to the Faircroft Car Park. This report is prepared with reference to the Charities Act 2011 with particular reference to Chapter 25.
- 1.2 Pending a final agreement including a detailed development agreement having been reached between the parties relating to all construction, financial and legal points, this report will set out the general basis of our opinion of the estimated values and form of transaction.
- 1.3 Chase & Partners were instructed to advise Uttlesford District Council and Uttlesford District Council acting as Trustees on behalf of the Pig Market Trust with effect from 11 June 2013. Our original fee quotation is attached. We have been supplied with various documentation by both Uttlesford District Council and Waitrose. Chase & Partners commenced initial discussions and negotiations with Waitrose on 13 June 2013. The Council has instructed their own in-house legal department to deal with all legal matters and their in-house engineer to provide some basic commentary with regard to construction issues.

Highlight House, 57 Margaret Street, London W1W 8SJ T: 020 7462 1340 F: 020 7580 0086
www.chaseandpartners.co.uk

Partners: **Graham Chase** FRICS FCIArb FRSA FInstCPD **Gregory Moore** BSc(Hons) FRICS **Keith Nelson** BSc(Hons) MRICS **Mark Paynter** BSc MRICS

John Shuttleworth BSc FRICS ACIArb **Ian Campbell** BSc MRICS

Associates: **Tom Graham** BSc(Hons) DipTP MRTPI **Charles Buckingham** BSc(Hons) FRICS

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RICS Chartered Surveyors

RTPI Chartered Town Planners

Chase & Partners is the trading name of Chase & Partners LLP, a limited liability partnership, registered in England with number OC319635, whose registered office is at Russell Bedford House, City Forum, 250 City Road, London EC1V 2QQ.

Regulated by RICS

2.0 Conflicts of Interest

- 2.1 We confirm that we have been employed by and are professionally responsible to Uttlesford District Council and Uttlesford District Council acting as Trustees on behalf of the Pig Market Trust as client although our fees are ultimately due to be paid by Waitrose. This is a similar arrangement to that which would take place under a compulsory purchase order whereby the advisors responsibility is the client but the acquiring authority pay their fees.
- 2.2 We confirm that we are not currently employed as advisers to Waitrose Plc or Strathclyde Pension Fund in any capacity, nor have undertaken any work for them over the last five years. We are not aware of any personal relationships that exist between the Partners of Chase & Partners and any employees or officers of Waitrose Plc, or Strathclyde Pension Fund.

3.0 Summary and Background to the Proposal

The Property and Proposal

- 3.1 The existing property comprises a two level decked car park of concrete framed construction built in 1987 and on the adjacent section of the subject site is a hard surfaced car park at ground level. Located between the two car parks is an external ramp that provides access to the upper level of the decked car park and a road way to the ground level of the decked car park, the surface level car park, the service bays of the Waitrose supermarket and other properties which front on to Hill Street.
- 3.2 The overall site area of the existing combined interests held by UDC and PMT is approximately 48500 sq ft (1.113 acres).
- 3.3 In summary Uttlesford District Council and the Pig Market Trust will swap equivalent areas of land between each other. Uttlesford District Council will sell the transferred land together with a parcel of land in their ownership to Waitrose/Strathclyde Pension Fund to allow the extension of the existing Waitrose store and the construction of a new replacement decked car park.
- 3.4 The swapping of the equivalent areas of land between UDC and PMT will enable PMT to maintain their existing share of car park income. It will also allow them to maintain an equivalent area of freehold land both before and after the proposed transaction.
- 3.5 Following the transfers outlined above, UDC will be left with a smaller area of freehold land than they currently hold. In return for the land transfers both UDC and PMT will secure the construction of a newly built decked car park on their land but fully funded by Waitrose. Waitrose will be granted a new 50 year lease over the new decked car park by PMT/UDC. PMT/UDC will then take an under lease of the property from Waitrose for a similar term less 3 days. Finally, Waitrose, UDC, and PMT will enter into a new car park management agreement for a term of 25 years, to be held over the new decked car park, as well as the surface car park on retained PMT land. The car park management agreement

will be on similar terms to the agreement that currently exists between the parties. The income generated through the management of the car parks is to be split on the same basis as currently exists between the parties, subject to minor variations, in favour of PMT and UDC.

4.0 Location & Demographics

- 4.1 The property's location is outlined red on the attached Ordnance Survey plan within Appendix 1. The property is located in the heart of Saffron Walden town centre and is accessed from Faircroft Road (B1052) and then via Elm Grove which is a small cul-de-sac access.
- 4.2 The property has a limited frontage of 44 metres to Elm Grove but only 29 metres are useable due to rights of way. The general property uses adjacent to and fronting on to Elm Grove include a retirement home, small scale residential and some small office buildings. Other uses adjacent to the subject site include a surgery, laundry/industrial, bed and breakfast accommodation.
- 4.3 The property sits to the rear of the existing Waitrose store but does not have any direct frontage to Hill Street, one of the town's main retail streets. The property is approximately 62 metres distance from Hill Street and has a reserved right of way and pedestrian access to that street.
- 4.4 Saffron Walden is a market town situated approximately 40 miles to the north east of London and 14 miles to the south of Cambridge. The town is adjacent to the M11 motorway and 10 miles from London Stansted Airport. The town does not have its own railway station with Audley End and Great Chesterford being the two closest stations on the London to Cambridge route, at least 2 miles distance. A general location plan is set out in Appendix 2.
- 4.5 The town has a catchment population within the local authority area of 68,946 and an estimated shopper population of 19,743 according to information provided by EGI/Experian, based on the 2001 Census.
- 4.6 As a traditional Essex market town, there is a limited retail and leisure offer, although the local authority head quarters are based in the town.
- 4.7 Retailing is mainly from traditional terraced properties fronting on to Hill Street, George Street, Market Row, Market Street and King Street. There is no modern covered shopping centre. A goad plan extract is set out in Appendix 3.
- 4.8 National multiple retailers currently represented in Saffron Walden include Boots, WH Smith, Superdrug, Monsoon, New Look, Starbucks, Carphone Warehouse, Clarks and Costa Coffee.
- 4.9 The main supermarket operators who are represented include Waitrose, and Tesco , whilst Aldi have recently secured a planning consent at Thaxted Road, CB10 2UR. The remaining provision is in smaller convenience type stores including the likes of Cost Cutter, Londis, Premier and Tesco Express. The only retail warehouse development is a standalone Homebase unit on Ashdon Road.

- 4.10 There is limited public car parking in the town centre with the main sites and number of spaces set out below:-

Location/Name	Payment type	Length of stay	No. of spaces
Fairycroft	pay and display	short stay	294
Rose & Crown	pay and display	short stay	27
The Common	pay and display	short stay	109
Catons Lane	pay and display	long stay	49
Swan Meadow	pay and display	long stay	394
		Total	873

- 4.11 The above is a list of the main town centre car parks which offer daily parking for Saffron Walden. It should be noted that Fairycroft car park is the town centre's primary shopper car park being closest to the retail facilities. Although Swan Meadow is larger it is a significant distance from the prime pitch. The overall level of car parking is also fairly limited with spaces under pressure at peak times.

5.0 Planning Background

- 5.1 In considering alternative approaches to this site and the proposed transaction we have had regard to the current planning policy of Uttlesford District Council.
- 5.2 Under the core strategy dated 2010, there are a number of relevant points to be considered below.
- 5.3 The regional strategy for market towns within the sub-region is to protect and enhance their character and setting. The focus should be on development in locations with good public transport which contributes to the social and economic needs of the community, and Saffron Walden's function as the main retail centre is to be maintained and where possible enhanced.
- 5.4 The existing policies are based upon saved policies from 2004 which were updated by the last local plan in 2005 and the local development framework of 2008.
- 5.5 The local plan is currently subject to an examination in public, the draft having been submitted in July 2014.
- 5.6 We have considered the local plan policies and highlighted a number below which would be relevant to any potential redevelopment of the subject property.
- 5.7 The subject property is located within the Saffron Walden conservation area and this outlines a number of aspects maybe relevant to the site. These include the open space of Jubilee Gardens where the planting and height of any adjacent development will be considered critically, other aspects are a folly in Elm Grove, the old entrance arch to the Pig Market, and the eastern walls of Elm Grove.

- 5.8 Within the local plan, there are a number of policies and issues applying to the Saffron Walden "selected area inset".
- 5.9 Traffic is a significant problem due to the historic street pattern.
- 5.10 The retail health of the town centre is considered fragile when set against the strength of the local housing market, and therefore retail uses will be strongly supported to maintain the vitality of the centre. Conversion of upper floors to residential use will be supported. Six specific sites were identified for residential development within the Saffron Walden area but these do not include any sites on Elm Grove.
- 5.11 Furthermore, the list of potential development sites both with and without conditional scores which total 14 do not include the subject site.
- 5.12 Within Chapter 8 Retailing and Services, policies outlines are :-
 - 5.12.1 To sustain and enhance the vitality and viability of Saffron Walden as a principal shopping centre.
 - 5.12.2 To promote mixed use commercial developments
 - 5.12.3 To focus retail and mixed use commercial developments in the locations that maximise opportunities to use means of transport other than private car.
 - 5.12.4 To prevent further loss of retail and other services in rural areas.
 - 5.12.5 The policies identify the need for additional retail floor space. Under Policy RS2 retail, commercial and community uses or mixed use development including residential elements will be permitted in the centre of Saffron Walden.
- 5.13 Planning permission, as set out in Appendix 4, has been granted on the subject site for a redevelopment of the existing car park to provide an extension of 7,014 sq ft to the Waitrose supermarket plus an additional 12 roof top car spaces.
- 5.14 As part of the planning permission the existing car park is to be demolished and then rebuilt on a smaller site. The new car park will have 3 decked levels instead of 2, which allows a similar total number of car parking spaces to be retained, 290 compared to 292 spaces for the old car park.

6.0 Alternative Uses and Forms of Development

- 6.1 We have considered the potential for generating other forms of development for existing or alternative uses on the PMT ownership.
- 6.2 It is questionable whether PMT/UDC would be prepared to sell the land for alternative uses. Under the Charity Commission document dated 29 August

1980 in respect of the charity known as the Saffron Walden Pig Market we note that the land can be sold with the sanction of the Charity Commissioners but under a user clause within the document, the land "is to be used as a car park for the benefit of the inhabitants of Saffron Walden and the public in general".

- 6.3 The land does not have any frontage to Hill Street, but could be used as back land to be joined with another party's frontage land as in the development proposed. In such a scenario the value is likely to be significantly reduced as the frontage land to Hill Street has primary control and value, even though it can be argued that an extended more efficient food/retail store cannot be secured unless agreement is reached with PMT/UDC.
- 6.4 The Pig Market Trust land controls all the frontage to Elm Grove, however, rights of access have been reserved by various parties including WPLC/SPF over that land in order to access Elm Grove. Unless these rights of way can be varied or extinguished (which is unlikely) then they would have to be incorporated into any new development or alternative use option thereby reducing the amount of developable land.
- 6.5 The site is effectively split by the rights of access granted, and the fact that the frontage to Elm Grove is limited will make it difficult to intensify the use of the site including raising the height of any development. Any development bridging over the access route would have to be designed to enable access for full height service vehicles and trucks.
- 6.6 If one puts aside existing planning policy but considers the other land uses in the general vicinity of the subject site, then the PMT/UDC land could most likely be used for either residential or office type development.
- 6.7 New town centre office developments in Saffron Walden struggle to secure viability, and this is highlighted in the evidence base within the draft local plan. The town is at least 2 miles distance from a mainline railway station, rentals for existing stock are between £6 and £14 per sq ft, plus the dominance of Cambridge as an employment centre, supports our view that even if planning could be secured, it is likely to be difficult to achieve a viable office development on the subject site.
- 6.8 Due to the location and configuration of the site, plus the densities required to justify development, a residential scheme would be the most likely form of development. Residential values are in the general range of £220 to £400 per sq ft which at the upper end figure should enable a viable development. However, due to the likely cap on height of any development, public space and amenity requirements, car parking ratios and an affordable housing allowance (currently at 40% for over 15 units or sites above 0.5 hectares) it is doubtful whether viable residential development could be achieved.
- 6.9 UDC has confirmed that it would not be appropriate to consider alternative uses on the subject site as in the foreseeable future they would seek to maintain the primary use of the land and buildings as a town centre car park for the use of shoppers.

- 6.10 The planning policies endorse the existing use of the site for car parking with a retail supermarket on the WPLC/SPF land. This is also evidenced by the fact that Waitrose have been granted planning permission for the new development including a new car park on the site as outlined in points 5.13 and 5.14.
- 6.11 The existing planning policies are particularly supportive of retaining and enhancing the retail uses in the town centre in order to retain and increase retail expenditure which leads to other competing centres such as Cambridge.
- 6.12 This is evidenced by the fact that UDC has recently refused an application for an out-of-town foodstore on the outskirts of Saffron Walden. Waitrose can be seen as a strong anchor for town centre retailing. The local planning authority is therefore likely to resist any change of use on this site which does not support or could threaten the retention of a retail anchor, as well as one of the town's primary car parks that supports not only Waitrose but many of the town's other retailers.
- 6.13 We have not undertaken a detailed valuation for these alternative residential and office uses, as it would require a specific scheme or schemes to be drawn up, costed and then appraised to consider the residual land value from any likely development.
- 6.14 UDC has confirmed to us as landowners in isolation that it would not be appropriate to consider value for alternative uses on their adjacent land as in the foreseeable future UDC would seek to maintain the primary use of the land and buildings as a town centre car park primarily for the use of shoppers.
- 6.15 Having considered all of the above points in our view it would be difficult for PMT to secure alternative uses on their ownership. Furthermore, they would be left dealing with their site in isolation without the support of the adjoining UDC land. As the developable area is restricted due to rights of access, then the options point towards retention of the existing use and form of development proposed.

7.0 Waitrose Plc and Strathclyde Pension Fund – existing arrangements

- 7.1 Waitrose currently occupy a store on land owned freehold by Strathclyde Pension Fund on the basis of a standard occupational lease for a term of 35 years from 5 November 1985, at a rent of £472,500 per annum exclusive. The existing lease therefore is due to expire on 4 November 2020. The lease is on full repairing and insuring terms with five yearly upwards only rent reviews with the last rent review effective in November 2010 devaluing to a rent of approximately £17.00 per sq ft on the ground and first floor with mezzanine storage at £8.50 and the lift lobby area at £5.50 per sq ft.
- 7.2 Within the Waitrose/Strathclyde demise, there are 64 rooftop car parking spaces which can only be accessed over PMT/UDC land. This is subject to a separate parking agreement between the parties.
- 7.3 The income generated from these car parking spaces is pooled and managed under the car parking management agreement and then shared on a pre-agreed basis as referred to later.

8.0 Pig Market Trust Land and Uttlesford District Council – existing arrangements

- 8.1 Both the above parties hold freehold interests of land which sits at the rear of the existing Waitrose store. Vehicular access for a number of adjoining ownerships is held via a right of way agreement.
- 8.2 The existing boundaries of the PMT (Green) and UDC (Red) freehold ownerships are highlighted on the ordnance survey plan set out in Appendix 5 .
- 8.3 There is a pedestrian access and right of way down the western side of the Waitrose store on Strathclyde land which connects Hill Street to the PMT/UDC land to the rear. The PMT land does not have any direct frontage to Hill Street and limited frontage to Elm Grove, after rights of way are considered.
- 8.4 The decked car park sits on land jointly held by PMT and UDC, mainly to the western end of the PMT holding, whilst there are a limited number of surface car parking spaces at the eastern end of the PMT holding. We are advised that there are vehicular rights of way which pass over this land (at this point it is PMT land) for Waitrose as well as other occupiers and owners of properties fronting on to Hill Street.
- 8.5 The area of land held by PMT and UDC is subject to control under the car parking management agreement which Waitrose are party to, referred to later.
- 8.6 Within the UDC land are six car parking spaces currently held by Self Build Limited which are also referred to in section 9.0 below.
- 8.7 The decked and surface car parks are used as a shoppers short stay car park for the town as a whole. We believe it is heavily used by customers shopping in the Waitrose store who we understand can secure a refund on their parking charges for a capped period of time, and this is funded by Waitrose.

9.0 Self Build Limited

- 9.1 As part of the original negotiations in respect of development of the existing car park and store, Uttlesford District Council granted Self Build Limited an exclusive right and licence dated 30 March 1992 for a period of 999 years from 1 July 1992 for six car parking spaces on UDC land plus a right of access to them.
- 9.2 Self Build Limited are to pay all rates, taxes and any other outgoings, etc. plus they would pay a percentage of service charge to UDC based on the proportion of number of spaces to total spaces in respect of costs incurred by the council relating to cleaning, lighting, repairing and maintaining, etc.
- 9.3 In the event of redevelopment of the original car park, UDC has the right to terminate this agreement on not less than six months prior written notice, however, on expiration of the existing agreement a new licence is to be granted in a similar form for six car parking spaces in proximity to 5-7 Hill Street which

are no less convenient or advantageous. In the event of a dispute the matter was to be referred to the RICS under the Arbitration Act.

- 9.4 Following discussion between Waitrose and Self Build Limited, negotiations have been finalised to relocate the six spaces both on a temporary and a permanent basis in order to facilitate the new development outlined. A copy of the Heads of Terms Agreement is set out in Appendix 6.
- 9.5 The in principle agreement between the parties is for a temporary relocation of the six car parking spaces on to PMT land during the construction of the Faircroft car park and then a permanent relocation on to the freehold land held by UDC over which the new Faircroft car park will be built.
- 9.6 Notice has been served on Self Build Limited by UDC so that the car parking spaces can be relocated both on a temporary and permanent basis in an appropriate timescale.
- 9.7 Safeguards and guarantees are included in the Agreement with Waitrose to ensure that the temporary relocation of the six spaces on to PMT land during the development programme cannot become permanent in the event of default of the contract by Waitrose.

10.0 Existing Car Park Management Agreement and Arrangements

- 10.1 There is a car park agreement dated 20 November 1987 between Waitrose and Uttlesford District Council. It is assumed that this also includes the Pig Market Trust for whom Uttlesford District Council act as Trustees, although they are not specifically named but all their spaces have been included in the workings of the agreement, since its outset.
- 10.2 The plan setting out the demise for the agreement also includes the Pig Market Trust land.
- 10.3 The original agreement was for a period of 12 months from 20 November 1987 with the agreement continuing until determined by either party upon six months notice.
- 10.4 Under the agreement Waitrose, PMT and UDC are to combine all of their car parking spaces within the various ownerships / demises so they can be managed as a single car park entity within a single demise.
- 10.5 Under the agreement, the income from all spaces is to be combined and after the deduction of allowable costs, the revenue is to be split in proportion to the number of car parking bays situated on the lands of the respective parties. The agreement, however, sets out the specific proportions to be allocated to each party which we assume applied at the commencement of the agreement. The allowable costs/deductions are listed in point 19.7 and the agreement, is set out in Appendix 7.

- 10.6 The Council (UDC) is to install machines, display boards, electric supply and communications cables. They are also to clean, look after litter bins and any salting as well as maintain and repair the car park surface throughout.
- 10.7 Waitrose are to maintain and repair the roof slab where it falls within/over their demise, the walls and the rails but excluding the actual surface of the car park. Waitrose are to keep the lifts and stairs which fall within their separate demise, open and adequately lit.
- 10.8 The car park is to be used as a public car park only and UDC are to be responsible for the collection of car parking charges and excess charges as well as the prosecution of any offenders.
- 10.9 UDC did originally grant four car parking spaces under licence to Choppens and Company but we have been advised by Legal Services that this was cancelled in 1991 with the spaces reverting back to UDC for inclusion in the agreement.
- 10.10 The pre-defined split of income within the actual agreement was originally based on 234 spaces held by PMT/UDC (76.72%) and Waitrose 71 spaces (23.27%), a total of 305 spaces.
- 10.11 There is no indication of the exact number of spaces contributed to the agreement by PMT and UDC individually, there are only the individual percentages and the total number of 234 spaces from the combined land holdings of PMT/UDC.
- 10.12 The accounts however, refer to a slightly different total (303) which produces a percentage allocation that does not total 100%, as follows:-
- | | | |
|----------|-----|-----------|
| PMT | 66 | (21.78%) |
| UDC | 166 | (56.44%) |
| Waitrose | 71 | (23.43%) |
| Total | 303 | (101.65%) |
- 10.13 We have not been able to secure an explanation as to why a variation has arisen between the original car park management agreement and what is actually allocated in the final accounts each year. Since the agreement was entered into in 1987 and various alterations have taken place over the years this is perhaps understandable.
- 10.14 Due to the quality of the plans supplied which do not reflect the existing car park as built, combined with the configuration of the car park on the ground it is very difficult to predict the exact ownership boundaries and therefore the exact number of spaces within the individual ownerships.
- 10.15 The exact car parking numbers are also very difficult to analyse as various areas have been assigned for pedestrian circulation, trolley bays, etc. The figures below are therefore the most accurate forecast we have been able to provide,

following on site survey and reference to old plans based on the current land boundaries.

PMT	58	(19.86%)
UDC	170	(58.22%)
Waitrose	<u>64</u>	(21.92%)
Total	292	spaces

This excludes the Self Build and SWTC spaces which are excluded from the calculation because they do not contribute to income, see 10.17 below.

- 10.16 Since the original agreement was put in place, it appears that there have been various alterations to the layout of the car park and Waitrose have also removed a number of spaces within their demise following the building of additional plant areas. This may explain some of the variables and inconsistencies which can be seen from the table set out in Appendix 12.
- 10.17 We understand that there are a limited number of spaces sitting beneath the entrance and exit ramp to the first floor deck which have been used by the Town Council in relation to the market. It is assumed that these spaces do not generate income as they are not part of the main car park and we understand that UDC are in discussions with the Town Council and will be responsible for the relocation of these spaces. These spaces are not included in the above figures.
- 10.18 UDC have provided us with the latest accounts for the car park and we understand that the total income net of allowable costs and deductions for the year 2013/2014 is £209,067 including penalties, equating to £716 per space. The forecast net income for the year 2014/2015 is £208,203 including penalties, equates to £713 per space. The net income per space calculation is based on the counted spaces on the ground.
- 10.19 Although the final allocation in the accounts does not align with the calculation in 10.12 above it may well be that some of the above issues might be applicable. We have therefore based the calculations below on the current final income allocation percentages as highlighted in the red column 6 of Appendix 12.

11.0 Value of PMT Existing Interest

- 11.1 Although we have assumed that the car park agreement with Waitrose only runs from year to year, Waitrose still has seven years of their occupational lease on the supermarket to run assuming no development proceeds. As they are the main town centre supermarket operator in an affluent market town, we have assumed for this valuation that they would be likely to renew their lease even on the existing store and therefore the car park would continue to operate as it currently is, generating increasing income for the foreseeable future.

- 11.2 The car parking charges can be changed and increased by prior consultation and agreement between the parties. While it is difficult to predict future increases of such charges, it is likely that they may well increase each and every year. Having discussed this with UDC, we understand increases are running below the current rate of inflation as there are political considerations from the Council and trading considerations from Waitrose to be borne in mind.
- 11.3 Therefore, whilst the income is not totally secure, in reality it is likely to continue into the future with potential for annual increase. We have taken the figures that UDC has supplied using the current income for 2013/2014 and valued it with a reversion to the forecast income in 2014/2015. We have adopted a capitalisation yield of 8% to allow for the inflationary nature of the income but set against some variance in the annual costs. This produces a capital value net of purchaser's costs of £1.88 million which gives PMT a share of £422,000 based on its holding of 22.38%.
- 11.4 We have also considered the potential useful life of the car park. If kept in good and proper repair and assuming that it is not subject to any construction issues, then it is reasonable to assume that it should have a life of circa 50 years which we have assumed would commence from 1987. This suggests that the income should last for 25 years plus without any major deductions beyond the current level plus inflation.
- 11.5 In the event of Waitrose leaving at the expiry of their occupational lease in 2020, we believe it would likely still continue to operate as a town centre shopper's car park. There is a strong possibility that another tenant or tenants would seek to trade from the store.
- 11.6 Whilst Waitrose's occupation is likely to drive a higher usage of the car park than that of another retailer, we have assumed that there could be a fall of up to 25% in income, although this is difficult to predict. Therefore if this scenario occurred, then the capital value net of purchaser's costs could drop to a figure in the region of £1.262 million which produces £282,000 based on PMT's current estimated share of 22.38%.

12.0 The Development Proposals as Promoted by Waitrose

- 12.1 Waitrose are proposing to extend their existing store and rooftop car park, on land which is currently owned by PMT/UDC and presently used as car parking.
- 12.2 Under the car parking agreement, the indicated number of car parking spaces available is 305, however, in reality following changes over the years it is estimated that on the ground the combined car parks currently only provide approximately 292 spaces.
- 12.3 They are also proposing to completely demolish and rebuild the existing decked car park which currently falls on PMT and UDC land. By rearranging the new car park over a number of levels they have been able to maintain a total of 290 car spaces in the new development, which will fall over SPF/WPLC, UDC and PMT land.

- 12.4 However in order to extend the Waitrose store, together with rooftop parking, Waitrose have proposed that they need to acquire some of the freehold land which is currently in the ownership of PMT/UDC over which the new store extension, rooftop car park and lift area will sit.
- 12.5 It is estimated that the land required to be taken from PMT/UDC to achieve this is of approximately 6,926 sq ft (0.159 acres) based on our measured areas from plans supplied to us by Waitrose. As can be seen from the plan in Appendix 8 this area of land is currently in the joint ownership of PMT and UDC.
- 12.6 PMT's share of this land amounts to 2,115 sq ft (0.049 acres) and in percentage terms 30.53%.
- 12.7 The new extension will create additional floor area for Waitrose of 4,851 sq ft at ground floor plus a mezzanine storage area of 2,163 sq ft and 12 additional car parking spaces on the roof. There is also an additional area of land required for the redevelopment of the lift and stairs amounting to 1,110 sq ft and loading bay area of 289 sq ft.
- 12.8 It is estimated that the total residual value of the land taken in point 12.5 based upon the plans tabled by Waitrose is circa £750,000. PMT's share based on the land holding percentage of 30.53% is £229,000.
- 12.9 In our appraisal we have applied a rental rate of £19.50 per sq ft to the ground floor accommodation, with the mezzanine and loading areas at 50%, but no value on the lift area. Assuming Waitrose is in occupation on a new 25 year lease we have applied a yield of 5% before the deduction of purchaser's costs. Based on the apportionment of the base build costs tabled by EC Harris via Nigel Rand of approximately £855,000 excluding fees and contingency, and allowing for a notional developer's profit of 12.5% with a finance allowance at 6% this results in a notional residual land value of approximately £750,000.
- 12.10 We have had to make our own estimation and rationalisation of some of the above costs supplied by EC Harris as we have not secured detailed answers to our queries about them. The main issue is that their costings are for the whole project built without proper and detailed apportionment of the separate parts. We have also had to adjust the timing for a more realistic market scenario.
- 12.11 Our view is that some of the costs tabled would apply to other areas of the existing store development which fall on Strathclyde land, and should therefore be stripped out of any residual appraisal undertaken on PMT/UDC land. Waitrose and their agent argue that it is very difficult to strip out these costs and some costs such as the stripping out of internal walls have come about as a result of the car park development, whilst we would suggest they are for an improvement of the existing store space held over the Strathclyde land.
- 12.12 If we were to use the full costs of £2.9 million tabled by Waitrose, to include preliminaries, professional fees and a contingency, then we calculate a residual value of minus £794,000 before making any allowance for profit. The base build cost within that figure is £1.96 million, which appears to be high for the provision

of an additional rentalised area of only 7,014 sq ft, of which 2,163 sq ft is stated to be of light mezzanine construction.

- 12.13 There is therefore a very considerable differential in the two residual values produced of £750,000 and minus £800,000. The conclusion, based on the limited information tabled which has not been verified by a quantity surveyor, is that our own calculation is likely to provide a more realistic figure to reflect market circumstances, and show a positive land value.
- 12.14 Turning to the remaining land held by PMT/UDC, Waitrose are to provide a newly constructed car park on this land at no capital cost to PMT/UDC. The estimated costs as provided by EC Harris via Nigel Rand are £2.6 million including preliminaries, professional fees and a contingency. The base build figure equates to £13,000 per space.
- 12.15 Turning to the value of the newly proposed car park held by PMT/UDC, it is assumed that the proportions as set out in the new car park management agreement will apply for the new car park. We have therefore valued on the projected income for 2014/2015 at an effective date of 1 September 2014, however, we have reduced the yield to 7% to allow for the likelihood of a lower level of deductions in respect of repair, maintenance, etc. as it is a brand new car park, and there is also likely to be higher potential usage by shoppers as it will be more efficiently laid out with better access. Therefore the income going forward is likely to grow at a stronger rate and hence the adjustments in yield from the current car park. We have also assumed that Waitrose will be on a new lease in the supermarket for a term of 25 years so a stronger car park income should run for longer assuming it is assisted by Waitrose's occupation. On this basis, we estimate that the capital value net of costs of the proposed car park held by PMT/UDC following development would be £2.16 million after the deduction of purchaser's costs. PMT's share based on proposed split of income of 22.38% would be £483,000.
- 12.16 This shows uplift over the existing car park interest of £271,000 with PMT's share equating to say £60,000. This can be considered a conservative figure as we have applied the same rates of net income for both the new and the old car parks and have adjusted values on a yield shift of 1%.
- 12.17 Furthermore, Waitrose have agreed to maintain PMT's income throughout the period of the development which is estimated at 38 weeks in total for store and car park, and 28 weeks for the car park alone.
- 12.18 We have not valued the 12 additional car parking spaces which are on the rooftop of the new extension since Waitrose are maintaining the previous income split on car parking revenue and the rental valuation of the store space in the extension assumes that there are a restricted number of car parking spaces within the demise of the trading space (of which the 12 spaces form part) and this will be reflected at future rent reviews, however, the car parking ratio is not at a level which would command a full rental value for the floor space.

13.0 UDC Land Swap with PMT

- 13.1 On the signing of the legal agreements, it is proposed that PMT will transfer to UDC all that land identified under plot A with a red boundary on the ordnance survey plan set out in Appendix 8. The area of this land is approximately 2,115 sq ft (0.049 acres).
- 13.2 As part of that same agreement, UDC will transfer to PMT the freehold interest in the area of land as identified as Plot B highlighted with a green boundary in the ordnance survey plan set out in Appendix 8. The area of land is identical to that transferred in 14.1 above i.e. 2,115 sq ft (0.049 acres).
- 13.3 Each transfer will be undertaken for the sum of a peppercorn with Waitrose covering the cost and indemnifying PMT for all charges and fees including stamp duty and any other taxes incurred in the transaction.

14.0 Rationale and Justification for the Land Swap

- 14.1 By undertaking the land swap set out in Section 13.0 above PMT are able to maintain the same total area of freehold land holdings of 23,353 sq ft (0.536 acres) without reduction as the area of land they hold both before and after the transaction is identical.
- 14.2 As a result of this transaction PMT suffer no dilution of income and are able to maintain and improve their income in the future as car parking charges are likely to increase and repair costs are likely to fall when compared with the existing old car park. PMT should be left in the position of holding a stronger and more secure investment.
- 14.3 As an alternative to the proposed land swap PMT could sell the area of land transferred to UDC for the sum of £30,530. However, as a result of such a transaction they would not secure any replacement land and their land holdings would reduce from 23,353 sq ft to 21,238 sq ft.
- 14.4 As a result of the reduction in land holdings set out in 15.3 above PMT would also suffer a reduction of approximately 8/9 car parking spaces which in turn would reduce their income by approximately £6,450 per annum under the car park management agreement. The estimated capital value of the car parking spaces lost is £86,800 net of costs.
- 14.5 We have considered the fact that jointly PMT/UDC are being asked to give up land of approximately 6,926 sq ft for which they hold the freehold interest.
- 14.6 We have calculated that the residual value of this land based upon the development proposals tabled at circa £750,000 (PMT share £228,975), yet Waitrose are making an offer at only £100,000 (PMT share £30,530), however, they argue that PMT/UDC could not realise the higher value in the open market, as the value only attaches to the redevelopment of the whole car park behind, which has a total cost to Waitrose of some £2.6 million and therefore the true

residual value of the extension as part of the wider scheme would be at least minus £2 million (PMT share minus £963,000).

- 14.7 In our view if a private external developer was asked to undertake the development of this wider scheme including the building of the whole car park on the terms proposed, it would not appear to be viable on standard market terms particularly if one was to include usual developer's profit of between 10 and 20% based on costs expended including finance.
- 14.8 We understand that the transaction Waitrose is proposing with Strathclyde Pension Fund is that Waitrose will build out this development, and Strathclyde will buy out the investment created of the extended area (on the land taken from PMT/UDC) at a figure as close as they can negotiate to their total costs. In reality this receipt is likely to be no more than £2.5 million so leaving them with a substantial loss in pure development terms. Waitrose will be able to justify undertaking this development on their own criteria, an increase in customers, reduced loss of customers to competing stores and an increase in turnover and profitability. We however, are being asked to judge this on pure property terms, and are unable to undertake such a valuation/appraisal.
- 14.9 If the development is judged in overall property terms we believe it makes a substantial loss, but if the extension is judged in isolation separate from the full costs of the replacement car park, then it generates a positive residual land value. The only way the extension could be separated out, is if the existing car park had the new extension cut out of it, but leaving the existing car park in place to operate with a lower number of spaces in a very poorly configured layout which would likely produce a significantly lower car park valuation figure. We do not think such an extension could be realistically achieved leaving the existing car park in situ without incurring substantial and unrealistic cost.
- 14.10 An alternative consideration is whether there is a different form of development that could be secured in the open market . If PMT and UDC are prepared to sweep away the current high level of car park use and if a planning consent could be secured for residential and/or office use, then it might be possible to secure an alternative land value from another party. We refer you to our commentary and assumptions in Section 6.0, where our view is that this would be difficult to achieve.
- 14.11 There is also the option to do nothing with Waitrose continuing in occupation under their lease until expiry in seven years time. Waitrose would then make a decision as to whether they remain trading in Saffron Waldron in a substandard store with substandard car parking arrangements to the rear and on the roof, or withdraw from the town altogether. As Waitrose operate a major quality food store based right at the heart of the town centre, then PMT might wish to consider whether they would be prepared to consider the possibility of such a scenario, particularly as their continued presence is likely to provide an uplift to an element of the car park income.
- 14.12 The likelihood is that Waitrose may stay as there is restricted competition in Saffron Walden and the catchment is suited to their brand however it cannot be guaranteed. If they stayed on the present terms then PMT should retain their

income from the operation of the car park until it reaches the end of its useful economic life, albeit with a likely increasing level of repair costs so reducing net income.

14.13 Overall therefore it is very difficult to judge this scenario and the development proposals in pure property terms, but PMT/UDC do secure a brand new car park which Waitrose are funding in isolation at an indicated cost of £2.6 million. They are also maintaining PMT's income throughout the development period, and they are prepared to maintain the former proportions of revenue which would not be strictly allocated based on the new proposals.

14.14 We have also been able to negotiate an improvement to the combined income allocated to UDC/PMT.

14.15 The current split of income within the car park management agreement is based upon the following:-

Party	Current Spaces	%
Strathclyde/Waitrose	71/303	23.43
Combined PMT/UDC	237/303	78.22
UDC	171/303	56.44
PMT	66/303	21.78

14.16 Due to Waitrose installing a number of plant areas on the previous areas of car parking, the actual on site ratios existing today are as follows:-

Party	Current Spaces	%
Strathclyde/Waitrose	64/292	21.92
Combined PMT/UDC	228/292	78.08
UDC	170/292	58.22
PMT	58/292	19.86

14.17 We have been able to negotiate with Waitrose that the new car park management agreement will reflect the current position as actually existing on site today and therefore the combined PMT/UDC ratio will improve from 76.57% to 78.1%. PMT and UDC will therefore jointly collect a higher proportion of income on the new car park than they enjoy under the current agreement.

14.18 We have negotiated the improvement in 14.16 above as a joint proposal. However, when PMT are judged in isolation the table in Appendix 12 demonstrates that PMT suffer a fall in income based on actual spaces on the ground - compare columns 6 and 9. It is proposed that UDC and PMT come to an arrangement whereby UDC effectively subsidise the difference and maintain PMT's net income at 22.38% of the overall total for the car park. This involves UDC reducing from 58.22% to 55.7% although they currently only enjoy 54.19%. This is set out in columns 10 and 11 of Appendix 12.

- 14.19 If the extension plot were to be valued purely in isolation and ignoring the build costs of the new car park, then PMT/UDC jointly secure uplift in value to combined car park investment of circa £271,000 but would suffer a loss on the notional freehold transfer of the extension of circa minus £650,000 which in pure financial terms may not be justified.
- 14.20 PMT's share based on the current percentages is uplift on car park investment of say £60,000 but a loss on the notional freehold transfer of say £200,000.
- 14.21 On the basis that the extension to the store is being treated and valued in isolation, then the overall consideration is that PMT/UDC are effectively being asked to take a loss on their residual land value in order to help subsidise the construction of a new car park.
- 14.22 We have proposed that PMT swap land with UDC rather than undertake a direct sale to Waitrose. By doing this they do not suffer any notional loss of residual land value of the store extension area.
- 14.23 Finally, there is a potential scenario at some stage in the future when the existing car park is beyond economic repair. At today's prices it may cost in the region of £2.6 million to replace with a new facility which meets modern criteria and legislation but since the car park remains on PMT/UDC land, without Waitrose, you (PMT/UDC) would jointly be required to fund the rebuild.
- 14.24 PMT's share of this cost based on the current income split would be 22.38% or £581,880. Alternatively if negotiated based on a percentage of land holdings this could increase to say £1.25million.
- 14.25 There are a number of additional positives which should be considered if this development proceeds although they are difficult to quantify in pure monetary terms. A larger Waitrose will produce a higher rental value, and therefore a higher rateable value, in turn producing increased income for the local authority.
- 14.26 The larger store is also likely to attract additional shoppers to the town resulting in increased expenditure potential for other businesses in the town centre. In the longer term it might also result in higher property values and therefore rates receipts.
- 14.27 The newly built car park should require significantly lower expenditure on repairs and maintenance, which should in turn result in a higher net income to PMT/UDC as well as Waitrose. The larger store may well generate higher usage of the car park also resulting in a higher turnover level and increased car park income.
- 14.28 Having considered the position of each of the parties, and the primary and ongoing requirement of PMT/UDC to maintain a high quality car parking facility in the town centre for the foreseeable future, then based on the figures and information presented to Chase & Partners, we believe that these terms represent a fair offer to PMT. In effect Waitrose are funding the development of a new car park at no cost to PMT. The land swap with UDC would leave PMT in effectively the same position after the development in terms of total land holdings and percentage of income.

15.0 The Overall Rationale and Justification for the Pig Market Trust

- 15.1 Assuming that the proposal as set out above is ratified so that the Pig Market Trust swap part of their land with Uttlesford District Council they would then secure the following benefits:-
- 15.1.1 PMT maintain the same area of freehold land that they currently hold 23,353 sq ft.
 - 15.1.2 PMT maintain the same share of car park net income that they currently enjoy under the existing car park management agreement – 22.38%.
 - 15.1.3 Both PMT and UDC secure the construction of a completely new decked car park funded by Waitrose with no direct capital input by PMT or UDC. If maintained in good repair, this new car park should have a useable life of circa 50 years.
 - 15.1.4 The new car park has a similar number of spaces to those which have been counted on the ground (292 currently, versus 290 proposed) so income should be maintained.
 - 15.1.5 As a result of the construction of the new car park, there should also be an improvement in your net income position. Assuming that current gross income levels are maintained or increased, then PMT's net income position should improve as the level of deductible repairing costs are likely to be lower for the new car park. We understand that the existing car park has repairing issues as a result of water ingress although these have not been quantified to us and against that general background, it is likely that the repairing costs are likely to increase if the existing car park is retained.
 - 15.1.6 Waitrose are to maintain the car park income during the development period to both PMT and UDC between the closure of the existing car park facility, and the opening of the new facility. If you had to undertake your own direct development in the future this benefit would not be available.
 - 15.1.7 Despite Waitrose covering the full build cost of the new car park, PMT/UDC effectively retain full management control of the facility, through the sub-lease and CPMA.
 - 15.1.8 The construction of an extended and rearranged Waitrose store should result in additional shopper visits and higher level of car park usage to the Faircroft car park. This will increase in the level of gross turnover generating higher levels of income for the parties to the car park management agreement including PMT.
- 15.2 Assuming that PMT undertake the land swap with UDC as proposed above, in our view there is no obvious downside to the transaction as tabled. PMT suffer

no real change to their position both before and after the transaction, yet there are positive benefits and upside as set out in Point 15.1 above.

- 15.3 A direct comparison of the 305 spaces set out in the existing CPMA shows a reduction to 290 spaces for the new car park. In reality the number of spaces currently counted on the ground is only 292 spaces, and therefore there is a reduction of 2 spaces between the old and the new. Due to this however, we have been able to negotiate the current split of income to be shared between PMT/UDC of 76.6% is uplifted to 78.1%.
- 15.4 Despite PMT's actual number of spaces on the ground having reduced over the period since the original CPMA was entered in to they are not suffering any deduction to their share of 22.38% the net income.
- 15.5 If PMT decided they would prefer to sell their share of the freehold land to Waitrose/Strathclyde instead of arranging a swap with UDC then all of the above benefits would still apply, however, they would suffer a loss of spaces and therefore a loss of income which we estimate would be approximately £6,450 per annum giving a loss of capital value of circa £86,800 net of costs.
- 15.6 On balance therefore we have concluded that PMT would prefer to maintain their position as currently exists, and not suffer a notional loss on sale if the sale were to be judged in isolation from the cost benefit of having the new car park built for them.

16.0 Justification for no marketing

- 16.1 We are not aware of any marketing having been undertaken of the freehold land to be swapped with Uttlesford District Council. Since our involvement we have not been asked to offer the land for sale in the open market.
- 16.2 As a result of the proposed transaction PMT is undertaking the land swap with UDC thereby replacing land currently used for decked car parking with land used for exactly the same use.
- 16.3 If PMT as an alternative decided to sell their plot jointly with UDC to Strathclyde/Waitrose, for £100,000 (PMT share £30,530) it could use the proceeds of the sale to invest elsewhere to secure alternative income, however, due to the relatively small nature of the sum raised, in our view it would be unlikely to produce the same quality of income that it currently enjoys from the car park. We also believe that as set out in 15.0 above the future prospects for uplifting net income should improve.
- 16.4 In our view it would be difficult for any alternative forms of development to be promoted in this location on the basis of configuration/site constraints, viability, planning background, and the stance that UDC could adopt by operating in isolation.

- 16.5 Against this background it is unlikely that even if the property was placed on the open market that it would attract a bid better than the current car parking use value which is based on the income generated.
- 16.6 We have also considered whether PMT could they secure a special purchaser bid for their holding from Strathclyde/Waitrose. As we have set out in point 14.10 we do not believe that the extension of the new store can be dealt with in isolation from the building of the new car park. As a result our conclusion is that the entire scheme would not be viable for Waitrose or Strathclyde due to the very significant cost of the car park build if a figure of more than £100,000 was to be paid for the jointly held PMT/UDC plot of land. We have negotiated with Waitrose as they were originally offering nil consideration for this plot of land and we believe that that is the best figure achievable against the overall viability of the entire scheme to include the new car park.
- 16.7 Having considered the above points we do not believe that marketing of the land would secure an improved position. The proposed land swap with UDC allows PMT to maintain exactly the same level of land holding, in an almost identical location and adjacent to their existing land holding, so that they still retain the option of a sale at some time in the future.
- 16.8 It is proposed that both PMT and UDC will grant additional rights of access over their land for the benefit of the Waitrose leasehold interest. As there are already numerous rights of access granted over the PMT land we do not see this as a major disbenefit to PMT.
- 16.9 A summary of the main figures and percentages are set out in Appendix 13.

17.0 Proposed Documentation

Long Leasehold Interest

- 17.1 Waitrose was originally seeking a long leasehold interest in excess of 100 years, as they require a longer term than usual in order to write off the development costs incurred of providing the newly built car park. We have been able to negotiate this down to a 50 year term.
- 17.2 We set out below a summary of the terms and clauses within the Heads of Terms Agreement along with our comments.

Item	Party	Proposed	Position	Comments
Term	Landlord : PMT/UDC Tenant: Waitrose	50 years		To meet requirement for two 25 year occupational terms on the supermarket and allow Waitrose to write off development costs
Break Clause / Termination	Waitrose	Can determine lease at 3 months prior notice		Waitrose need to be able to exit if withdraw from

				supermarket, but the sublease and CPMA would all revert back to direct control of PMT / UDC through the freehold.
Rent		Peppercorn		
Landlord and Tenant Act 1954 (Part 2)	Waitrose	Excluded from security of tenure provisions		To ensure tenant does not have renewal rights beyond 50 year term.
Repairs	Waitrose	Repairs, decoration and maintenance of building including structure.		Eventually recharged to CPMA
Rates	Waitrose	Tenant responsible		Eventually recharged to CPMA
Insurance	PMT / UDC	Building and structure with full costs reimbursed by Tenant.		Eventually recharged to CPMA
Use		Public town centre short term car park. Defined part for horticultural sales.		
Alterations	Waitrose	Prohibition against structural or external alterations. Restriction on alterations which will affect repairing liability or net income to the CPMA		Seek to protect structure and any potential reduction in net income under CPMA.
Alienation	Waitrose	Tenant can assign leasehold including sub-lease but barred from assigning to adjacent landlord. Underletting is prohibited other than to PMT / UDC.		PMT / UDC would still retain direct control and running of car park under the sub-lease and CPMA. Adjacent landlord cannot access marriage value without referring to freeholder.
Self Build Limited		A 999 year underlease will be granted on same terms as currently exist.		Obligated to reinstate under terms of existing agreement with Self Build

17.3 The draft heads of terms are set out in Appendix 9.

Sublease Interest

17.4 The sublease is for an identical term to the head lease granted to Waitrose less three days, and the rationale behind the agreement is to allow management control to be handed back to PMT and UDC jointly. Therefore if Waitrose are no

longer involved in the running of their store or the car park in the future, then PMT/UDC are protected by retaining management control.

- 17.5 PMT/UDC are able to pass on the costs of insurance, repairs, decoration and maintenance, as well as rates to the parties subject to the car park management agreement.
- 17.6 A summary of the terms and clauses relating to the sublease along with comments are set out below.

Item	Party	Proposed	Position	Comments
Term	Head-lessee: Waitrose Sub-lease: PMT/UDC	50 years less 3 days		To meet requirement for two 25 year occupational terms on the supermarket and allow Waitrose to write off development costs
Break Clause / Termination		Can determine lease at 3 months prior notice		Waitrose need to be able to exit if withdraw from supermarket, but the sublease and CPMA would all revert back to direct control of PMT / UDC through the freehold.
Rent		Peppercorn		
Repairs	PMT / UDC	Repairs, decoration and maintenance of building including structure.		Subject to recharge to CPMA
Rates	PMT / UDC	Tenant responsible		Subject to recharge to CPMA
Insurance	PMT / UDC	Building and structure with full costs reimbursed by Tenant.		Subject to recharge to CPMA
Use		Public town centre short term car park. Defined part for horticultural sales.		
Alterations	PMT/UDC	Prohibition against structural or external alterations. Restriction on alterations which will affect repairing liability or net income to the CPMA		Seek to protect structure and any potential reduction in net income under CPMA.

Alienation	PMT/UDC	Tenant can assign to a car park operator. Underletting is prohibited other than via the CPMA.		PMT / UDC would still retain direct control and running of car park under the sub-lease and CPMA. Adjacent landlord cannot access marriage value without referring to freeholder.
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17.7 The draft heads of terms are set out in Appendix 10.

Car Park Management Agreement

17.8 A summary of the terms and clauses relating to the CPMA along with comments are set out below.

Item	Party	Current	Proposed	Position	Comments
Term	PMT/UDC/ WPLC	12 months from 20 November 1987 to roll over until notice served by either party.	25 years Intention to extend for 25 years	PMT were not a named party at the original CPMA, but now party to the agreement	
Party to manage		UDC (the operator)	UDC		
Number of spaces	PMT/UDC/ Waitrose	PMT 65 spaces UDC 158 spaces WPLC 68 spaces Total 292	PMT 65 spaces UDC 167 spaces WPLC 64 spaces Total 290		
Repairs	UDC/PMT/ WPLC		Repairs, decorations and maintenance of car park including structure. Repairs, decoration and maintenance of carpet surface and machinery.		Charged to CPMA Charged to CPMA
	Waitrose		Maintenance and repair of floor slab, parapet walls, general rails, lifts and stairs to car park.	No change	No recharge
Insurance	PMT/UDC	The operator	Responsible for car parking on UDC/PMT land, plus car park surface and machinery.		
	Operator		Public liability.		
Use			Public town centre short term car park.	Minor wording variation.	Similar position
Deductions/ expenditure		As set out in CPMA	As set out in CPMA.	No change.	See separate itemised

Installation of equipment		Original development UDC installed	Waitrose install at their cost as part of its development.	To the benefit of PMT/UDC.	list below.
Revenue	PMT/UDC/Waitrose	Split of income agreement:- PMT 21.78% UDC 56.44% Waitrose 23.43% Accounts split:- PMT 22.38% UDC 54.19% Waitrose 23.43%	Proposed income under CPMA split:- PMT 19.86% UDC 58.22% Waitrose 21.92%	It is proposed that a further adjustment is made between PMT and UDC as follows:- PMT 22.38% UDC 55.7% Waitrose 21.92%	Final adjustment so that PMT maintain some proportion of income.

17.9 The draft heads of terms are set out in Appendix 11.

17.10 A schedule is set out below which summarises the current and proposed position on deductions from the gross income.

17.11 The main difference is in relation to the term whereby under the existing CPMA it ran for 12 months but on a rolling basis until notice was served by any party, whereas the new CPMA is intended to align with the 50 year head leasehold term and is therefore divided potentially in to two 25 year terms. Otherwise, there are no other major changes other than general modernisation of the wording and the final adjustment referred to in 17.12 below.

17.12 A final adjustment is to be made between PMT and UDC so that PMT maintain their current income apportionment of 22.38%.

Old Agreement

Expenditure on:-

1. Maintenance, cleaning and repairs including resurfacing.
2. Replacement of ticket machine.
3. Provision of ticket machines and parking equipment.
4. Electricity supply for the ticket machine.
5. Staff administration.
6. Supply of tickets.
7. Rates and water rates.

New Agreement

1. Repairs – building, machinery, signage and car parking surface.
2. Maintenance – building, machinery, signage and car park surface.
3. Reinstatement – machinery, signage and car park surface.
4. Rates.
5. Insurance – buildings, machinery, signage and car park surface and liability.
6. Cleaning – buildings, machinery, signage and car park surface.
7. Energy cost.
8. Management and administration overhead.
9. NEPP management fee.

18.0 Land Transfer between the Pig Market Trust and Uttlesford District Council

- 18.1 The land transfer plans are set out in Appendix 8.
- 18.2 It is proposed that identical areas of land are swapped between PMT and UDC so PMT retain the same total land holdings. Waitrose are to cover all costs and tax charges incurred as a result of this transaction.

19.0 Recommendation

- 19.1 We have considered the above calculations, negotiations and agreements, and have concluded that the Pig Market Trust should swap the land identified with Uttlesford District Council for a nil consideration. They should also enter in to the Heads of Terms agreements on the head lease, sub lease and car park management agreement as proposed which seek to maintain their total overall land holdings without deduction and also maintain their current proportion of net car parking income.
- 19.2 On the basis that the final legal agreements including development agreement will follow the Heads of Terms agreement then based on the assumptions made, Pig Market Trust should effectively be in a no worse position than currently exists today, and following completion of the new car park development, they should be in an improved position with a new asset which is likely to be subject to lower running costs.

We trust that our report contains all the information that you require, however, if there are any queries relating to this report then they should be addressed to Mark Paynter MRICS.

Yours sincerely



Chase & Partners LLP

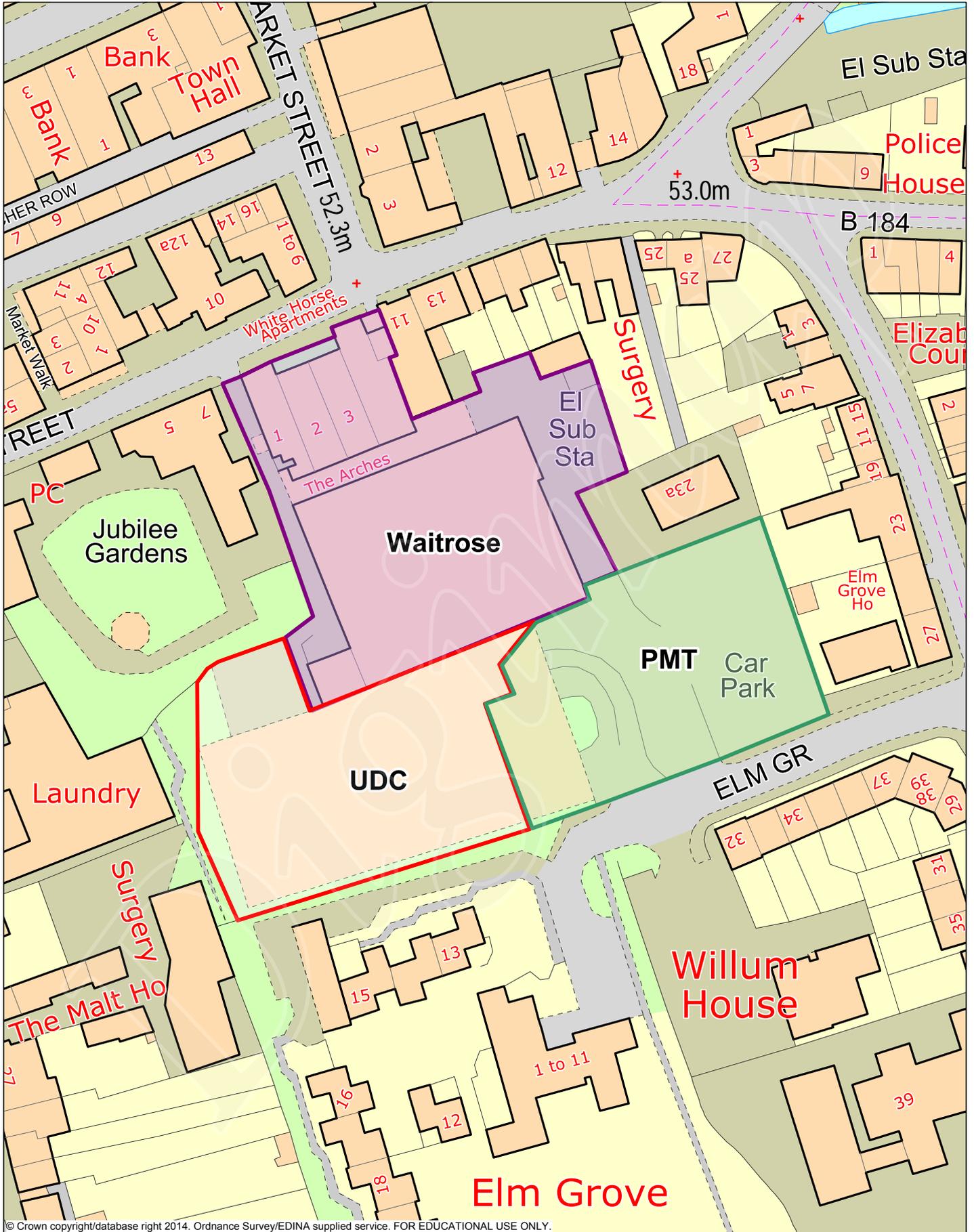
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Appendix 1	Ordnance Survey Plan
Appendix 2	Road Map Plan
Appendix 3	Goad Plan
Appendix 4	Planning Permission
Appendix 5	Title Plan PMT & UDC
Appendix 6	Self Build Heads of Terms Agreement
Appendix 7	Existing Car Park Management Agreement
Appendix 8	Plan – Sale/Swap Land PMT/UDC
Appendix 9	Heads of Terms – Long Leasehold Interest
Appendix 10	Heads of Terms – Sub-lease Interest
Appendix 11	Heads of Terms – CPMA including plan
Appendix 12	Car Park – Differential in Calculations Table
Appendix 13	PMT – Summary of Percentages and Figures

Appendix 1

Ordnance Survey Plan

Fairycroft Car Park and Waitrose
Saffron Walden



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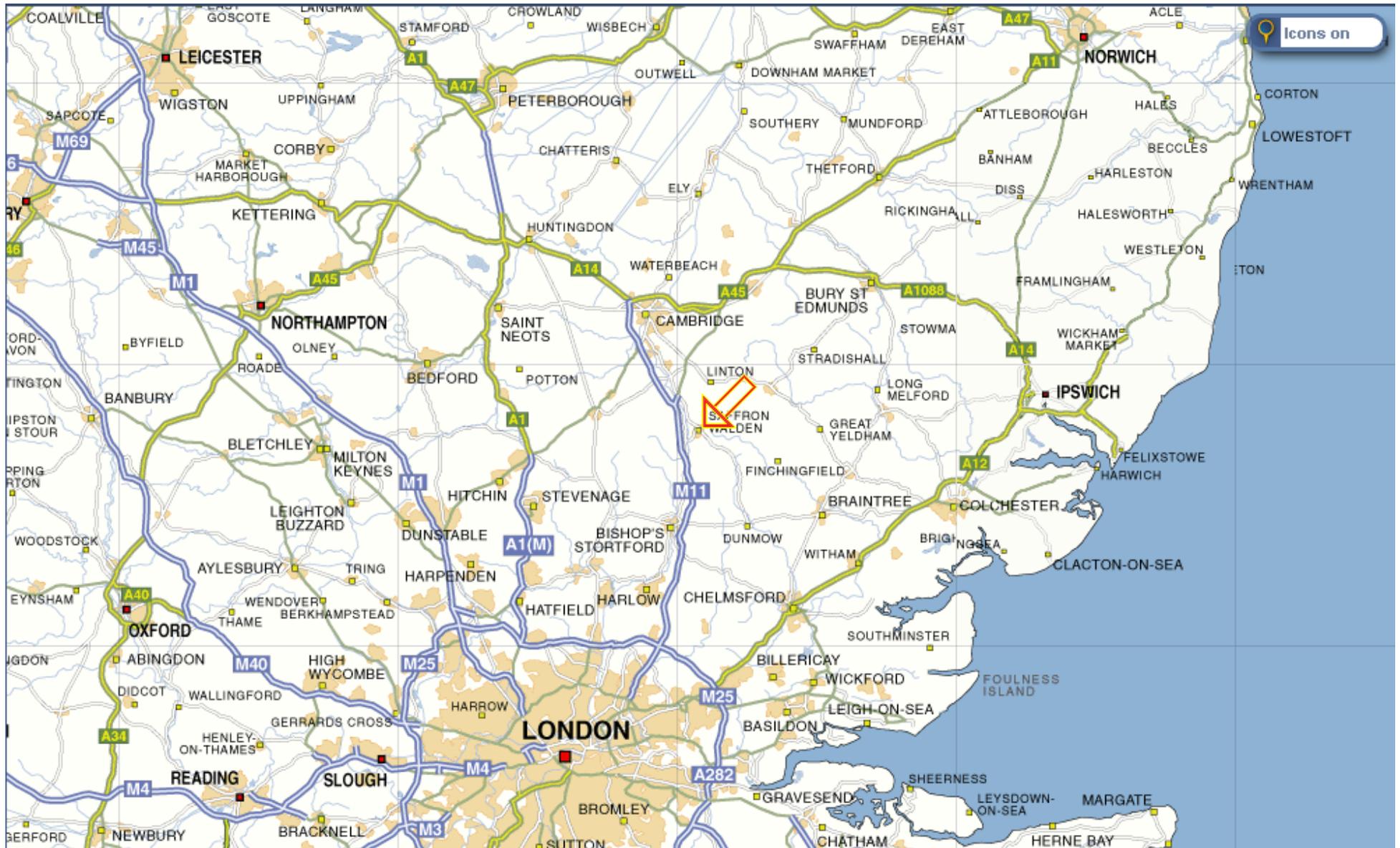
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Appendix 2

Road Map Plan



Appendix 3

Goad Plan

Appendix GFC4

Planning Permission



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510499, minicom (01799) 510479

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Application No: UTT/2012/10/FUL

Proposal: Single storey extension to existing store, replacement decked car park and extension over existing service area, associated works including relocation of roof mounted plant, replacement staircase and lift block and landscaping including removal of trees on the southern boundary and works to trees on the western boundary and ancillary cafe

Location: Waitrose Hill Street Saffron Walden

Applicant: Waitrose Ltd
c/o Barton Willmore LLP
7 Soho Square
LONDON

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

In pursuance of the powers exercised by them as local planning authority this Council, having considered your application to carry out the above development in accordance with the plans accompanying the said application, do hereby give notice of their decision to **GRANT PERMISSION** for the said development subject to compliance with the attached conditions:

Signed:

Dated: 13 June 2011

Divisional Head of Planning and Building Control

Schedule of Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

- 2 The development/works hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

- 3 Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

- 4 All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

- 5 If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: In the interests of visual amenity.

- 6 (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition "retained tree or shrub" means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity.

- 7 Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the external

surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

- 8 B) Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: In order to minimise the visual impact of the development in the street scene, to protect the amenities of neighbours and the settings of the adjacent Listed Buildings in accordance with Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005) and Policies SS3 and ENV7 of the Regional Spatial Strategy (adopted May 2008).

- 9 No demolition or construction work relating to this permission shall be carried out nor machinery operated on, nor materials be delivered to the site at any time on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 8am to 1pm on Saturdays.

REASON: To safeguard the amenities of the occupiers of neighbouring properties.

- 10 Before development commences details of the provision of wheel washing facilities and adequate turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area clear of the highway for those employed in developing the site, shall be submitted to and agreed in writing with the Local Planning Authority and thereafter implemented in accordance with the approved details.

REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 11 No removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect breeding animals which use the site.

- 12 The development shall not commence until details of any proposed external lighting scheme and security measures to reduce the potential for crime have been submitted to and approved by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity, in accordance with Policy GEN2 of the

Uttlesford Local Plan adopted 2005 and PPS1.

- 13 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the local planning authority.

REASON: The Essex Historic Environment Record and Historic Town Report and the desk based assessment submitted with the application identify the proposed development as lying within the area of the medieval town of Saffron Walden (HER 408) on the line of the medieval town defence. The town enclosure ditch was dug around the beginning of the thirteenth century under the direction of Humphrey de Bohun. The defences have been identified further to the west at the rear of Castle Street.

The town at Saffron Walden developed around the Castle, which was founded in the eleventh century by the de Mandevilles. In the early to mid 13th-century a large area to the south of the castle bailey was enclosed with new streets being laid out and enclosed by a large town ditch. Part of this enclosure survives as the Repell ditches (HER 443). It is thought that this extension to the town may be associated with the grant of a new charter in 1236. It is likely that evidence of medieval occupation will be identified on this site.

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the strip map and sample excavation of specific areas of the proposed development. In accordance with Policy ENV4 of the Uttlesford Local Plan adopted 2005, and PPS5.

- 14 Before development commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of wheeled bins for the property with a collection point no further than 25 metres from the public highway. The refuse storage and collection facilities shall be provided prior to the first operational occupation of the approved development and shall be retained in the approved form thereafter.

REASON: To meet the district council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 15 C.8.27A Before development commences details of the surface water disposal arrangements shall be submitted to and approved in writing by the local planning authority. These should encompass sustainable principles in accordance with the recommendations of PPS25 and arrangements for their ongoing maintenance. The drainage shall be constructed as approved prior to the construction of any building on the site and maintained in the same condition thereafter.

REASON: To control the risk of flooding to the development and adjoining land.

- 16 All flood risk management measures identified in the approved Flood Risk Assessment shall be incorporated into the development prior to the occupation or first use of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development.

- 17 Before commencement of development details of the location and design of secure and covered bicycle parking facilities for staff and customers shall be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be provided before first operational occupation of the approved development and retained at all times thereafter.

REASON: To ensure appropriate bicycle parking is provided in the interest of accessibility and sustainability, in accordance with Policies GEN1, RS1 and GEN8 of the Uttlesford Local Plan adopted 2005, ECC Parking Standards (2009) Policy SS1 and SS3 of the Regional Spatial Strategy (adopted May 2008) also PPS4 and PPG13.

- 18 Before operational occupation of the hereby permitted development a Travel Plan shall be submitted to and approved by the Local Planning Authority, and thereafter shall be implemented in accordance with the approved details. The Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority and be subject to ongoing monitoring and review in association with the Sustainable Travel Team at Essex County Council.

REASON: In the interests of accessibility and to promote the use of public transport, walking and cycling, in accordance with Policies GEN1, RS1 and GEN8 of the Uttlesford Local Plan adopted 2005, ECC Parking Standards (2009), Policy SS1 and SS3 of the Regional Spatial Strategy (adopted May 2008) also PPS4 and PPG13.

- 19 Before the commencement of development details of the temporary transport service/facility and temporary signage during construction to be provided to include frequency, times, directional and drop off/pick up locations shall be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be provided from commencement of development until the reopening to the public of the Car Park.

REASON: In the interests of accessibility, in accordance with Policies GEN1, RS1 and GEN8 of the Uttlesford Local Plan adopted 2005, ECC Parking Standards (2009), Policy SS1 and SS3 of the Regional Spatial Strategy (adopted May 2008) also PPS4 and PPG13.

- 20 All plant, machinery and equipment installed or operated in connection with the implementation of this permission shall be so enclosed and/or attenuated that noise emanating there from does not, at any time, increase the ambient equivalent continuous noise level as measured according to British Standard BS4142:1990 at any adjoining or nearby residential property.

REASON: To protect the amenities of the occupiers of adjoining properties.

21 Before development commences details of floodlighting must be submitted to and approved by the local planning authority in writing.

REASON: To ensure the development does not adversely affect the rural character of the area.

22 The development as designed, specified and built shall achieve an equivalent BREEAM rating of 'very good'. The applicant will provide the planning authority with a BREEAM design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a BREEAM post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction

23 The demolition of the existing buildings on site shall be designed to enable the maximum possible on-site recycling of materials of properties to be demolished.

REASON: In the interests of amenity and sustainability.

Schedule of Policies:

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
EEPSS1	Achieving Sustainable Development
EEPSS3	Key Centres for Development and Change
EEPE5	Regional Structure of Town Centres
EEPENV7	Quality in the Built Environment
EEPENG1	Carbo Dioxide Emissions and Energy Performance
EEPT1	
EEPT14	Parking
PPG13	Transport
SPD4	Energy Efficiency and Renewable Energy
ECCP	ECC Parking Standards (Design & Good Practice)September 2009
PPG24	Planning and Noise
S1	Settlement Boundaries for Main Urban Areas
RS2	Town and Local Centres
SW1	Town Centre
GEN1	Access
GEN2	Design
ENV1	Design of development within Conservation Areas
ENV2	Development affecting Listed Buildings
ENV4	Ancient Monuments and Sites of Archaeological Importance
RS1	Access to Retailing Services

ENV13	Exposure to poor air quality
GEN4	Good Neighbourliness
ENV11	Noise generators
GEN7	Nature Conservation
ENV3	Open Spaces and Trees
GEN8	Vehicle Parking Standards
GEN3	Flood Protection
ENV14	Contaminated Land

Approved Drawings and Plans:

Existing 10-024-Y(p)-001 A - received 01 Nov 2010

Proposed 10-024-AZ(P)-001 A - received 01 Nov 2010

10-024-YA(P)-102 A - received 01 Nov 2010

10-024-YA(P)-101 A - received 01 Nov 2010

10-024-YA(P)-G02 A - received 01 Nov 2010

10-024-YA(P)-G01 A - received 01 Nov 2010

10-024-YE(P)-001 A - received 01 Nov 2010

10-024-AG(P)-G02 A - received 01 Nov 2010

10-024-AG(P)-101 A - received 01 Nov 2010

10-024-AG(P)-102 A - received 01 Nov 2010

10-024-AG(P)-201 A - received 01 Nov 2010

10-024-AG(P)-202 A - received 01 Nov 2010

10-024-AX(P)-001 A - received 01 Nov 2010

10-024-AE(P)-001 A - received 01 Nov 2010

10-024-AG(P)- G01 A - received 01 Nov 2010

GC 44763.001 A - received 01 Nov 2010

GC 44763.002 A - received 01 Nov 2010

GC 44763.004 A - received 01 Nov 2010

10-024-AZ(P)-002 A - received 01 Nov 2010

10-024-AG(P)-G03 - received 16 Nov 2010

10-024-AG9P0-G04 - received 16 Nov 2010

Notes:

- 1 REASONS FOR APPROVAL: The proposed development overall accords with local and national policies in terms of principle. The site is located within a policy preferred town centre location which is sustainable, resulting in less reliance on use of private transport and would not adversely affect the retail provision, vitality and /or viability of the town centre. The level of car parking is acceptable in this sustainable location and there would be no detrimental impact upon the highway network. The proposed design is acceptable, would not adversely affect the setting of adjacent listed buildings and would preserve and enhance the character and appearance of the Conservation Area. It would not adversely impact upon the local, visual and residential amenity of neighbouring occupiers.

Subject to the imposition of the attached conditions, the proposed development is therefore acceptable having been assessed in light of all material considerations including weighting against policies of the development plan listed above. There are no other policies or other material considerations which are overriding, or warrant the withholding of planning permission.

2 NOTES

* This permission does not incorporate Listed Building Consent unless specifically stated.

* The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.

* The Development Plan comprises the East of England Plan (2006), the saved policies of the Essex Replacement Structure Plan (2001) and the saved policies of the Uttlesford Local Plan (2005).

* It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.

* Your attention is drawn to the need to check with the Council's Building Surveying Section regarding the requirements for fire-fighting access.

* Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.

* If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the Council's Engineer on 01799 510521 for the necessary permission from the Council and the Environment Agency. You may also have to seek consent from the County Highways Authority.

* Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.

* If you are aggrieved by the decision of the Council to grant permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990, section 20 and 21 of The Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisement) Regulations 1992.

* If you want to appeal against the Council's decision then you must do so within 12 weeks if it is a Householder application, 6 months for Conservation Area Consent applications, Listed Building applications and all other planning applications or within 8 weeks in relation to Advertisement applications.

* If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder application) of the date of this notice, whichever period expires earlier.

* The Inspectorate will publish details of your appeal on the internet. Please only

provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

* Appeals must be made using a form available from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk.

* If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3 The site is located within an Environment Agency defined Groundwater Source Protection Zone (SPZ). Construction works should be in accordance with the British Standards and Best Management Practices to significantly reduce groundwater pollution risk. If any pollution is found at the site then appropriate monitoring and remediation methods will need to be undertaken. Please refer to CIRA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

- 4 You are advised to contact Essex County Council Highways and Transportation, West Area Office, Goodman House, Station Approach, HARLOW Essex CM20 2ET (telephone: 0845 6037621) to seek approval prior to any works being carried out within the limits of the public highway.

Appendix 5
Title Plan PMT & UDC

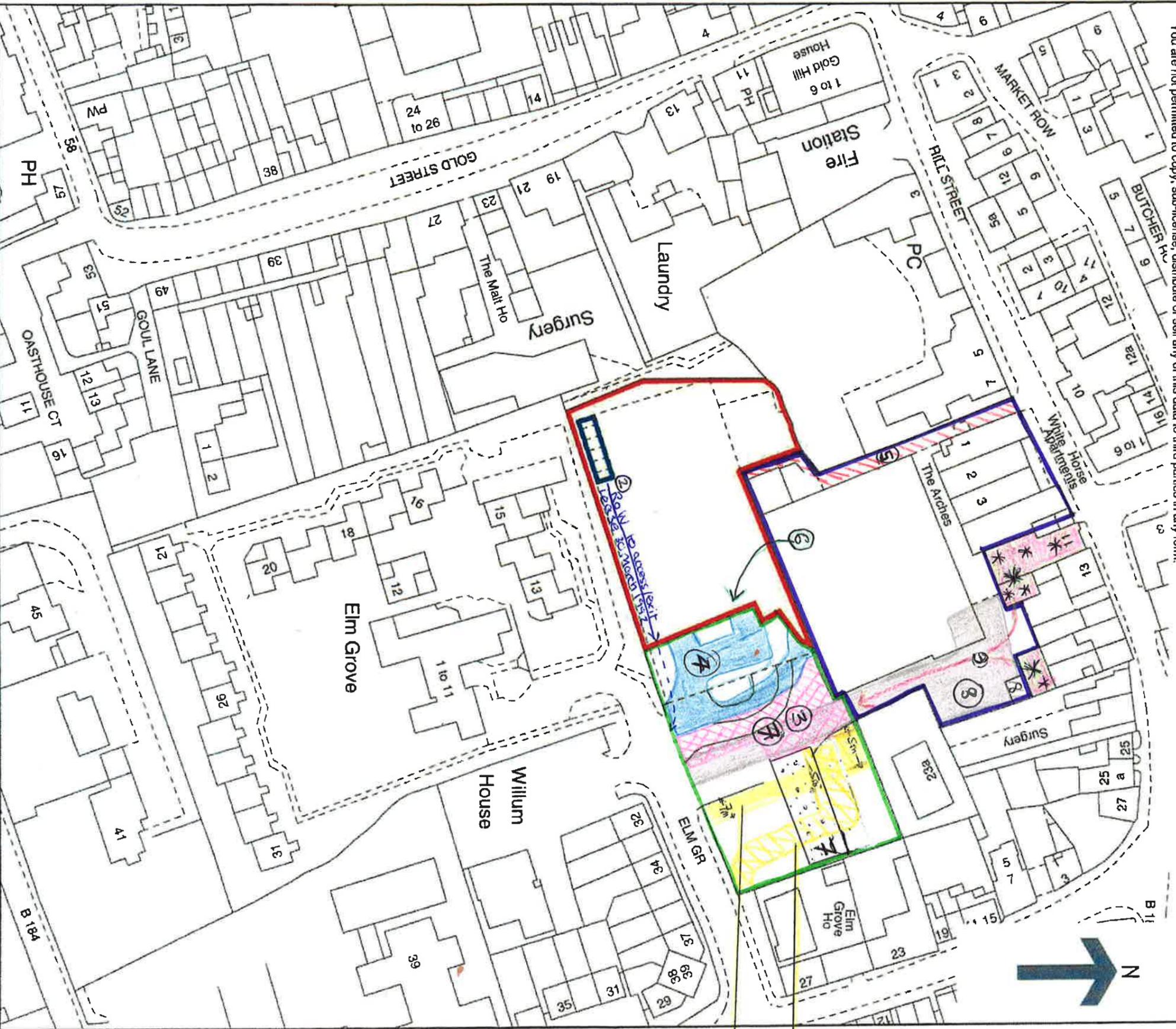
Land Registry Official copy of title plan

Title number **EX891282**
Ordnance Survey map reference **TL5338SE**
Scale **1:1250** enlarged from 1:2500
Administrative area **Essex: Uttlesford**



NOT TO SCALE

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This official copy issued on 20 May 2013 shows the state of this title plan on 20 May 2013 at 14:53:36. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Peterborough Office.

- = Ex 891282 - UDC owned
- = Pig Market Chantry - unregistered
- = Ex 357978 Aberdeen Investments - leased to Waitrose (unregistered lease)
- = Lease of GNB parking spaces from (c) UDC to (2) Self-Build Ltd (30/03/1972)

Caution
EX 820299
Caution
EX 820309
①

Appendix 6
Self Build
Heads of Terms Agreement

Draft Heads of Terms for the relocation of parking spaces for Self Build Limited in connection with the development to be carried out at Waitrose, Hill Street, Saffron Walden, Essex, CB10 1EH. (Subject to Contract)

1. Parties

These will be Uttlesford District Council (UDC) and Self Build Limited. (SB) and Waitrose Limited (W).

2. These Heads of Terms are with reference to the Licence dated the 30th March 1992 between The District Council of Uttlesford to Self Build Limited.

Under the terms of the Agreement the UDC shall have the right to terminate this Licence upon giving SB not less than six months previous notice in writing to redevelop its land.

UDC wish to enter into a Development Agreement with Waitrose Limited to carry out such a redevelopment.

3. UDC will serve the notice on SB. SB will duly acknowledge receipt of the notice by recorded delivery.

4. During the course of the redevelopment, W will provide 6 temporary private motor vehicle spaces in the location shown in the attached drawing pack. In the event that the spaces are not available for use during the redevelopment period, as witnessed by photographic evidence then SB will be entitled to make a claim for loss of those spaces until made available again. The penal rate will be £20 per space per day.

5. During the course of the redevelopment, UDC will indemnify SB against any claims arising as a direct result of the relocation of the spaces.

6. Upon completion of the redevelopment, SB will receive a new Licence for the 6 spaces in the form annexed hereto to take on board the terms of the existing Licence.

7. W will provide 6 private motor vehicle spaces in the location shown in the attached drawing pack. The 'replacement spaces'.

8. The 'replacement spaces' will be marked out in a different colour from the other parking spaces in the car park. Pull up bollards will be provided for each space. The spaces will be suitably signed.

9. Temporary servicing access to the tenants of Self Build will be made available for the redevelopment period.

10. SB require an undertaking of £500 towards their fees in this matter. In addition SB's duly appointed lawyer will require an undertaking for their reasonable and proper fees to be paid.

11. The redevelopment of the Car Park is anticipated to take 26 weeks and works are provisionally due to commence on the 5th January 2015.

12. If the redevelopment does not proceed, then provision will be made for the Notice to be withdrawn and SB will continue to occupy their existing spaces under the terms of the current Licence Agreement.

Appendix 7
Existing Car Park Management
Agreement

JLΦAE/φ32

Dated 20th November 1987

WAITROSE LIMITED

and

UTTLESFORD DISTRICT COUNCIL

AGREEMENT

for use of the Supermarket roof
car park at Hill Street
Saffron Walden Essex

3072/034

THIS AGREEMENT is made 20th day of November
One thousand nine hundred and eightyseven between WAITROSE
LIMITED whose registered office is situate at 4 Old Cavendish
Street London ("Waitrose") of the first part and UTTLESFORD
DISTRICT COUNCIL Council Offices Debden Road Saffron
Walden Essex ("the Council") the second part

WHEREAS: _____

(1) Waitrose is the Lessee of the supermarket at Hill Street
Saffron Walden in the County of Essex shown edged red on the
plan annexed hereto ("the Plan") for a term of Thirty five
years from _____ upon which is constructed a
roof car park ("the roof car park") _____

(2) The Council is the owner in fee simple of the land at
the rear of Hill Street Saffron Walden ("the blue
land") shown edged in blue on the plan which is operated as a
public car park _____

(3) Waitrose and the Council have agreed their respective
car parks be managed as one on the terms hereinafter
appearing

NOW THIS DEED WITNESSETH AS FOLLOWS:- _____

1 In consideration of the payments hereinafter agreed to
be made by the Council and the agreements and conditions
hereinafter contained and on the part of the Council to be
observed and performed Waitrose hereby grant to the Council
for a period of twelve months commencing on the 20th day
of November One thousand nine hundred and eightyseven
("the operative date") the following rights in accordance
with the provisions of this Licence _____

(a) The right to the Council to use the roof car park as a
parking place for vehicles _____

(b) The right to the Council to install and maintain for the period of this Licence one or more vehicle parking ticket machines and charge display boards together with the electricity supply thereto and communication cables thereto

(c) The right to the Council's Agents and Employees to visit the roof car park to exercise the rights set out in Clause 1(a) and (b) and to carry out the responsibilities set out in Clause 3 hereof

2 Waitrose hereby agree with the Council to

Maintain and repair throughout the period of this Licence the Floor slab supporting the roof car park (but excluding the surface thereof) and the surrounding parapet wall or guard rails (as the case may be) to the standard required for a public car park PROVIDED that it shall be under no liability for any loss damage or injury suffered by users of the car park, attributable to any damage to the floor slab or parapet wall or guard rails, until such damage shall have been notified to them and they shall have had a reasonable opportunity to remedy it

(ii) keep the lifts and stairs open and adequately lit to the public and operational during the opening hours of the supermarket and comply with any provisions of any statutes relating thereto

3 The Council hereby agrees to use the roof car park as a public car park only and to manage the combined car park

formed by the blue land owned by the Council and the roof car park owned by Waitrose as a public car park ("the car park") in accordance with the provisions of this Licence and to be responsible for the following matters:-

- (i) the installation and maintenance of vehicle parking ticket machines charge display boards parking control equipment and vehicle parking signs as necessary on the car park together with the electricity supply and communication cables thereto
- (ii) The collection of parking charges and excess charges
- (iii) The prosecution of offences in cases where excess charges are not paid and other breaches of the Off Street Parking Places Order
- (iv) The inspection of the car park at regular intervals by the District Council's officers or agents to ensure that persons using the car park have paid the proper charge and comply with other terms of the Off Street Car Parking Order affecting the car park
- (v) The cleaning of the roof car park with or without mechanical equipment the installation maintenance and repair of litter bins on the roof car park as necessary and the supply of grit or salt during winter for use on the ramps at the car park
- (vi) Maintenance and repair of the surface of the roof car park
- (vii) The payment to Waitrose of the sums hereinafter set

out in Clauses 5 and 7 hereof _____

4 The Council shall use its best endeavours to ensure that the car park is operated as a short term car park intended for use by shoppers and shall not sell season tickets for car parking on the roof car park or the blue land except that the Council may grant a Licence to Choppens & Company Ltd for the four parking spaces shown edged in green on the plan

5 It is hereby agreed that the total revenue accruing from the parking charges and excess charges to be collected by the Council (less the deductions described in Clause 7 hereof) shall be divided amongst the parties hereto in a proportion set out in the Schedule hereto such proportions being based on the number of parking bays situated on the lands of the respective parties and such sums (insofar as they are payable to Waitrose) to be paid by the Council in arrear on the thirtieth day of the months of January and July in respect of the sums due from the six calendar months ending with the last day of the month preceding such dates the first payment to be made on the _____ day of One thousand nine hundred and eighty _____ and being a proportionate payment from the operative date _____

6 Waitrose shall collect shopping trolleys provided by Waitrose from the car park and may introduce a deposit scheme for the recovery of trolleys if Waitrose consider such a scheme appropriate. _____

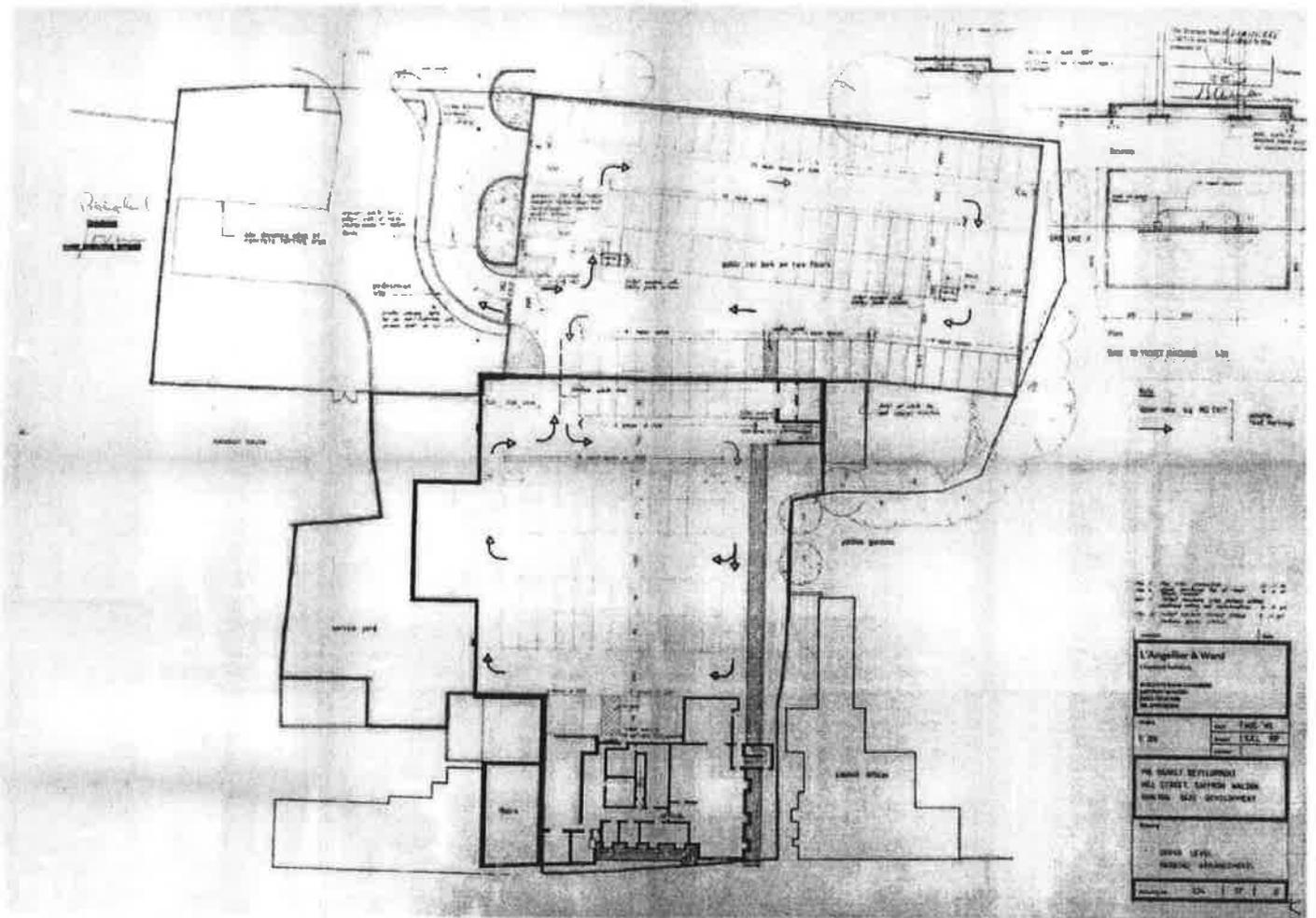
7 It is hereby agreed that the following running expenses of the car park shall be deducted from the total revenue accruing from the parking charges and excess charges of the car parks _____

- (a) Including (inter alia) expenditure on
- (i) Maintenance cleaning and repairs including resurfacing
 - (ii) The replacement of ticket machines
 - (iii) The provision of ticket machines and parking equipment
 - (iv) Electricity supply for the ticket machines
 - (v) Staff administration
 - (vi) Supply of tickets
 - (vii) Rates and water rates
- (b) Excluding the initial capital expense of constructing and laying out the car park

8 The Council hereby agrees

- i Not to alter the parking charges set out in the Order or to alter the designation of the car park as a short term car park without prior consultation and agreement with Waitrose
- ii To make an Off Street Parking Places Order governing the use of the car park following consultation with Waitrose _____

9 This Licence shall commence on the operative date and shall remain in force for a period of twelve months certain from that date and (unless determined at the end of the twelve month period by notice given in writing by either of the parties hereto to the other party not less than six months before the end of the twelve month period) shall thereafter continue until determined by either of the parties hereto giving to each of the other parties not less than six months notice in writing expiring on the last day of any calendar month whereupon the District Council shall within one month remove from the roof car park any vehicle parking



retained by Waitrose subject however to the rights granted by this Licence and each party shall insure the land in its respective ownership

IN WITNESS WHEREOF the Council and the company have caused their respective common seals to be hereunto affixed the day and year first before written _____

THE SCHEDULE

Party	The Land	No. of Parking Bays	Percentage of Revenue (less costs)
The Council	edged blue	234	76.72
Waitrose	edged red	71	23.27

The Common Seal of
WAITROSE LIMITED was
hereunto affixed in the
presence of:

Directors
Secretary

J.R. Card
B. Oulund

The Common Seal of
UTTLESFORD DISTRICT
Council was hereunto
affixed in the presence of:

Chairman

H. V. ...



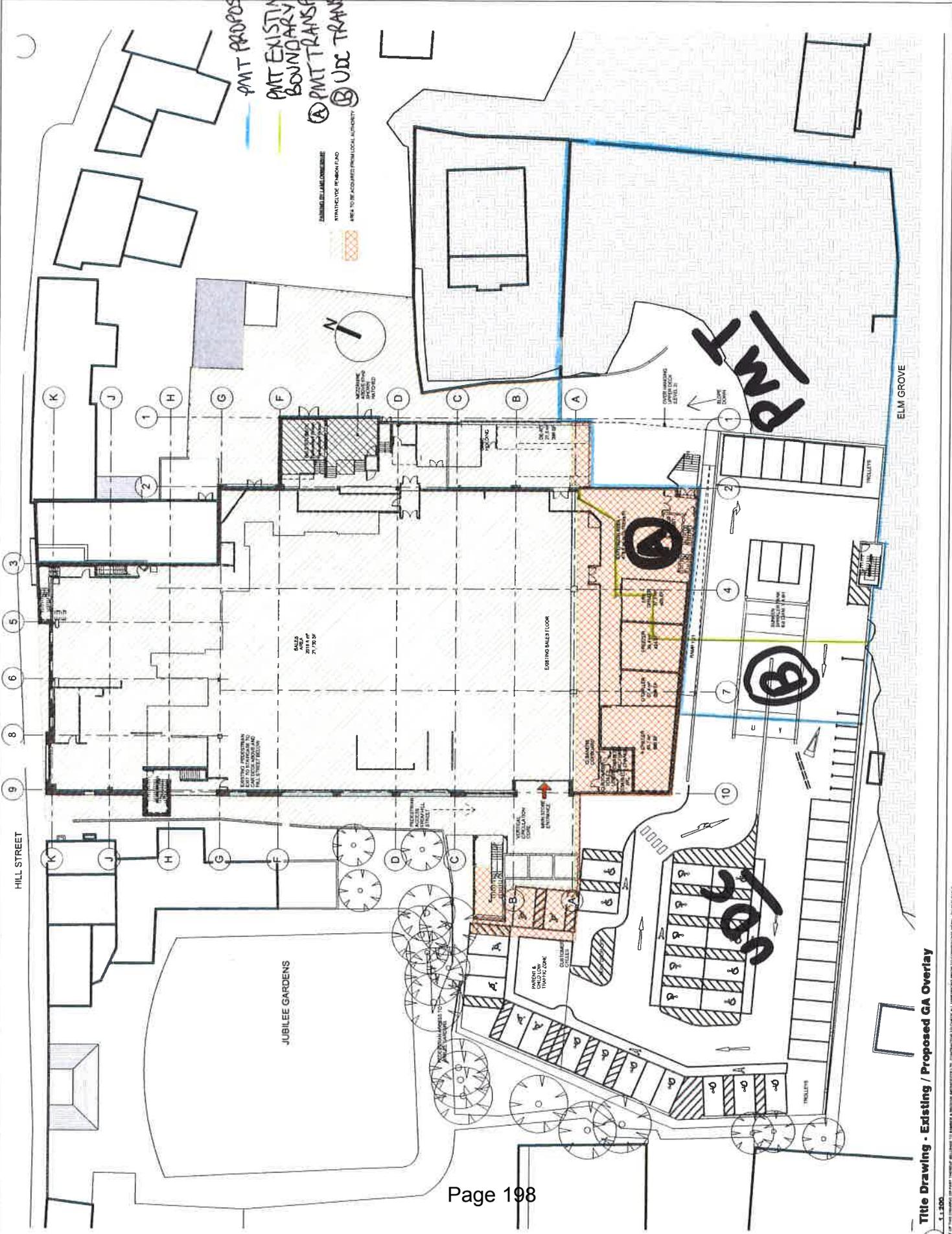
Chief Executive Officer

J. H. V. ...

R.

K

Appendix 8
Plan – Sale/Swap Land PMT/UDC



PMT PROPOSED
 PMT EXISTING BOUNDARY
 BOUNDARY TO WDC
 A PMT TRANSFER TO WDC
 B UDC TRANSFER TO PMT

LANDING TO LAKE CONCOURSE
 STAIRCASE PERMITS P.A.O.
 AREA TO BE ACQUIRED FROM LOCAL AUTHORITY

PROJECT		MATTRESS SHOPS WALKER	
DESIGNED BY		HARRIS ARCHITECTS	
DATE		11/11/11	
SCALE		1:100	
DRAWN BY		HARRIS ARCHITECTS	
CHECKED BY		HARRIS ARCHITECTS	
APPROVED BY		HARRIS ARCHITECTS	
INFORMATION			
HARRIS ARCHITECTS			

HILL STREET

ELM GROVE

JUBILEE GARDENS

SALES AREA
 27,733 SQ FT

EXISTING SALES FLOOR

THE COPYRIGHT OF THIS DRAWING OR PART THEREOF BELONGS TO HARRIS ARCHITECTS LTD. NO PART OF THIS DRAWING OR PART THEREOF IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF HARRIS ARCHITECTS LTD.

Appendix 9
Heads of Terms
Long Leasehold Interest

A2)Saffron Walden Fairycroft Car Park – Land Off Elm Grove Head Lease Agreement

30 April 2014

1. Parties

Landlord

UDC /PMT

Tenant

JLP / Waitrose

2. Demise

All that land and newly constructed car park located to the rear of the existing Waitrose store fronting Hill Street and with access from Elm Grove as highlighted in red on the attached plan and any necessary easements and existing service media.

3. Rent

An annual peppercorn rent exclusive of rates, insurance premium, service charge and VAT throughout the term without review.

4. Insurance

The landlord will be responsible for full insurance of the building and the structure. The tenant will reimburse the full costs of insurance to the landlord.

5. Repairs and Decoration

The tenant will be responsible for all repairs decoration and maintenance of the building including the structure throughout the term. The landlord to have step in rights in the event that the tenant does not repair and/or decorate.

6. Premium

Nil premium will be payable for the benefit of the leasehold interest.

7. Term

A lease of 50 years from the practical completion date of the entire building including the extension to the Waitrose store, with transfer/completion subject to satisfaction of the conditions set out below.

8. User

The building is to be used as a public town centre car park. The tenant will be able to use part of the car park as identified on the attached red line plan for horticultural sales but allowing full access at all times for shoppers, pedestrians and vehicles.

9. Rates

The tenant is to be responsible for all rates which are levied on the building.

10. VAT and Other Taxes

The tenant is to be responsible for the payment of all taxes including VAT as set out in a general sweeper clause.

11. Alterations

The tenant is to be able to carry out any minor alterations without landlord's consent which do not, nor are likely to, impose a greater repairing liability on the parties to the Car Park Management Agreement. Further, they will not, nor are likely to reduce the net income payable to the parties under that same agreement.

All other alterations will require landlord's consent which is not to be unreasonably withheld or delayed. For the avoidance of doubt it would be deemed reasonable to withhold landlord's consent if any alterations will or are likely to impose a greater repairing liability on the parties to the Car Park Management Agreement, or reduce, or are likely to reduce the net income payable to the parties under that same agreement.

The tenant will not be permitted to make alterations to the structure or exterior.

Non-structural alterations will be permitted with the previous written consent of the landlord which shall not be unreasonably withheld.

12. Reinstatement

The tenant is not required to fully reinstate the property at the expiry of the term, but it will be returned in good and proper repair.

13. Alienation

The tenant is to be permitted to assign their leasehold interest subject to the under lease without requiring the consent of the landlord although shall notify the landlord of any assignment. The tenant shall not be permitted however, to assign their leasehold interest to the owner of the adjoining supermarket at Hill Street.

14. Under lease to Self Build Limited

The head lease will be subject to a 999 year under lease to Self Build Limited granted prior to the grant of the head lease.

15. Underletting

Underletting is prohibited save that the tenant has the right to grant the under lease to UDC/PMT.

16. Tenant Break Clause/ Termination

The tenant shall be permitted to determine the lease upon giving not less than 3 months' written notice.

17. Signage

All permanent signs visible from the exterior of the premises to be subject to the landlord's consent. No external temporary signage is permitted.

18. Landlord and Tenant Act 1954 (Part II)

The head lease is excluded from the security of tenure provisions of the Landlord and Tenant Act 1954 (Part II)

19. Legal and Other Costs

Waitrose are to be responsible for both parties' reasonable legal and surveyor's costs in relation to the granting of the long leasehold interest.

20. Conditions

- i) Subject to contract.
- ii) The granting of the head lease will be subject to:
- iii) Practical completion of the car park building and the extension of the Waitrose store, based upon an agreed specification and plans.
- iv) Completion of the agreement for the under lease to UDC/PMT.
- v) Granting of an under lease to Self Build Limited for a term of 999 years.
- vi) Completion of all conditions within the Development Agreement between the parties to include the grant of a Car Park Management Agreement between the Landlord and Tenant.
- vii) Transfer and completion of all warranties to UDC/PMT.
- viii) Full sign off by Uttlesford District Council, and Uttlesford District Council acting as Trustees on behalf of the Pig Market Trust.
- ix) Charity commission approval.
- x) Waitrose Board approval.

Landlord's Contact

Uttlesford District Council
Council Offices
London Road
SAFFRON WALDEN
Essex
CB11 4ER

FAO: Andrew Taylor
Direct: 01799 510 601
Email: ataylor@uttlesford.gov.uk

Landlord's Agent

Chase and Partners LLP
Highlight House
57 Margaret St
London
W1W 8SJ

FAO: Mark Paynter
Tel: +44 207 462 1340
Email: rmp@chaseandpartners.co.uk

Landlord's Solicitor

Uttlesford District Council
Legal Department
Council Offices
London Road
SAFFRON WALDEN
Essex
CB11 4ER

FAO: Catherine Nicholson
Direct: 01799 510420
Email: cnicholson@uttlesford.gov.uk

Tenant's Agent

Rand Chartered Surveyors
South Point House
321 Chase Road
LONDON
N14 6JT

FAO: Nigel Rand
Tel: 020 3232 0024
Email: nigel@rand-surveyors.co.uk

Tenant's Solicitor

Eversheds

David Newstone

1 Wood Street

London

EC2V 7WS

Tel: 0845 497 9797

Email: davidnewstone@eversheds.com

Appendix 10
Heads of Terms
Sub-lease Interest

A3) Saffron Walden Fairycroft Car Park – Land Off Elm Grove Under Lease Agreement

30 April 2014

1. Parties

Landlord

JLP / Waitrose

Tenant

UDC /PMT

2. Demise

All that land and newly constructed car park located to the rear of the existing Waitrose store fronting Hill Street and with access from Elm Grove as highlighted in red on the attached plan and any necessary easements and existing service media.

3. Rent

An annual peppercorn rent exclusive of rates, insurance premium, service charge and VAT throughout the term without review.

4. Insurance

UDC/PMT as freeholder will be responsible for full insurance of the building and the structure. The tenant will reimburse the full costs of insurance to the landlord.

5. Repairs and Decoration

The tenant will be responsible for all repairs decoration and maintenance of the building including the structure throughout the term. The landlord to have step in rights in the event that the tenant does not repair and/or decorate. Part of the car park as identified on the attached red line plan is to be used by the landlord for horticultural sales and is excluded from the tenant's repairing liability. The landlord covenants to repair this area and for the avoidance of doubt, the cost of repairs will be the responsibility of the landlord and will not be reflected as an item of expenditure within the CPMA.

6. Premium

Nil premium will be payable for the benefit of the leasehold interest.

7. Term

A lease of 50 years less 3 days from the practical completion date of the entire building including the extension to the Waitrose store, with final transfer/completion subject to satisfaction of the conditions set out below.

8. User

The building is to be used as a public town centre car park.

9. External Horticultural Unit

The landlord will be able to use part of the car park as identified on the attached red line plan for horticultural sales but allowing full access at all times for shoppers, pedestrians and vehicles.

10. Car Park Charging Policy

The tenant will be required to make charges for car parking in line with UDC's general town centre shopping charging policy.

11. Rates

The tenant is to be responsible for all rates which are levied on the building.

12. VAT and Other Taxes

The tenant is to be responsible for the payment of all taxes including VAT as set out in a general sweeper clause. The tenant will opt to tax prior to the grant of the headlease for the purposes of VAT.

13. Alterations

The tenant is to be able to carry out any minor alterations without landlord's consent which do not, nor are likely to, impose a greater repairing liability on the parties to the Car Park Management Agreement. Further, they will not, nor are likely to reduce the net income payable to the parties under that same agreement.

All other alterations will require landlord's consent which is not to be unreasonably withheld or delayed. For the avoidance of doubt it would be deemed reasonable to withhold landlord's consent if any alterations will or are likely to impose a greater repairing liability on the parties to the Car Park Management Agreement, or reduce, or are likely to reduce the net income payable to the parties under that same agreement.

The tenant will not be permitted to make alterations to the structure or exterior.

Non-structural alterations will be permitted with the previous written consent of the landlord which shall not be unreasonably withheld.

14. Reinstatement

The tenant is not required to fully reinstate the property at the expiry of the term, but it will be returned in good and proper repair.

15. Alienation

The tenant is permitted to assign their leasehold interest to a car park operator, subject to obtaining the landlord's prior written consent, such consent not to be unreasonably withheld.

16. Underletting

Absolute prohibition.

17. Signage

All permanent signs visible from the exterior of the premises to be subject to the Landlord's consent. No external temporary signage is permitted.

18. Legal and Other Costs

Waitrose are to be responsible for both parties' reasonable legal and surveyor's costs in relation to the granting of the under leasehold interest.

19. Conditions

- i) Subject to contract.
- ii) The granting of the head lease will be subject to:
- iii) Practical completion of the car park building and the extension of the Waitrose store, based upon an agreed specification and plans.
- iv) Completion of the agreement for the under lease to UDC/PMT.
- v) Completion of all conditions within the Development Agreement between the parties to include the grant of a Car Park Management Agreement between the Landlord and Tenant.
- vi) Transfer and completion of all warranties to UDC/PMT.
- vii) Full sign off by Uttlesford District Council, and Uttlesford District Council acting as Trustees on behalf of the Pig Market Trust.
- viii) Charity commission approval.
- ix) Waitrose Board approval.

Landlord's Agent

Rand Chartered Surveyors
South Point House
321 Chase Road
LONDON
N14 6JT

FAO: Nigel Rand
Tel: 020 3232 0024
Email: nigel@rand-surveyors.co.uk

Landlord's Solicitor

Eversheds
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1 Wood Street
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EC2V 7WS
Tel: 0845 497 9797
Email: davidnewstone@eversheds.com

Tenant's Agent

Chase and Partners LLP
Highlight House
57 Margaret St
London
W1W 8SJ

FAO: Mark Paynter
Tel: +44 207 462 1340
Email: rmp@chaseandpartners.co.uk

Tenant's Solicitor

Uttlesford District Council
Legal Department
Council Offices
London Road
SAFFRON WALDEN
Essex
CB11 4ER

FAO: Catherine Nicholson
Direct: 01799 510420
Email: cnicholson@uttlesford.gov.uk

Appendix 11
Heads of Terms
CPMA Including Plan

A 4) Saffron Walden Fairycroft Car Park Car Park Management Agreement

FINAL AGREED DRAFT

2 October 2014

1.0 The Car Park

1.1 The Car Park on the land held in the following ownerships:

1.1.1 Waitrose Land- Lease dated 26 June 1987 together with supplemental and reversionary leases (Waitrose Leases) as edged red on the attached plan.

1.1.2 Uttlesford District Council Land-Freehold land edged blue on the attached plan

1.1.3 Uttlesford District Council acting as trustees on behalf of the Pig Market Trust Land- Freehold land edged green on the attached plan

1.1.4 Uttlesford District Council/Pig Market Trust Land- Head Lease and Under Lease (Car Park Leases) edged purple on the attached plan

(Detailed plans of layout to be supplied by Waitrose)

2.0 The Parties

2.1 Uttlesford District Council (UDC)
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

2.2 Uttlesford District Council acting as Trustees
on behalf of the Pig Market Trust (PMT)
Council Offices
London Road
Saffron Walden
Essex CB11 4E

2.3 Waitrose Limited (WL)
171 Victoria Street
London
SW1E 5NN

3.0 Term

3.1 The agreement (CPMA) between the parties is for a term of 25 years to run from the date of practical completion of the development.

4.0 Renewal

- 4.1 Upon expiry of the first term of the CPMA, the intention of the parties is that the CPMA is to be renewed for a further 25 year term on materially the same terms subject to modernisation.

5.0 Party appointed to Manage

- 5.1 Initially "UDC" (The Operator) is to be responsible for the management and day to day running of the car park under this agreement. UDC permitted to outsource to NEPP. This can be amended subject to agreement between "The Parties". UDC is to have the final decision.

6.0 Repairs

- 6.1 UDC/PMT will be responsible for all repairs decoration and maintenance of the Car Park on UDC/PMT land including the structure throughout the term in accordance with the covenants and obligations contained within the Car Park Leases. The Operator will be responsible for all repairs decoration and maintenance of the surface of the Car Park and Car Park Machinery. All the above costs of repair to be charged back through the car park management agreement.
- 6.2 Waitrose will be responsible for the maintenance and repair of the floor slab supporting the roof top car park, including the parapet walls and the guard rails, the lifts and stairs to the car park but excluding the surface of the Car Park and Car Park Machinery.

7.0 Insurance

- 7.1 UDC/PMT will be responsible for the insurance of the Car Park on UDC/PMT land in accordance with the covenants and obligations contained within the Car Park Leases. The full costs of this insurance to be charged back through the car park management agreement.
- 7.2 Waitrose will be responsible for the insurance of the Car Park on Waitrose Land in accordance with the Waitrose Leases including the lifts and stairs serving the Car Park but excluding the surface of the Car Park and Car Park Machinery.
- 7.3 The Operator will be responsible for maintaining adequate public and other liability insurance, and indemnify Waitrose/Strathclyde in respect of any legal liability arising from an act of negligence on its part. The Operator will be responsible for insurance of the surface of the car park and car park machinery. This is to be charged back through the car park management agreement.

8.0 User

- 8.1 The Car Park is to be used as a public town centre short term car park for shoppers.

9.0 Management Objectives & Charging Policy

- 9.1 The Car Park will be managed with the primary objective of providing a public town centre short term car park for shoppers. Charges for car parking will be for a public town centre car park in line with UDC's general town centre shopping charging policy. No season tickets are to be issued.

10.0 Management

10.1 Operation

10.1.1 The car park will operate with a formal pay on foot management system with an enforced maximum duration of stay of 3 hours.

10.1.2 Static signage will be displayed within the site clearly displaying details of method of enforcement, duration of stay and penalties in operation.

10.1.3 The Operator will:

10.1.3.1 Check, service, empty, renew, repair, and replace all ticket issuing machines.

10.1.3.2 Arrange for the purchase, printing, supply, payment for, and processing of tickets to be used in the ticket issuing machines.

10.1.3.3 Provide and pay for all electricity used to power the ticket issuing machines and light the Car Park.

10.1.3.4 Rectify any disruption in the electricity supply to the Car Park as soon as reasonably practicable where it is within the Operator's control to do so.

10.1.3.5 Pay all National Non-Domestic Rates, Unified Business Rates or any rate or charge substituted therefore payable in respect of the Car Park.

10.1.3.6 Not arrange or allow any special events to take place in the Car Park. Other than use by organisations providing free health check or blood donor services

10.1.3.7 Any necessary day to day liaison on car park management matters shall be between the Waitrose's store manager and the Council's nominated person in charge of the management of the Car Park.

11.0 Car Park Charges

- 11.1 Charges for up to 3 hours will initially be levied at a fixed rate of £XXX per hour (to be agreed between the parties prior to first operation of the car park having regard to all relevant factors and the objectives in paragraph 9 and 10 above) and will be reviewed periodically in line with local car parks.

- 11.2 Waitrose will be permitted to operate, solely at their cost, a refund of the Car Park Charges to its customers as it sees fit. Any variation to the method of payment of Car Park Charges such as RINGO or barrier controlled parking for example will need to permit Waitrose to operate a refund system to its customers.

12.0 Enforcement

- 12.1 The Operator will use all reasonable endeavours to enforce the Order with respect of the Car Park including the enforcement of penalty notices and the collection of fines.

(The Order will be defined in due course by UDC with a draft to be issued for agreement)

- 12.2 Attendants will patrol the car park on a regular basis and enforce the contraventions set out in the Car Park Order, in accordance with the relevant Enforcement Policy; Where a penalty charge has been issued for any breach of these contraventions the revenue generated from the issue of penalty charge notices will be returned as income under the CPMA. The penalty system will be enforced by obtaining the name and address of the vehicle keeper through the DVLC system to which the car park operator will be linked.

13.0 Review

- 13.1 It is proposed that the car park management system will be subject to a review three months after commissioning and then on an annual basis. Should it subsequently become apparent that the management objectives are not being successfully met then an interim review will be undertaken.

14.0 Opening Hours

- 14.1 The car park will be open all year round 24 hours per day.

15.0 Standard of Maintenance

- 15.1 The car park is to be repaired in accordance with the repairing covenants in the Car Park Leases and Waitrose Leases and shall be upgraded as necessary in accordance with good practice.

16.0 Build Specification and Installations

- 16.1 To include a definition of Car Park Machinery below:-

- Pay & Display machines to UDC specification;
- Car park and Waitrose branded signage;
- Nutek trolley bay shelters;
- Cycle hoops;
- Bench;
- Car Park LED Lighting & Belisha Beacons etc (via columns on the top deck and LED sealed battens on the covered areas)including emergency lighting;
- CCTV Security;
- Sundry protection bollards;
- Private' car park space bollards i.e. for Mr Searle;

- LED external signage;
- Access Control equipment to service yard and MOE doors;
- Fire Alarm Call Points;

17.0 Adjustment to Spaces

17.1 A party to the CPMA is not permitted to alter the layout and/or number of car spaces of the Car Park without the agreement of the other parties to the CPMA.

18.0 Alterations

18.1 No alterations are to be undertaken to the car park which have the effect of reducing the net income to The Parties unless expressly agreed between them. All other alterations are to be tabled and considered by The Parties. Subject to the covenants and obligations within the Car Park Leases and Waitrose Leases.

18.2

18.2.1 External Horticultural Unit

Waitrose is permitted to use part of the Car Park for horticultural sales in accordance with the covenants and obligations contained within the Car Park Leases.

18.2.2 Trolleys

Waitrose is to actively manage any trolleys within the car park and the immediate environs and as such will be permitted to return, collect and store shopping trolleys in specified trolley bays within the Car Park.

18.2.3 Signage

Waitrose is permitted to erect signage within the Car Park subject to the covenants and obligations contained within the Car Park Leases and Waitrose Leases.

18.2.4 Lifts/Stairs

Waitrose covenants to keep the lifts and stairs serving the Car park open during the opening hours of the Car Park.

19.0 Novation

19.1 Waitrose is permitted to Novate the CPMA in the event that Waitrose disposes of its interest in the Waitrose leases by assignment or underletting.

20.0 Revenue/Income

20.1 All pay and display charges recovered in the operation of the car park plus all the penalty charges recovered shall be considered as the Total Income for the Faircroft car park.

21.0 Deductions/Expenditure

21.1 All reasonable expenditure incurred in the running and management of the car park shall be under the following general headings:-

- 21.1.1 Repairs - Building, Machinery, signage and car park surface.
- 21.1.2 Maintenance - Building, Machinery, signage and car park surface.
- 21.1.3 Reinstatement - Machinery, signage and car park surface.
- 21.1.4 Rates.
- 21.1.5 Insurance – Buildings, Machinery, signage and Car Park surface and Liability.
- 21.1.6 Cleaning - Buildings, Machinery, signage and car park surface.
- 21.1.7 Energy Costs .
- 21.1.8 Management and Administration Overhead.
- 21.1.9 NEPP Management Fee.

22.0 Net Income and Accounts

- 22.1 The Net Income for the Fairycroft Car Park will be the Income less the Expenditure as set out above.
- 22.2 Quarterly accounts will be prepared setting out the detailed Income, Expenditure and Net Income, plus apportionment between “The Parties”.
- 22.3 The Net Income is to be apportioned as in section 23.0 below then paid on account to “The Parties” every quarter.

23.0 Apportionment of Net Income

- 23.1 The Net Income is to be apportioned between “The Parties” as follows:-

UDC	-	170 Spaces	(58.22 %)
PMT	-	58 Spaces	(19.86 %)
WL	-	64 Spaces	(21.92 %)
TOTAL	-	292 Spaces	(100 %)

- 23.2 The above ratios are as agreed based on the current split of spaces in the existing car park as at the conclusion of this agreement and not the actual spaces in the new car park. The ratios are to be amended as and when there are any future changes in the numbers of spaces, but with the above starting point.

Dispute Resolution Clause

Any dispute concerning the management of the car park is to be referred to a Third Party acting as an Independent Expert or an Arbitrator at the Freeholders discretion . The appointment is to be made by the President of RICS upon the appointment of either party at anytime. The costs of the Third Party are to be apportioned at the discretion and as to merit by the Third Party ..The Third Party appointment should have regard to somebody who is a Chartered Surveyor with at least 10 years experience of dealing with car parks, and is able to demonstrate expertise in the car park management sector.

24.0 Conditions

24.1 The CPMA is subject to the following conditions:-

- 24.1.1 Contract
- 24.1.2 UDC, PMT and Charity Commission approval
- 24.1.3 Waitrose approval

Appendix 12
Car Park
Differential in Calculations Table

FAIRCROFT CAR PARK

DIFFERENTIAL IN CALCULATIONS TABLE

1	2	3	4	5	6	7	8	9	10	11
EXISTING CAR PARK								NEW CAR PARK		
Parties	CPMA Spaces	CPMA Spaces Calc %	Accounts Spaces	Accounts Spaces Calc %	Actual Income %	Income Spaces Calc	Counted Spaces	Counted Spaces Calc %	Final Adjusted %	Final Adjusted Spaces Calc
WPLC	71	23.279	71/303	23.43	23.43	68	64	21.92	21.92	64
PMT			66/303	21.78	22.38	65	58	19.86	22.38	65
UDC			171/303	56.44	54.19	159	170	58.22	55.7	161
TOTAL	305	100.000	303	101.65	100.00	292	292	100.00	100.00	290
UDC/PMT COMBINED	234	76.721	237	78.22	76.57	224	228	78.08	78.08	226

Appendix 13
PMT
Summary of
Percentages & Figures

PMT – Summary of Figures and Percentages

Land

PMT/UDC combined land area		48,501 sq ft (1.113 acres)
PMT total land holdings		23,353 sq ft (0.536 acres) 48.15%
Land to be sold to WPLC by UDC		6,926 sq ft (0.159 acres)
PMT Share		2,115 sq ft (0.049 acres) 30.53 %
Land transfer PMT to UDC prior to sale		2,115 sq ft (0.049 acres)
Land transfer UDC to PMT prior to sale		2,115 sq ft (0.049 acres)
UDC/PMT Notional residual land value of sale plot		£750,000
PMT share		£228,975 30.53%
PMT notional share of sale price of £100,000		£30,530
Residual value of combined car park and store development on PMT/UDC land	minus	£2,000,000
PMT share	minus	£963,000 (48.15%)
PMT/UDC uplift in car park value post development		£271,000
PMT share of uplift		£60,000 (22.38%)
PMT/UDC current car park use value		£1,888,000
PMT share of current use value		£422,000 (22.38%)

PMT/UDC proposed car park use value	£2,160,000
PMT share of proposed use value	£483,000 (22.38%)

Committee: Cabinet

Agenda Item

Date: 4 December 2014

11

Title: Designation of Felsted Neighbourhood Plan Area

Portfolio Holder: Cllr Barker

Key decision: No

Summary

1. The Council received an application from Felsted Parish Council for the designation of a Neighbourhood Plan Area on 15 September 2014.
2. The application has been advertised in accordance with the Regulations for a period in excess of 6 weeks ending on 11 November 2014 2014.

Recommendations

3. To designate the Parish of Felsted as the Felsted Neighbourhood Plan Area.

Financial Implications

4. The District Council will be able to claim a grant of £5,000 once the designation has been confirmed to cover the costs of assessing and dealing with the submission.

Background Papers

5. 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.

Application from Felsted Parish Council for the designation of a Neighbourhood Plan Area.

Impact

- 6.

Communication/Consultation	Consultation has taken place in accordance with the Regulations. The decision to Designate a Neighbourhood Plan Area will be advertised in accordance with the Regulations.
Community Safety	None
Equalities	None

Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Felsted
Workforce/Workplace	None

Situation

7. The Council received an application from Felsted Parish Council for the designation of a Neighbourhood Plan Area on 15 September 2014. This request was made under Section 5 – 7 of The Neighbourhood Planning (General) Regulations 2012.
8. The application has been advertised in accordance with the Regulations for a period in excess of 6 weeks ending on 11 November 2014. The application was advertised through the Councils website.
9. The Parish Council has proposed that the Neighbourhood Plan Area is contiguous with the Parish Boundary of Felsted (Appendix 1). The Parish Council consider that this is the appropriate area to be designated 'as it is the area administered by Felsted Parish Council'.
10. No comments were received.

Considerations

11. The proposal is that the Neighbourhood Plan Area is contiguous with the Parish Boundary of Felsted. This is a logical and sensible approach and demonstrates that the Parish Council wish to plan for the whole of its area.
12. At this stage no ideas have been developed about the type of policies which the Plan would include. It may not include policies for the rural area and may only focus on specific settlements. However, this would need to be led by the Parish Council and their public consultation. The Neighbourhood Plan will need to be in conformity with the strategic policies of the District Local Plan for it to be accepted.

Conclusion

13. The Plan Area as submitted by Felsted Parish Council should be supported and adopted as the Felsted Neighbourhood Plan Area.

Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
Concerns and complaints may be raised about the area designated.	1. Low likelihood as the boundaries are contiguous with those of the Parish Council which is a logical boundary.	2. Little or no impact would occur.	Full consultation in accordance with the Regulations has taken place.

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.



FELSTED PARISH COUNCIL

SCANNED

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15 September 2014

Dear Mr Taylor

RE: DESIGNATION OF A NEIGHBOURHOOD PLANNING AREA

I am writing on behalf of Felsted Parish Council to submit an application for designation of the Parish of Felsted as a Neighbourhood Planning Area under Section 5 (1) of the Neighbourhood Planning (General) Regulations 2012.

The application is to designate the entire Parish and a map showing the Parish boundary is attached. I can confirm that Felsted Parish Council is the relevant body for the purposes of Section 61G (2) of the Town and Country Planning Act 1990.

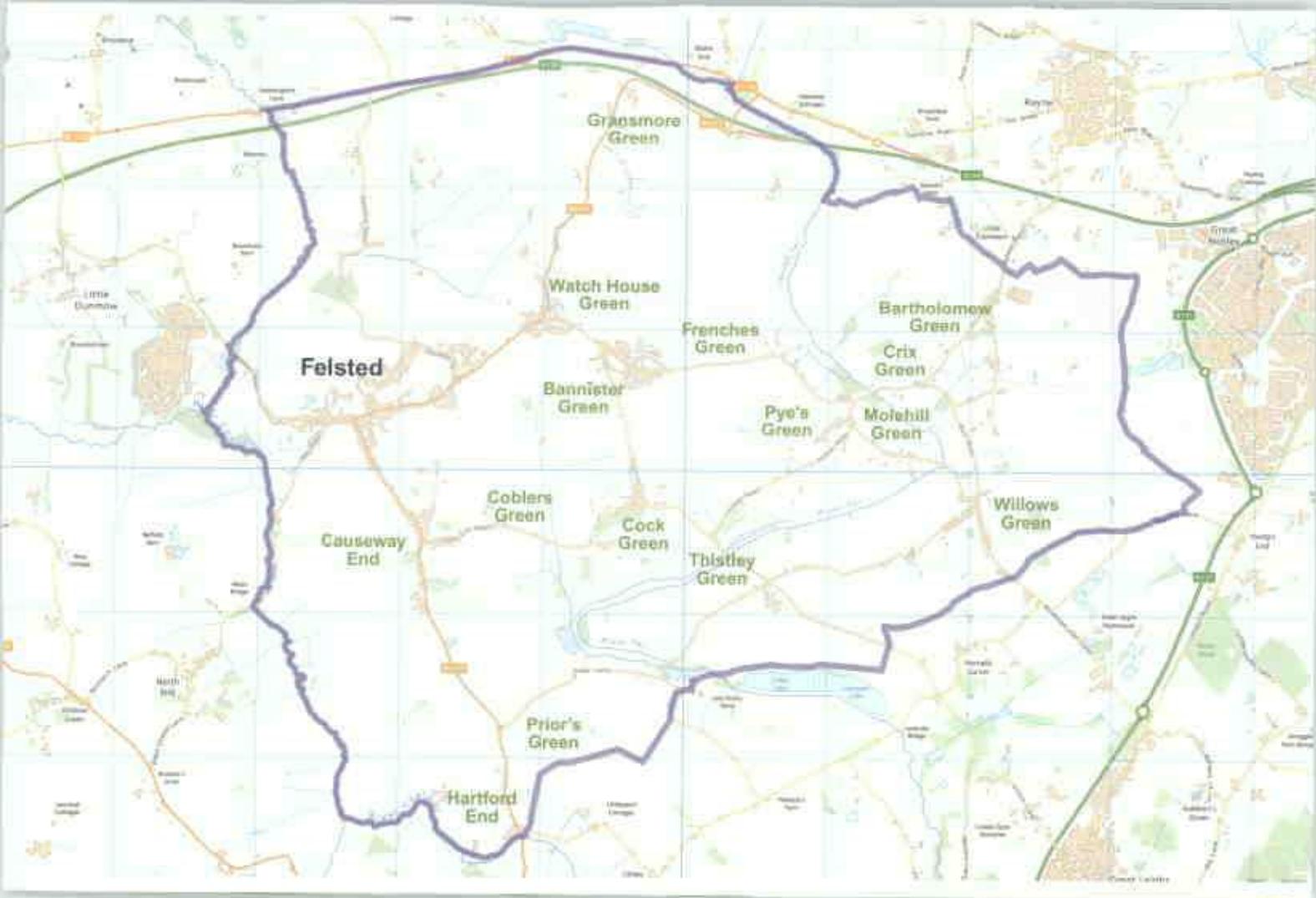
Felsted Parish Council considers that this is an appropriate area to be designated as a Neighbourhood Area for the following reasons:

- The Parish is a long established and clearly defined area
- The Parish Council, as an elected statutory body, has a clear mandate to speak and act on behalf of the residents of the area
- The Parish Council is committed to ensure that future development within the village centre and surrounding Greens and hamlets reflects both the aspirations of the community and the economic well-being of the village whilst at the same time ensuring that the unique rural character of the village is preserved.

I look forward to hearing from you in due course.

Yours sincerely

Diane Smith
Clerk to Felsted Parish Council



Committee: Cabinet

Agenda Item

Date: 4 December 2014

12

Title: Conservation Area Appraisal, Elmdon

Portfolio Holder: Cllr S Barker

Key decision: No

Summary

1. This report has been prepared and discussed with Elmdon Parish Council who supports its general content.

The draft Conservation Area Appraisal for Elmdon was made available on the Council's website and as printed copies. A public exhibition on 16 October 2014 was attended by the Council's Conservation Officer and the fieldworker who had undertaken the appraisal, both of whom presented the findings and answered questions. This report summarises and comments on the representations made at the exhibition and subsequent to it in the consultation period which lasted from 6 October to 16 November 2014.

2. Elmdon Parish Council welcomed the Conservation Area Appraisal in principle and considered it a worthwhile document which is likely to strengthen the control of development. This comment is valuable and is one shared by officers. The experience of the Conservation Area Appraisals so far undertaken indicates that the process is both important and popular with the local communities.

Recommendations

3. That the Conservation Area Appraisal be approved and used to assist in the process of determining planning applications and for implementing management proposals.
4. That the Elmdon Conservation Area boundary be formally amended.

Financial Implications

5. The recommendation would require the advertising of the boundary changes which would cost in the region of £500 - 600. This can be met from existing budgets for Conservation.

Background Papers

6. The notes of the public exhibition held on 16 October 2014 and all representations received.

Impact

- 7.

Communication/Consultation	Full consultation undertaken.
Community Safety	Not affected.

Equalities	Not affected.
Finance	Advertising costs can be met from existing budgets. The document will be disseminated through the website.
Health and Safety	Not affected.
Human Rights/Legal Implications	Not affected.
Sustainability	The report focuses on environmental issues seeking to preserve the environment of the respective communities, including their buildings and open spaces.
Ward-specific impacts	Wenden Lofts - various proposals as amended and as contained in report.
Workforce/Workplace	Existing staff resources.

Situation

8. The Elmdon Conservation Area was first designated in 1976. The Council has a duty within section 69 of the Listed Buildings and Conservation Area Act 1990 to consider the designation of Conservation Areas and to undertake periodic reviews. As part of this work the Council has undertaken a number of Conservation Area Appraisals of existing Conservation Areas.
9. This report sets out the key issues within the attached Conservation Area Appraisal and records the results of the consultation exercise and the changes proposed.
10. The principal issues and recommendations set out in the document are:

An amendment to the boundary of the Conservation Area is suggested:

To extend the boundary to include the range of outbuildings south of Elmdon Lodge.

Note: As a result of the consultation a number of points were raised by respondents relating to issues raised in the Appraisal report. These representations are included in the table below with appropriate officer comment.

General notes:

Planning Controls and Good Practice in Respect of Other Buildings that Make an Important Architectural or Historic Contribution.

A number of such unlisted buildings that make positive contributions to the character of the Conservation Area have been identified. The Council will seek to ensure that these are retained. These buildings are as follows: Main house at Elmdonbury; Coach House to west of Elmdonbury; barn to south of Coach House; barn to east of Coach House; Elmdon Lodge; outbuilding to Elmdon Lodge; Wilkes Barn; barn to rear of Wilkes Barn; The Old School; School Row; part of Violet Cottage; Pilgrims.

Proposed Article 4 Directions.

There are other distinctive features that are integral to some of the unlisted buildings identified in the previous paragraph that make an important architectural or historic contribution, including selected chimneys, windows and other architectural detailing. The associated legislation is complex. Should the Council consider such a course of action appropriate there would be a process of notifying the affected owners separately at a later date. This would be associated with further detailed consideration and possible refinement of the general proposals set out in the Appraisal.

Planning Controls and Good Practice in Respect of Other Distinctive Features that Make an Important Architectural or Historic Contribution.

This Appraisal has identified a number of walls, railings and other features (tombs/gravestones, directional sign, War Memorial, pump, gate piers and gates) that add significantly to the character of the Conservation Area and which should be retained.

Planning Control and Good Practice, Important Open Spaces, Trees and Groups of Trees.

The churchyard and two small greens, one centrally located and the other on the Ickleton Road to the east of the church, together with water features in the Elmdonbury area, represent landscape features that materially contribute to the character and appearance of the Conservation Area which must be protected.

Subject to certain exceptions all trees in a Conservation Area are afforded protection and a person wanting to carry out works has to notify the Council. Trees that have not been identified may still be considered suitable for protection by Tree Preservation Orders. Owners are advised to make regular inspections to check the health of trees in the interests of amenity and Health and Safety.

Enhancement Proposals to Deal with Detracting Elements.

The Appraisal identifies a number of detracting elements together with a proposed course of action. It is recognised that such improvements will frequently only be achieved with the co-operation of owners and other bodies as appropriate.

10. Consultation results

The comments received at the public exhibition and during the consultation period are set out in the table arranged in the subject order above. Those responses which noted minor inaccuracies in the text of the Draft Conservation Area Appraisal, such as the misspelling of building names or attributed dates are not included here.

Issue	Representations made	Officer comment
General	An Elmdon resident notes that Elmdoners are proud of the heritage, history and varied architecture of the village and generally welcome the existence of the conservation area given the responsibilities and obligations that go with it.	Noted

	<p>An Elmdon resident is concerned that the Council should fight the corner for owners of listed properties regarding the government's imposition of standard rate VAT in respect of approved alterations, maintenance and repairs to listed properties</p>	<p>The removal of the zero rate of VAT on alterations to listed buildings is a matter for HMRC. English Heritage have already commented and on the impact and have suggested mitigation measures. It will be most appropriate to follow any concerns up with English Heritage as the Government's expert adviser on the historic environment.</p>
Character analysis of Elmdon	<p>Natural England welcome the references to open land and open spaces under paragraphs 1.50, 1.52 and 2.11.</p> <p>Natural England further suggests that the Council should also look at the fragmentation of open spaces and the linking of them back to paths and other sites as a benefit to both sustainable transport and biodiversity.</p> <p>An Elmdon resident considers the character analysis to be fair representation.</p> <p>An Elmdon resident considers there should be a balance between conservation and the construction of tomorrow's houses of potential architectural and heritage interest.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Subject to complying with the relevant policies development will be permitted on land within Development Limits where they fall within the Conservation Area.</p>
Changes to the Conservation Area Boundary	<p>An Elmdon resident considers that this seems to be logical within the context of the existing conservation area.</p>	<p>Noted</p>
Important buildings	<p>An Elmdon resident notes that this seems to be logical having regard to the existing conservation area.</p>	<p>Noted</p>
Management proposals	<p>An Elmdon resident comments that the 3 way directional sign was repaired by ECC 30 years ago at which time no attempt was made to match the new with the original.</p>	<p>The Appraisal notes the importance of this traditional directional sign. An approach could be made to Essex County Council regarding the appropriate restoration of this feature.</p>

	<p>An Elmdon resident notes that they were informed at the public consultation that both ECC and utility companies are exempt from conservation planning control and guidance. Some hope to get any change regarding the poles!</p> <p>An Elmdon resident notes that financial constraints apply equally apply to individual homeowners and public and statutory authorities.</p>	<p>The situation regarding statutory undertakers is extremely complex. The highways authority or utility companies as statutory undertakers are granted several privileges regarding development and highways access. They are often exempt from planning permission for small works through the General Permitted Development Order, 1995, (Part 17, class A to J) and may also undertake works on public highways under the New Roads and Street Works Act 1991, (Sections 48 - 106). Officers consider the utility poles, as noted in the Appraisal, an unsightly element detracting from the character of the Conservation Area. The local community and Parish Council could enter to discussions with utility companies citing the recommendations of the Appraisal.</p> <p>Management proposals are made as suggestions for implementation by individual property owners, parish councils or other authorities as and when, funds might permit.</p>
<p>Planning Control and Good Practice: Important Open Spaces, Trees and Groups of Trees</p>	<p>Elmdon residents have concerns that recent works to trees and hedges forming the entry to the churchyard from the village green and along the boundary of the churchyard with Ickleton Road have been undertaken without the relevant permission.</p>	<p>The Council's Landscape Officer has investigated the issue and concludes that the removal of the hedge was exempt from requiring formal notification to be served on the District Council. The Landscape Officer has met with church representatives regarding a programme of tree works and a Section 211 Notice detailing the</p>

	<p>Elmdon residents are further concerned that at the same site the original flint wall which ran along the boundary under the brambles may also have been damaged/destroyed.</p>	<p>proposed works has been sent to the Council and is currently being considered.</p> <p>It is understood that the church authorities are looking to instigate an appropriate scheme of repairs and consolidation.</p>
--	--	--

11. Conclusion

The public consultation raised a number of useful points which have been incorporated into the Conservation Area Appraisal. The document should be amended to incorporate the above comments and use of the document should commence immediately to assist in the determination of planning applications and for implementing the management proposals as set out.

Formal changes to the Conservation Area Boundary will need to be advertised prior to them coming into force. It is necessary to inform the Secretary of State and English Heritage and place an advert in the London Gazette and local newspapers. The owners of affected properties will also be notified of the changes.

12. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Revisions to the Conservation Area	1 There is some risk that revisions will be approved which cannot be justified by the guidelines provided by English Heritage.	2 If revisions to the Conservation Area are approved which the Council cannot justify through good practice guidelines, the report and its recommendations will be unsound. Planning officers and applicants will then be without any up to date guidance and applications will be determined against out of date resources.	The report has been carefully produced and amended where any inaccuracies were noted. Consultation has been carried out with the Parish Council and Elmdon residents and advice sought from specialist officers and experts to support the findings.

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.

Elmdon Conservation Area Appraisal and Draft Management Proposals, 2014



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Part 1: Appraisal 1

Introduction

1.1 This appraisal has been produced by Officers of Uttlesford District Council to assess the current condition of the Elmdon Conservation Area, to identify where improvements can be made and to advise of any boundary changes that are appropriate. The document is in draft form and will be subject to public consultation and agreement by District Council Members.

1.2 The historic environment cannot be replaced and is a resource that is both fragile and finite. Particularly in an age when society and its needs change with rapidity, the various historic and architectural elements of Conservation Areas can be perceived to interact in a complex manner and create a 'unique sense of place' that is appreciated by those lucky enough to reside in such special places and the many interested persons who appreciate and visit them.

1.3 Uttlesford has a particularly rich built heritage, with 36 Conservation Areas and approximately 3,700 listed buildings displaying a variety of styles representative of the best of architectural and historic designs from many centuries. Generally and very importantly the clear distinction between built form and open countryside has been maintained.

1.4 The District is situated in an economically buoyant region where an attractive environment, employment opportunities and excellent transport links by road, rail and air, make it a popular destination to live and work. Key drivers are the presence of Stansted Airport within the locality and the relatively easy commuting distance to both Cambridge and London. Additionally, there are other towns of substance such as Harlow, Bishops Stortford and Braintree that provide employment opportunities nearby. With such dynamics the historic environment of the District is a popular destination for in-migration. The associated pressures accompanying such in-migration make it more important to protect the high quality of both built and natural environments.

1.5 The Uttlesford Local Plan adopted in 2005 recognises these facts and commits the Council to prepare Conservation Area Statements and Supplementary Planning Documents and the production of this document is part of this process.

1.6 Conservation Areas are environments which are considered worthy of protection as a result of a combination of factors such as the quality of design and setting of the buildings or their historic significance. In addition to the individual qualities of the buildings themselves, there are other factors such as the relationship of the buildings with each other, the quality of the spaces between them and the vistas and views that unite or disrupt them. The interaction with adjoining areas and landscape, the quality of trees, boundary treatments, advertisements, road signage, street furniture and hard surfaces, are also important features which can add to or detract from the Conservation Area.

1.7 This Appraisal will consider these factors carefully. Once it has been approved by the District Council it will be regarded as a 'material consideration' when determining planning applications. The document also puts forward simple practical management proposals to improve the character of the Conservation Area and that are capable of being implemented as and when resources permit.

1 Part 1: Appraisal

1.8 The recommendations in this Appraisal concerning non listed buildings and structures are generally formed by the field worker's observations made from the public realm and rarely involve internal inspection of buildings or their structural condition. Therefore such recommendations as set out in this Appraisal might be subject to reconsideration through the planning application process, where that is necessary, and which would involve the submission of additional relevant information.

1.9 This Conservation Appraisal will:

- Identify the special character of Elmdon
- Identify elements that should be retained or enhanced
- Identify detracting elements
- Review the existing boundary
- Put forward practical enhancement proposals

1.10 The document has been prepared in partnership with the local community and the Council would like to record its thanks to the Parish Council and to the members of the local community who provided useful information to officers when the survey was being undertaken.

1.11 This document is written in three parts: Legal and Policy Framework; Appraisal; Management Proposals.

Planning Legislative Framework

1.12 The legal background for designating a Conservation Area is set out in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that the Council shall from time to time designate Conservation Areas, which are defined as being '*areas of special architectural or historic interest, the character or appearance of which it is desirable to conserve or enhance*'. The same section of the Act also requires that Councils undertake periodic reviews.

1.13 Section 71 of the Act requires Councils to '*formulate and publish proposals for the preservation and enhancement*' of Conservation Areas and hold a public meeting to consider them.

1.14 Within Conservation Areas there are additional planning controls and if these are to be supported it is important that the designated areas accord with the statutory definition and are not devalued by including land or buildings that lack special interest.

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1.15 Planning permission is required for the demolition of a building in a Conservation Area but is subject to certain exceptions. For example, it does not apply to Listed Buildings which are protected by their own legislation but is relevant to other non listed buildings in the Conservation Area above a threshold size as set out in the legislation⁽¹⁾. Looking for and identifying such buildings is therefore a priority of this Appraisal.

1.16 Another exception relates to certain ecclesiastical buildings which are not subject to local authority administration provided an equivalent approved system of control is operated by the church authority. This is known as the 'ecclesiastical exemption'. Importantly in such circumstances, church authorities still need to obtain any other necessary planning permissions under the Town and Country Planning Act 1990.

1.17 The Town and Country Planning (General Permitted Development Order) 1995 (as amended), defines the range of minor developments for which planning permission is not required and this range is more restricted in Conservation Areas. For example, the Order currently requires that the addition of dormer windows to all front roof slopes, various types of cladding, satellite dishes fronting a highway and a reduced size of extensions, all require planning permission in a Conservation Area.

1.18 However, even within Conservation Areas there are other minor developments that do not require planning permission. So as to provide further protection the law allows Councils to introduce additional controls if appropriate. Examples of such controls can include some developments fronting a highway or open space, such as an external porch, the painting of a house or the demolition of some gates, fences or walls. The removal of important architectural features that are important to the character or appearance of a Conservation Area or individual buildings within it such as distinctive porches, windows or walls or railings to non-listed properties can be subject to a more detailed assessment and if appropriate made subject to protection by a legal process known as an 'Article 4 Direction'. The use of such Directions can be made in justified circumstances where a clear assessment of each Conservation Area has been made. In conducting this appraisal, consideration will be given as to whether or not such additional controls are necessary.

1.19 Trees. Another additional planning control relates to trees located within Conservation Areas. Setting aside various exceptions principally relating to size and condition, any proposal to fell or carry out works to trees has to be 'notified' to the Council. The Council may then decide to make the tree/s subject to a Tree Preservation Order. This Appraisal diagrammatically identifies only the most significant trees or groups of trees that make a particularly important contribution to the character of the Conservation Area. Other trees not specifically identified may still be suitable for statutory protection.

1 The demolition of a building not exceeding 50 cubic metres is not development and can be demolished without planning permission. Demolition of other buildings below 115 cubic metres are regarded as 'Permitted Development' granted by the General Permitted Development Order, subject to conditions that may require the Council's 'prior approval' regarding methods of proposed demolition and restoration.

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1.20 Hedgerows. Some hedges may be protected by the Hedgerow Regulations 1997. This legislation is extremely complicated and only applies in certain situations that are determined by the location of the hedge, its age and or its historical importance, the wildlife it supports and its number of woody species.

Planning Policy Framework

1.21 National Planning Policy Framework. Published in March 2012, this document replaces previous advice, including PPS 5, Planning for the Historic Environment. The principle emphasis of the new framework is to promote sustainable development.

1.22 Economic, social and environmental roles should not be considered in isolation because they are mutually dependent and positive improvements in the quality of the built, natural and historic environment should be sought, including replacing poor design with better design. Whilst architectural styles should not be imposed it is considered proper to reinforce local distinctiveness.

1.23 In relation to the historic environment the new National Planning Policy Framework advises as follows:

- There should be a positive strategy in the Local Plan for the conservation of the historic environment and up-to-date evidence used to assess the significance of heritage assets and the contribution they make.
- Conservation Areas. Such areas must justify such a status virtue of being of 'special architectural or historic interest'.
- Heritage assets. A Heritage asset is defined as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listings)'.
- Considerable weight should be given to conserving such heritage assets and the more important they are the greater the weight. For example the effect of an application affecting a non- designated heritage asset should be taken into account and a balanced judgement reached. Substantial harm to or loss of a Grade II Listed Building should be exceptional whilst harm to heritage assets of higher status, e.g. a Grade I or II* Listed Building should be wholly exceptional.
- Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance and proposals that preserve such elements should be approved.

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- The use of Article 4 Directions to remove national permitted development rights should be limited to situations ‘where this is necessary to protect local amenity or the well being of the area...’
- Green Areas. Such areas of particular importance can properly be identified for special protection as Local Green Spaces in selected situations.

1.24 Uttlesford Adopted Local Plan. Uttlesford District Council has a commitment to the environment and its Local Plan Policies. Uttlesford’s policies protect Conservation Areas by only permitting development that preserves or enhances their quality and by preventing the demolition of structures that positively contribute to their character and appearance. The Council’s Conservation Officer can provide appropriate advice.

1.25 The Uttlesford Local Plan was adopted in 2005 and can be viewed on the Councils website or a copy can be obtained from the Council. In accordance with the Planning and Compulsory Purchase Act 2004, the Council is currently preparing a replacement Local Plan that will, in due course, contain the relevant Council planning policies.

1.26 The Elmdon Inset Map of the Uttlesford Local Plan shows the existing Conservation Area and the Development Limits, the latter extending along the Ickleton Road. Also shown are four Ancient Monument sites, two of which lie within the Conservation Area. To the west and beyond the Conservation Area there is an Ancient Woodland and County Wildlife site and in close proximity two other County Wildlife sites.

1.27 Essex County Council Buildings at Risk Register. The County Council has a ‘Buildings at Risk Register’⁽²⁾. In relation to the latter document, it has not identified any such buildings within the Elmdon Conservation Area. Similarly this Appraisal has not identified any such Listed Buildings within the Conservation Area as being potentially ‘At Risk’ although there are some concerns and some repair works would be beneficial to selected buildings. These are mentioned as appropriately elsewhere in this document.

1.28 Assets of Community Value. There are no Assets of Community Value registered in relation to Elmdon.

1.29 Elmdon Conservation Area date of designation. The Elmdon Conservation Area was first designated in 1976.

The General Character and Setting of Elmdon

1.30 The Conservation Area at Elmdon covers the historic part of the village stretching along selected lengths of the radial roads which converge at the central village green and area around the church. The historic part of the settlement is little changed and principally consists of a number of Listed Buildings, many of them with thatched roofs.

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Elmdon is relatively isolated despite its proximity to larger centres of population and transport links and most importantly still retains its rural characteristics. In the main it is a quintessentially attractive English village of considerable charm.

1.31 In the parish of Elmdon there are 63 Listed Buildings or groups of Listed Buildings whilst in the existing Conservation Area there are 37 such buildings so designated.

1.32 Of the above 37 Listed Buildings/groups of buildings identified on the English Heritage list, most are designated Grade II. However there are two which are designated Grade II* namely the church of St Nicolas and Pigots. Most Listed Buildings in the Conservation Area date from the 17th century (40%) followed by over 30% being from the 18th century. Earlier buildings from the 15th and 16th centuries together represent about 20% of the total. There are also several representatives from 19th and 20th centuries, the latter being a telephone kiosk.

1.33 The general high architectural quality of buildings with particular reference to the large numbers with thatched roofs (about 40%) together with historic walls, other features of architectural and historic importance and open spaces, warrants Elmdon's formal designation as a Conservation Area. The presence of mature trees and hedgerows also add considerably to its visual qualities.

Origins and Historic Development

1.34 Historical background data has been extracted principally from the *Uttlesford District Historic Environment Characterisation Report*⁽³⁾ and the *Essex Historic Environment Record (HER)*⁽⁴⁾.

1.35 In much abbreviated form the *Uttlesford District Historic Environment Characterisation Report* of 2009⁽⁵⁾ summarises the wider zone within which Elmdon is located thus: *The zone is entirely rural in nature. The historic landscape and settlement pattern survives well, although boundary loss has occurred. The zone is especially rich in medieval remains with two villages, greens, ends, church/hall complexes, small hamlets and moated sites. Although limited archaeological work has taken place, aerial photography indicates a range of sites and features. The medieval landscape and settlement pattern largely survives within the present landscape.*

1.36 *The geology of the zone largely comprises boulder clay plateau ... Within the zone there are considerable areas of surviving ancient woodland... The fieldscape consists of irregular fields of ancient origin, probably of medieval in date and some maybe even older ... There has been a degree of boundary loss since the 1950', particularly of the 19th-century sub-divisions of the former common fields. The medieval settlement pattern comprised small nucleated settlements at Elmdon, Langley and*

3 *Uttlesford District Historic Environment Characterisation Report*, Essex County Council, 2009, Parra. HECA 9 North Eastern Uttlesford

4 <http://www.heritagegateway.org.uk/>

5 *ibid*

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Langley Green with the remainder being widely dispersed comprising church/hall complexes, moats, farms, and manors set alongside Greens and Ends. A significant element of the modern settlement pattern is listed...

1.37 Only limited archaeological work has been undertaken within the zone, however, prehistoric occupation is attested by the number of ring ditches and other enclosures identified from the aerial photography. Two of the cropmarks within the zone are thought to be Neolithic in origin, possibly cursus monuments. Other irregular or oval enclosures are likely to be of Late Bronze Age or Iron Age date. The route of the Roman road leading to Great Chesterford forms the southern boundary to the zone for part of its length and is visible both as a cropmark and surviving in the present landscape. A number of Roman rural settlements are recorded within the zone and a scheduled Roman burial mound is located to the east of Langley. A number of medieval moats, a mill mound at Elmdon, and a single ringwork, within the ancient woodland of Park Wood, are protected as scheduled monuments.

1.38 Following the Conquest the Domesday entry of 1086⁽⁶⁾ reads as follows: *Roger de Sommary holds Elmdon ... now as then there are 14 hides and 26 villans and 15 bordars. Then 12 slaves, now none. Then 6 ploughs in demense ... now 4. Then as now the men had 10 ploughs woodland for 250 pigs. 7 acres of meadow, 20 pigs, 200 sheep ... It was then worth £16 now £20. And in relation to what is interpreted to be another smaller parcel worth 100 shillings it is recorded that Beorhtwulf, a free man held (Elmdon) ... as a manor of 2 and a half hides, now held by the same Rodger.* Glossary of terms: A 'Hide' was a standard unit of land measurement interpreted to be about 120 acres. A 'villan' was a peasant legally tied to land he worked on; a 'bordar' was similar to a villan who rendered service for his cottage'; 'Demesne' essentially means land belonging to the lord of the manor.

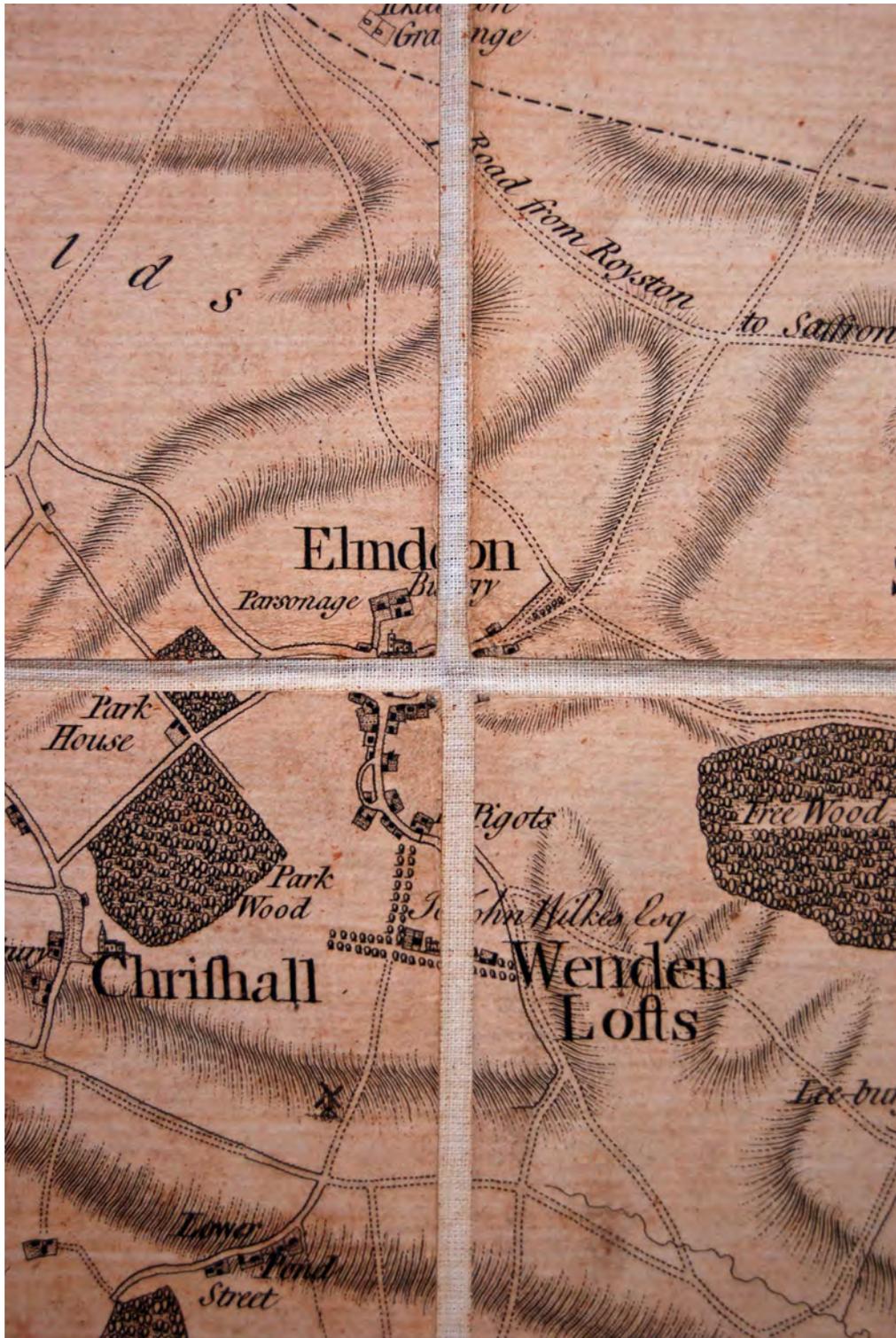
1.39 The fieldworker found reference to a Rodger De Somery having been born in Elmdon in 1103 and who died in 1166.

1.40 Within the Conservation Area there are two medieval Scheduled Ancient Monuments (described elsewhere) whilst beyond but in close proximity to its boundaries is a moated site known as Dagworth to the north of Heydon Lane and a Mill Mound to the east of Pigots. There is a Roman Barrow to the east of Upper Green in the south of the parish in proximity to a road from that period believed to connect Great Chesterford with Braughing and obviously indicative of Roman settlement in the general area.

1.41 Data produced by Essex County Council Archaeological Advisory Group relating to the Conservation Area identifies sites with finds of Mesolithic worked flint and Roman pottery.

1.42 From the available information Elmdon was well established probably from before the Conquest and continued as a prosperous rural community to the 15th century, evidenced by fortified ring works, moated sites and buildings still in existence at today's date.

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Picture 1.1 Elmdon as shown on the Chapman and Andre map of 1777 (Reproduced courtesy of a private collection).

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1.43 In Victorian times, there is brief reference to Elmdon in the Post Office Directory of 1878⁽⁷⁾ thus: *Elmdon is a parish with a compact village ... situated on a range of hills on the borders of Cambridgeshire. The church of St Nicolas stands on rising ground...The poor have in bread £13 yearly distributed. The soil is part heavy and partly light; subsoil, principally chalky, with some clay. The crops are usually on the four-course shift ... and the population in 1871 was 717.*

1.44 At this time there was a National School. In relation to commercial entries in the parish and excluding those engaged in farming the following trades were noted in the Directory: brewer, Kings Head PH, blacksmith, beer retailer (2), grocer and draper, butcher, general shopkeeper, thatcher, carrier, plumber and glazier, wheelwright, baker, bricklayer, The Woodman PH at Duddenhoe End, tailor and beer retailer, Wilkes Arms PH. This wide range of local trades and facilities was typical in relation to these Victorian times, reflecting not only the relatively high population of the parish but also its comparative isolation.



Picture 1.2 Tanks rolling through the centre of Elmdon sometime in the early 1940s. (Reproduced courtesy of Saffron Walden Museum).

1.45 *The Place Names of Essex* by Reaney⁽⁸⁾, advises of the following selected example names: Elmduna (1086); Almedon (1204); Emeldon (1341). This publication advises that it is difficult to interpret the origin and meaning of the name Elmdon: however it may derive from 'Elm covered hill'.

1.46 The existing Conservation Area boundary is plotted on late 19th century mapping at Figure 1 from which it can be seen very few changes have taken place over the last 100 years or so. A Post Office on the High Street and a Police Station and a School on Ickleton Road are shown on this map.

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Character Analysis

1.47 The current Conservation Area has been surveyed as a single character area with a map and key common to all. Historical photographs have been provided by Saffron Walden Museum and from the Saffron Walden Town Library. Other photographs have been taken by the fieldworker. All maps are reproduced from the Ordnance Survey under Uttlesford District Council Licence No: 100018688 (2004).

1.48 Listed buildings. Individually listed buildings have been identified, plotted and described, such descriptions being from the Dept. of Culture Media and Sport's list with occasional additional comment added by the fieldworker. Descriptions can be obtained on line at English Heritage's website or Heritage Gateway website (www.heritagegateway.org.uk) Listed Buildings are protected from unauthorised demolition, alteration or extension. Structures, including railings and walls, within the curtilages of listed buildings, if they are pre-1948, are subject to the same controls as listed buildings.

1.49 Non-listed buildings of quality and worthy of protection from demolition. This Appraisal seeks to identify non listed buildings that make an important architectural or historic contribution to the Conservation Area. The basic questions asked in identifying such buildings/structures are:

- Is the non-listed building/structure of sufficient architectural or historic interest whose general external form and appearance remains largely unaltered?
- Does the building contain a sufficient level of external original features and materials?
- Has the building retained its original scale without large inappropriate modern extensions that destroy the visual appearance, particularly in respect of the front elevation?
- Is the building/structure visually important in the street scene?

1.50 Trees and hedgerows. There are trees and hedgerows within the Conservation Area which add to Elmdon's environmental quality. The basic criteria for identifying such important trees/ hedgerows are:

- They are in good condition
- They are visible at least in part from public view points
- They make a significant contribution to the street scene or other publicly accessible areas

1.51 Open land, open spaces or gaps of quality that contribute to the visual importance of the Conservation Areas where development would be inappropriate have been identified. The basic question asked in identifying such areas is:

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- Is the open space or gap an important landscape feature contributing to the general spatial quality and visual importance of the Conservation Area?

1.52 Private open spaces forming an important setting for an historic asset and unkempt spaces that have the potential to be enhanced are candidates for selection subject to complying with the principle question.

1.53 Any other distinctive features that make an important visual or historic contribution are noted.

1.54 Article 4 Directions. Reference has previously been made to the potential of introducing Article 4 Directions in justified circumstances and the criteria for their selection in relation to retaining features associated with selected non listed properties is as follows:

- In relation to retention of chimneys, these need to be in good condition, contemporary with the age of the property, prominent in the street scene and generally complete with chimney pots. Exceptionally chimney stacks of particular architectural merit without pots may be selected.
- In relation to retention of selected windows, these need to be on front or side elevations, fronting and visible from the street/s, generally contemporary with the age of the property or of a sympathetic historic design and where the majority of windows of respective elevations retain their original characteristics and have not been replaced by disruptive modern glazing units.
- In relation to retention of walls or railings, those selected need to be below the prescribed heights (walls including a footpath or bridleway, water course or open space 1m fronting a highway or 2m elsewhere require prior consent for their demolition), be prominent in the street scene and make a positive architectural or historic contribution to its visual appearance.
- In relation to retention of other features, these may include good quality architectural detailing to non-listed buildings, constructed of wood, metal or other materials.
- It may also be appropriate to introduce Article 4 Directions to retain quality buildings below the prescribed Permitted Development threshold. or to prevent the erection of inappropriate additions such as porches to terraced properties of historic interest.

1.55 Detracting elements. Features that detract or are in poor repair have been identified and appear in the Table 'Enhancement Proposals to Deal with Detracting Elements' set out in Part 2.

1.56 Important views. Such views are identified.

1.57 Revisions to boundaries of the Conservation Area. In suggesting any revisions to boundaries of the Conservation Area, consideration has been given as to whether or not the land or the buildings in question form part of an area of special architectural or historic interest whose character or appearance should be conserved.

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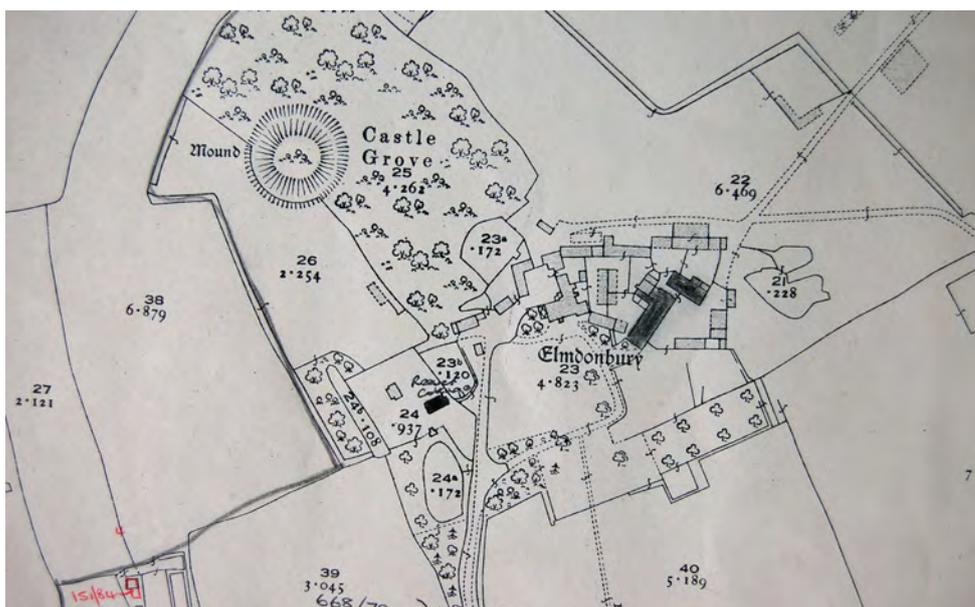
Elmdon

1.58 General overview. As previously noted the Conservation Area at Elmdon has retained its rural characteristics and principally consists of a number of high quality Listed Buildings, many of them with thatched roofs. The Conservation Area itself is little changed or detrimentally affected by modern developments.

1.59 Scheduled Ancient Monuments. Within the Conservation Area there are two such Scheduled Ancient Monuments an abbreviated description of each is set out below.

1.60 Pigot's Farm. This moated site is well preserved and will retain archaeological information relating to its occupation and environmental evidence pertaining to the economy of its occupants and the landscape in which they lived.

1.61 The monument at Pigot's Farm includes a sub-rectangular moated site and fishpond situated on a south-facing slope. The island is occupied by a Grade II* Listed house which dates from 1655 and is thought to be the original dwelling on the site. The name Pigot first occurs as Picot and then Pygot in 1285. The house is excluded from the scheduling though the ground beneath it is included. Around 6,000 moated sites are known in England. They consist of wide ditches, often or seasonally water-filled. The majority of moated sites served as prestigious aristocratic and seigneurial residences with the provision of a moat intended as a status symbol rather than a practical military defence. The peak period during which moated sites were built was between about 1250 and 1350 and by far the greatest concentration lies in central and eastern parts of England. They form a significant class of medieval monument and are important for the understanding of the distribution of wealth and status in the countryside.



Picture 1.3 Elmdonbury and the adjacent Castle Grove earthworks as shown on the 1875 Ordnance Survey (revised to 1919).

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1.62 Castle Grove, north west of Elmdonbury. Castle Grove survives well as an essentially undisturbed example of a ringwork and will retain archaeological information. The monument consists of a ringwork situated on the crest of a north-east facing slope. Ringworks are medieval fortifications built and occupied from the late Anglo-Saxon period to the later 12th century. They comprised a small defended area containing buildings surrounded or partly surrounded by a substantial ditch and a bank surmounted by a timber palisade or, rarely, a stone wall. Ringworks acted as strongholds for military operations and in some cases as defended aristocratic or manorial settlements. They are rare nationally with only 200 recorded examples. As such ringworks are of particular significance to an understanding of the period.



Picture 1.4 Castle Grove Ringwork, being the remains of a rare medieval fortification, located to the north west of Elmdonbury.

1.63 Archaeological sites. These are shown on the accompanying plans and include within the Conservation Area, another possible site of a medieval ringwork at Elmdonbury and a Roman pottery find in the churchyard. Also shown on the plans and adjacent to the Conservation Area is a medieval moated site to the north of Wilkes Barn and a Mesolithic worked flint find to the north east of the latter.

1.64 Not all archaeological sites are of equal importance and the Council will decide a course of action that may vary from archaeological investigation and recording to protecting such sites from development. Page 249 determining planning applications. There will generally be a presumption in favour of preservation in situ.

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1.65 Individually Listed Buildings. A selection of Listed Building descriptions are provided below, such selection being chosen to illustrate the respective ages, importance and different characteristics of the chosen examples. Any additions in italics are the fieldworker's further comments.

1.66 Carrier - Grade II. Formerly the Carrier Inn, 18th century timber-framed and plastered building. One storey and attics. Casement windows. Roof thatched, half hipped at the north and south ends, with a central chimney stack and 2 dormers.



Picture 1.5 The importance of thatch in the centre of the Conservation Area. Building to right is Carrier, a former PH whilst the thatched building to the left is the old bakery.

1.67 South barn to east of Elmdonbury - Grade II. At right angles to north barn. The south barn which extends to the south-west is a later 16th or 17th century aisled barn of 5 bays with 2 entrances. The roof is thatched and half-hipped at the ends. *The barn has been successfully converted although painting inserted window frames black would result in further visual improvements.*

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Picture 1.6 - North and South barns at Elmdonbury, restored and successfully converted. The principle of such conversion is debated in some quarters but without this enterprise there is a risk of such buildings falling into disrepair and neglect. Painting the window frames black would further improve their general appearance.

1.68 Church of St Nicholas - Grade II*. A flint and rubble church with a 15th century west tower, the rest of the building was rebuilt, probably on the old foundations in 1852 and 1879 and restored in the early 20th century. It was rebuilt in the 14th -15th century style. The west tower has a modern parapet top and has been considerably restored. The fittings include a good late 16th century marble altar tomb with a panelled canopy and an inscription to Thomas Meade, Justice of Common Pleas 1585. The church forms the central feature of the village.



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Picture 1.7 The church of St Nicolas circa 1900. (Reproduced courtesy of Saffron Walden Museum).

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Picture 1.8 The church of St Nicolas dominates the centre of the village. It has been substantially rebuilt in the late 19th century.

1.69 The Old Vicarage - Grade II. Late 18th or early 19th century red brick house. Two storeys and cellars. Three window range, double-hung sashes with glazing bars. A 6-panel door with a rectangular fanlight with fan ornamentation has a wood door case with fluted pilasters and a cornice hood on carved brackets. Roof slate, hipped. There is an external chimney stack on the front.

1.70 Crawley House - Grade II. Timber-framed and plastered house built circa 1600. Two storeys. The upper storey is jettied on the whole front, with panelled plaster. Four window range of casements. The ground storey has 2 shallow bay windows. Roof tiled, with an original central chimney stack with 3 attached square shafts and an external stack at the east end. *In a book 'Elmdon Schools' by John Mills 2012 the writer advises the building was known formerly known as Le Yeldhall and was a village guild for the purposes of prayer as opposed to being associated with craft or industry. The building was sold in the mid 1500's to a Thomas Crawley who set out in his will of 1559 the foundations of a Grammar School. The latter use seems to have continued until the early 1800s.*

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Picture 1.9 Crawley House. An imposing timber framed and plastered house described as dating from about 1600 by the Listed Building description, but may be earlier.

1.71 Pigots - Grade II*. Early 16th century moated manor house with cross wings on the north and south ends. Two storeys. The upper storeys of the cross wings are jettied on exposed joists, with the timber-framing exposed. Three window range of casements with lattice leaded lights. On the east side there is a mid 17th century addition and a large external chimney stack with 3 shafts set diagonally and a panel with the initials T.M. and date 1665. Roof tiled, with a central chimney stack with shafts set diagonally (rebuilt). The interior has many original features including a Tudor fireplace, exposed timber-framing ceiling beams and joists and a bedroom in the south wing with a cambered and braced tie beam. The house was occupied by the Mead family from 1554 to 1770. The moat still surrounds the house. The fieldworker was advised from local sources that this important house has been unoccupied for many years. Its condition is unknown. The owner should be sourced and the building examined and if necessary added to the Buildings at Risk Register.

1.72 The Old Stores - Grade II. 19th century timber-framed and plastered buildings, now one tenement. Two storeys. At the north end there is a 19th century double-fronted former shop front with glazing bars. The centre part sets back with one window range and the south block has 2 window range. The windows generally are double-hung sashes with single vertical glazing bars.

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Picture 1.10 The Old Stores, High Street.

1.73 K6 Telephone Kiosk opposite Kings Lane - Grade II. Telephone kiosk. Type K6. Designed 1935 by Sir Giles Gilbert Scott. Made by various contractors. Cast iron. Square kiosk with domed roof Unperforated crowns to top panels and margin glazing to windows and doors.

1.74 Humphreys Green, King's Lane - Grade II. 18th/19th century timber-framed and plastered cottage. One storey and attics. Two window range of casements. Roof thatched, half hipped at the north-east and south-west ends, with a central chimney stack.

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Picture 1.11 Humphreys Green, King's Lane. This area of the village in particular retains its rural characteristics that remain largely unchanged.

1.75 Church Farmhouse, Ickleton Road - Grade II. Built circa 1625. Timber-framed and plastered house. Two storeys. The upper storey is jettied on the whole of the north front on a moulded and dentilled bressumer. Three window farm of casements on the upper storey and double-hung sashes on the ground storey. A gabled porch projects on the front with moulded and dentilled bargeboards. The gable ends on the east and west ends of the house have similar bargeboards. Roof tiled, with a central chimney stack wih 4 square shafts on a square base. *Wrongly plotted on English Heritage database mapping.*

1.76 Farmhouse - Grade II. Timber-framed building possibly of 15th century origin. Renovated, with the timber-framing exposed on the front. Two storeys. Three window of modern casements. On the upper storey there is an original window with restored diamond mullions. Roof tiled, with a central chimney stack. The timber framing is no longer exposed. *Also wrongly plotted on English Heritage database mapping.*

1.77 Important buildings or structures within the curtilages of Listed Buildings. A number of such structures have been noted and are detailed below. The issue of deciding whether or not a building is 'curtilage listed' can sometimes be problematic and there is no exact legal definition of a building's curtilage.

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1.78 The main tests relate to the physical layout of the land surrounding the main building/s at the date of listing, the physical layout and functional relationship of structures to each other; ownership, past and present and use or function, past and present. Structures need to be ancillary or subordinate to the main Listed Building and form part of the land and not be historically independent. Protection is granted to such objects or structures within the curtilage of a Listed Building if they were built prior to July 1, 1948. In determining the extent of a Listed Building and its curtilage, a key assessment will be to examine the situation at the time of listing.

1.79 Interpretation is difficult at both the Elmdonbury and Elmdon Lodge sites and briefly explained in the individual building descriptions below. Whatever alternative legal interpretation others may take in the future, the key point is that all of the buildings identified by this Appraisal contribute to the visual and historic importance of the respective sites and should be retained.

1.80 Range of agricultural buildings and stabling to immediate north of listed thatched 'barns' at Elmdonbury. A long range in a continuous run variously of brick and weather boarding. Roofs also various, some being tiled others corrugated asbestos. Probably date from 19th/ early 20 century. These are considered to have had a functional relation with and ancillary to the listed barns and thus 'curtilage listed'.



Picture 1.12 Range of agricultural buildings interpreted as being curtilage listed to immediate north of listed barns at Elmdonbury. Their linear form encloses the built form of the site on its northern edge.

1.81 Outbuildings to Elmdon Lodge. One raised above ground on metal staddle supports. Timber framed with slate roof. 19th century in appearance. Internally much renovated with remains of local milling (?) equipment restored in situ. At the time of listing of nearby barns in 1983 these outbuildings had a functional and ancillary relation with the listed barns and thus can reasonably be regarded as 'curtilage listed' despite now being in different ownership. Recommended for inclusion in the Conservation Area because of their historical and architectural interest.

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Picture 1.13 Interior detail of restored outbuilding to Elmdon Lodge showing equipment of what is believed to once having been a local milling process. Building raised off ground by metal staddle supports to prevent rodent entrance and to keep stored produce dry. An interesting local historical association. Is there any local information?

1.82 Outbuilding to Barn Cottage, Kings Lane. Thatched building ancillary to main listed property. In due course its roof will need re-thatching.



Picture 1.14 Outbuilding to Barn Cottage in future need of re-thatching. Delightful historic group of buildings in a quintessentially English rural setting.

1.83 Barns in the curtilage of Church Farmhouse. An extensive range of agricultural barns of timber framed and weather boarded construction with more recent tiled roofs. Some open fronted. Some show on late 19th century mapping; others probably of early

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20th century date. Many original/early features. Buildings generally appear in fair condition although barn to road frontage would benefit from repairs to tiled roof and repainting.



Picture 1.15 Group of barns associated with Church Farmhouse date from the 19/20th century and are in general good condition. Modest repairs to the one on the road frontage would improve the street scene.

1.84 Barn ancillary to north of Hill Farmhouse. A traditional agricultural barn at right angles to the road in deteriorating condition with corrugated iron roof. The restoration of this building would be most beneficial. (Another barn to the front of Hill Farmhouse has been restored and is in active use.) Similarly, there is a restored barn between the Forge and Hillside on the opposite side of the road. These barns now in active economic use retain agricultural characteristics such as extensive areas of weather boarding and thus continue to contribute to Elmdon's rural character.

Part 1: Appraisal 1



Picture 1.16 The renovation of this ancillary listed barn at Hill Farmhouse would be most beneficial.

1.85 North Lodge to Lofts Hall Estate. Probably dating from the late 19th century with later additions. Render with central portico to front elevation. Pyramidal tiled roof with central chimney. Despite its distance from Lofts Hall Estate this Lodge building remains associated with the main complex and is linked to the latter by an avenue of Lime trees. As such the fieldworker has been regarded it as being 'curtilage listed' despite the distance that separates the two groups.

1.86 Other buildings that make an important architectural or historic contribution. There are a number of buildings which makes a significant contribution to the architectural charm and diversity of this area. These are detailed below.

1.87 Main house at Elmdonbury. Large two storey brick house with steeply pitched roof, 3 no. dormers and central chimney. Distinctive window range. Probably of 19th century date and earlier. Imposing building of similar proportions is identified on late 19th century mapping. It is not considered to be ancillary to the nearby listed barns and therefore not 'curtilage listed'. An Article 4 Direction to provide protection for selected architectural features may be appropriate subject to further consideration and notification.

1 Part 1: Appraisal



Picture 1.17 Main house at Elmdonbury. This whole site is important historically being the location of medieval ring works. The main house probably has components representing various periods. The front elevation makes a significant visual contribution and is most worthy of retention.

1.88 Former Coach House to west of Elmdonbury. Tall two story 19th century building with tiled mansard roof. It appears that the wooden lintel to the front elevation represented the principal entrance to the original building (the latter now being bricked in with windows during conversion process). The building appears in error on Uttlesford District Council mapping as being listed. However there is no evidence for this on English Heritage records or mapping. It is not considered to be ancillary to or have a functional relation with the listed barns on site and thus not 'curtilage listed'.

Part 1: Appraisal 1



Picture 1.18 The Coach House to the west of Elmdonbury. Note wooden lintel interpreted as once having provided support for original entrance point.

1.89 Building to south of the Coach House. Small rendered agricultural building with pantiled roof worthy of retention. It is not considered to be ancillary to or have a functional relation with the listed barns on site and therefore not 'curtilage listed'. An Article 4 Direction to provide protection for selected architectural features may be appropriate subject to further consideration and notification.



Picture 1.19 - Building to south of Coach House. Is there local knowledge regarding the original use of this building?

1 Part 1: Appraisal

1.90 Barn to the east of the Coach House. A small weather boarded agricultural building with tiled roof worthy of retention. It is not considered to be ancillary to or have a functional relation with the listed barns on site and therefore not 'curtilage listed'.



Picture 1.20 Small weather boarded barn to east of the Coach House worthy of retention.

1.91 Elmdon Lodge. Large detached residence constructed of brick with hipped slate roof. 2 no. prominent brick chimney stacks (rebuilt) with pots; finials and decorative ridge tiles to roof. Central doorway with typical coloured glass detailing with slate canopy on decorative supports above. 2 no. bay windows to both floors with decorative wooden detailing. Central stone plaque inscribed Elmdon Lodge 1883. At the time of listing this whole group was in a single ownership. However Elmdon Lodge cannot be considered to have been ancillary to the listed barns at this time and thus is not 'curtilage listed'. An Article 4 Direction to provide protection for selected architectural features may be appropriate subject to further consideration and notification.



Picture 1.21 Elmdon Lodge - a fine Victorian building unusual in the Elmdon context and most worthy of retention.

Part 1: Appraisal 1

1.92 Wilkes Barn. Formerly the Wilkes Arms PH as identified on mapping from late 19th century. The name is assumed to have originated from the family of the same name who owned the nearby Lofts Hall Estate. Render with slate roof; 2 no. chimneys with pots. Later porch and other detailing detract to modest degree but mass of building is pleasing and the position it occupies in the street scene important. This together with its historical associations are reasons for its retention.

1.93 Barn to rear of Wilkes Barn. Weather boarded with slate roof. Probably dates from late 19th/ early 20th century.

1.94 The Old School. Former school, now a house. Single storey of yellow brick construction with slate roof. Central entrance with stone plaque above inscribed 1844. Modern detailing and extensions. Annotated on late 19th century mapping as School Boys Girls & Infants. Of historical interest.

1.95 School Row. Interesting terrace of four 19th century cottages on opposite side of road to school. Of yellow brick construction with slate roof and 2 no. chimneys with pots. A number of blocked window openings. This work was presumably undertaken in reaction to the unpopular 'window tax' seen at the time as a tax on 'light and air'. This tax was repealed in 1851. Modern windows detract to a degree but impact reduced by common detailing having being applied throughout. An Article 4 Direction to provide protection for selected architectural features may be appropriate subject to further consideration and notification.



Picture 1.22 School Row - an interesting 19th century terrace with some properties having window openings blocked up, presumably in response to the deeply unpopular window tax that was repealed in 1851.

1.96 Violet Cottage in part. From external observation only the eastern thatched element of Violet Cottage may be contemporary with other thatched properties in Elmdon dating from the 17/18th centuries. Render and later window detailing; thatched roof and 2 no. chimneys, later extensions. An Article 4 Direction to provide protection for selected architectural features may be appropriate subject to further consideration and notification.

1 Part 1: Appraisal



Picture 1.23 Violet Cottage. The thatched element is believed to be early and contributes to the local street scene and is worthy of retention.

1.97 Pilgrims, High Street, southern junction with King's Lane. 19th century rendered property with hipped slate roof and 2 no. chimneys with pots. Original/early vertical sliding sash windows. An interesting building whose front elevation contributes to the local street scene despite later additions. An Article 4 Direction to provide protection for selected architectural features may be appropriate subject to further consideration and notification.

Part 1: Appraisal 1



Picture 1.24 Pilgrims, a 19th century property whose front elevation contributes to this part of the Conservation Area.

1.98 Other distinctive features that make an important architectural or historic contribution. Walls so identified are protected from demolition without prior consent unless otherwise stated.

1.99 There are a number of walls and railings of historic and visual importance which add to the character and quality of the Conservation Area and should be retained. All are protected from demolition without permission virtue of either being within the curtilage of a Listed Building or exceeding the pertinent height relevant to Conservation Area control.

1.100 Wall to front of Wilkes barn. Of brick and flint construction with rounded semi circular capping detailing. Small areas in need of repair. Exceeds 1m in height.

1.101 Brick and flint wall between Farthing Green and Old Vicarage Cottage, curtilage listed. About 2m in height with rounded capping detail.

1.102 An important long length of brick and flint wall to front of the Old Vicarage on both the Ickleton Road and High Street frontages. Height varies 1-1.5m. Curtilage listed. Some repairs necessary.

1 Part 1: Appraisal



Picture 1.25 Selected areas of important wall to boundary of the Old Vicarage are in need of repair.

1.103 Late 19th/early 20th century railings on dwarf brick flint wall to front of T Meadow, High Street.

1.104 Wall around parts of churchyard. Of brick and flint construction with rounded capping detail.

1.105 Tombs and gravestones in St Nicholas churchyard. There are a number of good quality tombs and gravestones in the churchyard. One chest tomb was being restored at the time of survey and those responsible for this positive action are to be applauded.



Picture 1.26 Chest tomb in churchyard being repaired.



Picture 1.27 The same tomb following restoration. Those responsible for this positive action are to be congratulated.

1.106 Other tombs are in need of restoration and some minimal works such as the removal of vegetation, particularly the growth of young sycamore saplings, which in time could easily destroy the tomb's architecture if allowed to mature, could be easily achieved.

Part 1: Appraisal 1

1.107 Early discussions have indicated that the local church authorities are aware of these issues and it is hoped a programme of restoration can continue. Such tombs are a key source of architectural interest and local historical importance.



Picture 1.28 Another chest tomb in the churchyard in need of restoration. Early removal of vegetation, particularly Sycamore saplings would be most beneficial and cost effective.

1.108 Directional sign on central green. Fine traditional metal signpost with inscribed finial that reads: PARISH OF ELMDON E.C.C. STICK NO BILLS. This traditional sign post and its fingers should be retained, cleaned and renovated.



Picture 1.29 Traditional directional sign that adds to the character of the centre of Elmdon but is in need of cleansing and renovation.

1.109 War Memorial. Simple stone War Memorial consisting of base and tapered column surmounted by cross. Inscribed to commemorate those who gave their lives and those who served in both World Wars.

1 Part 1: Appraisal

1.110 19th century pump, Ickleton Road. Remains of a large village pump with slate pavior base. Regrettably important elements missing including decorative finial. Structure and base needs renovation. Suggested minimum recommended works relate to removal weed growth. A very worth while long term restoration project would be to renovate this important feature and element of local history.



Picture 1.30 Traditional village pump that is very much part of the local history and in need of some restoration. Various levels of restoration possible but an immediate improvement could be achieved by removing weed growth and re setting slate paviours.

1.111 Gate piers and entrance gates adjacent to North Lodge, entrance to Lofts Hall estate. Probably of 19th century date. Brick piers and restored iron gates.

1.112 Important open spaces. Elmdon churchyard is a large important space in the centre of the village that is well kept with many good quality trees of traditional churchyard species and a rich variety of tombstones.

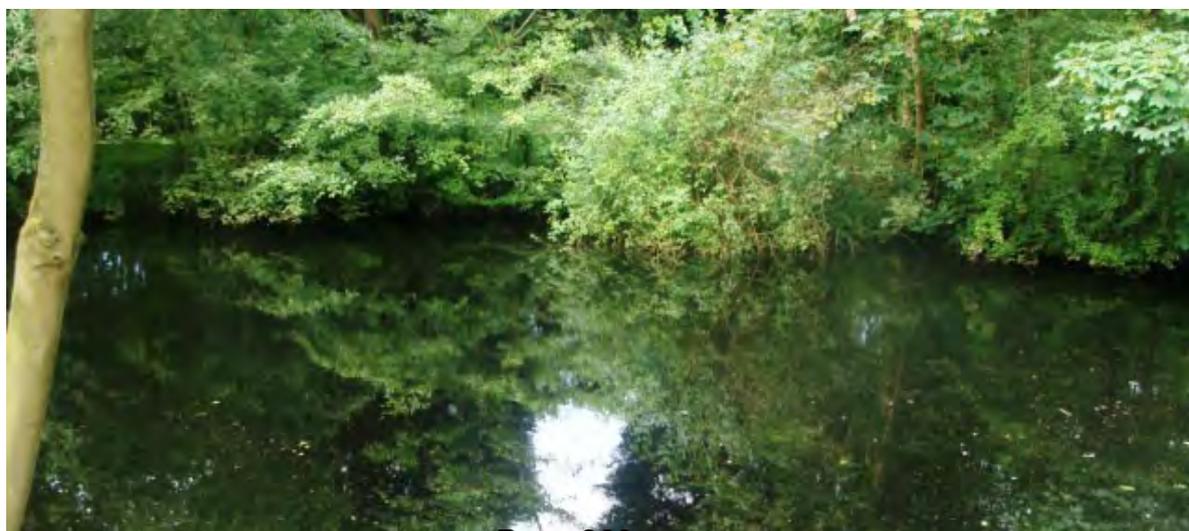
Part 1: Appraisal 1



Picture 1.31 Elmdon Churchyard, a verdant open space in the centre of the village of considerable visual and historic importance.

1.113 The small green in the centre of Elmdon and another one on Ickleton Road to the east of the church contribute to the spatial qualities of the street scenes in their respective locations despite their diminutive sizes.

1.114 Water features. Within the general Elmdonbury area there are three ponds that add to the quality of the local environment that should be retained.



Picture 1.32 One of three ponds in the general area of Elmdonbury that add to the quality of the Conservation Area, this one being to the south of Bury Cottage.

1 Part 1: Appraisal

1.115 Particularly important trees and hedgerows. Throughout the Conservation Area trees and hedgerows play an important part in contributing to its overall quality. They are diagrammatically plotted on the accompanying plans.

1.116 Important views. The small scale maps contain too much other detail to show these. However the views into the settlement along the three main routes are the most important.

1.117 Elements that are out of character with the Conservation Area. There are a large number of utility poles in the Conservation Area whose appearance and overhead services detract to varying degrees. The practicalities and associated cost of achieving such improvements, particularly in this difficult economic climate, is recognised. However it is considered appropriate to draw attention to the visual damage caused and for the Parish Council to discuss the matter with the relevant utility company to explore the potential of achieving selected improvements now or in the longer term of those considered at local level to be in the more sensitive locations. The principle individual and groups of poles are shown diagrammatically.



Picture 1.33 The impact of utility poles on views into the Conservation Area.

1.118 Opportunities to secure improvements. Continue with restoration programme of initiating repairs to tombstones in the churchyard. It is suggested the PC contact ECC regarding retention, cleansing and restoration of the three way directional sign on the central village green. Barn to frontage of Church Farmhouse would benefit by initiating repairs to roof and repainting. Similar suggestion in respect of ancillary barn at Hill Farmhouse. Small areas of wall to High Street frontage of the Old Vicarage would benefit from repair works being carried out. Ideally removal of selected utility poles. Restoration of village pump. Ickleton Road within limits of financial resources.

Part 1: Appraisal 1

1.119 Suggested boundary changes. Extend boundary to include small range of outbuildings south of Elmdon Lodge within the Conservation Area in recognition of their historic and architectural interest.

1.120 For information: the fieldworker was unable to access all rear Conservation Area boundaries. Importantly those heritage assets that should be embraced by the Conservation Area are included in it.

1.121 Other actions. Advise English Heritage of plotting errors on their database mapping information in respect of Church Farmhouse and The Cottage, Ickleton Road and Hill Farmhouse, High Street. Amend Uttlesford District Council mapping that wrongly identifies the Coach house to the west of Elmdonbury as being individually listed.

Part 2 - Management Proposals

Revised Conservation Area Boundary

2.1 Extend boundary to include range of outbuildings south of Elmdon Lodge.

Planning Controls and Good Practice: The Conservation Area

2.2 All current planning policies are contained in the Uttlesford Local Plan adopted in 2005. It is principally against this document that the District Council will process applications. As set out above, this will be superseded in due course by the Council's new Local Plan.

2.3 Applicants considering submitting any application should carefully consider the relevant policies and if necessary contact Council Officers to seek advice. For further details including advice on Planning Applications, Conservation Areas, Listed Buildings, Landscaping and other general administrative advice, please contact the Planning Department for assistance.

Website: www.uttlesford.gov.uk

Telephone no. 01799 510510

Or write to Council Offices, London Road, Saffron Walden, Essex CB11 4ER

Planning Controls and Good Practice: The Potential Need to Undertake an Archaeological Field Assessment

2.4 Potential need to undertake an Archaeological Evaluation. Good practice for applicants will be to carefully consider the content of the policies set out in the Local Plan.

Planning Control and Good Practice: Listed Buildings

2.5 Those buildings that are individually listed and other pre-1948 buildings, structures or walls within the curtilage of a Listed Building are protected in law.

2.6 The Listed Buildings and associated structures within their curtilages, including those that have been specifically identified by this Appraisal, are important and are a significant contribution to the quality of the built environment of Elmdon. Good practice for applicants proposing alterations or additions to such Listed Buildings will be to carefully consider the content of the policies set out in the Local Plan.

2.7 Various amendments to English Heritage and Uttlesford District Council mapping records of selected Listed Buildings need making.

Part 2 - Management Proposals

Planning Controls and Good Practice: Other Buildings that Make an Important Architectural or Historic Contribution

2.8 A number of such unlisted buildings that make positive contributions to the character of the Conservation Area have been identified. The Council will seek to ensure that these are retained. These buildings are as follows; main house at Elmdonbury; Coach House to west of Elmdonbury; barn to south of Coach House; barn to east of Coach House; Elmdon Lodge; outbuilding to Elmdon Lodge; Wilkes Barn; barn to rear of Wilkes Barn; The Old School; School Row; part of Violet Cottage; Pilgrims.

2.9 Proposed Article 4 Directions. There are other distinctive features that are integral to some of the unlisted buildings identified in the previous paragraph that make an important architectural or historic contribution, including selected chimneys, windows and other architectural detailing. The associated legislation is complex. Should the Council consider such a course of action appropriate there would be a process of notifying the affected owners separately at a later date. This would be associated with further detailed consideration and possible refinement of the general proposals set out earlier in this Appraisal.

Planning Controls and Good Practice: Other Distinctive Features that Make an Important Architectural or Historic Contribution

2.10 This Appraisal has identified a number of walls, railings and other features (tombs/gravestones, directional sign, War Memorial, pump, gate piers and gates) that add significantly to the character of the Conservation Area and which should be retained.

Planning Control and Good Practice: Important Open Spaces, Trees and Groups of Trees

2.11 Important open land, open spaces and gaps. Important open land, open spaces gaps and water features. The churchyard and two small greens one centrally located and the other on the Ickleton Road to the east of the church together with water features in the Elmdonbury area represent landscape features that materially contribute to the character and appearance of the Conservation Area which must be protected.

2.12 Particularly important trees and hedgerows. Particularly important trees and hedgerows. Only the most significant trees and hedgerows are shown very diagrammatically. Subject to certain exceptions all trees in a Conservation Area are afforded protection and a person wanting to carry out works has to notify the Council. Trees that have not been identified may still be considered suitable for protection by Tree Preservation Orders. Owners are advised to make regular inspections to check the health of trees in the interests of amenity and Health and Safety.

Proposed Controls: Other Distinctive Features that make an Important Visual or Historic Contribution

2.13 Mapping is too crowded to illustrate these. However the views into the settlement along the three main routes are the most important.

Part 2 - Management Proposals

Enhancement Proposals to Deal with Detracting Elements

2.14 The Appraisal has identified elements that detract and other recommended actions which are summarized below together with a proposed course of action. Within the staff and financial resources available, Council Officers will be pro-active and provide assistance. It must be recognized that such improvements will frequently only be achieved with the owner's co-operation.

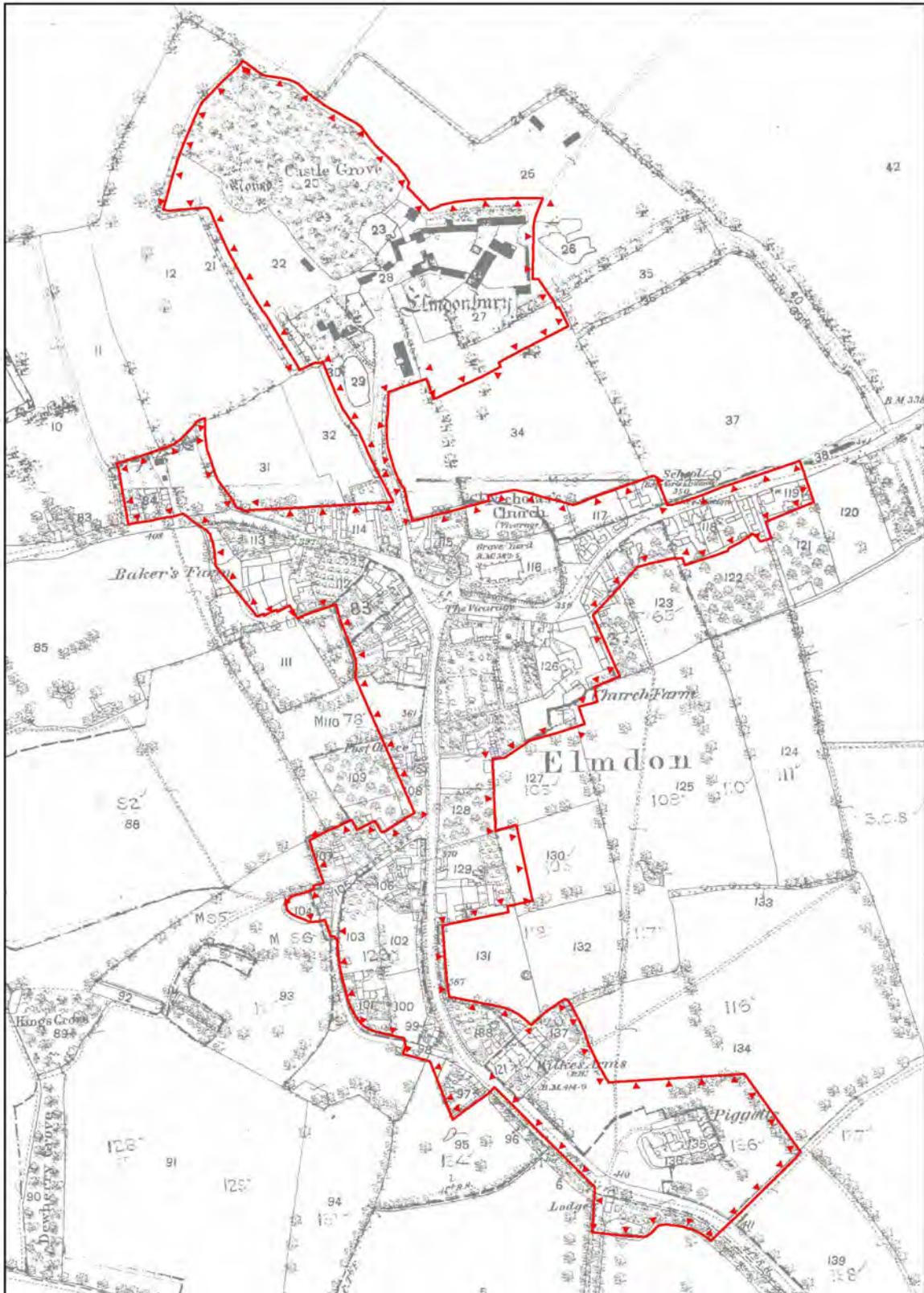
The features identified below are shown on the accompanying plans.

Detracting element	Location	Proposed Action
Utility poles	Throughout the Conservation Area.	Suggest the Parish Council approach relevant company to explore the potential of selected remedial works now or at a future date.

Other actions
Contact owner of Pigots and discuss the future of this important Grade II* building. If appropriate add to the Buildings at Risk Register.
Advise English Heritage of plotting errors on their database mapping information in respect of Church Farmhouse and The Cottage, Ickleton Road and Hill Farmhouse, High Street.
Amend Uttlesford District Council mapping that wrongly identifies the Coach house to the west of Elmdonbury as being individually listed.
It is hoped the church authorities will continue with their important initiative of repairing tombstones in St Nicolas's churchyard.
It is suggested the Elmdon Parish Council contact Essex County Council regarding restoration of the three way directional sign on the central village green.
Discuss potential with owner of initiating repairs to roof and repainting barn to frontage of Church Farmhouse.
Discuss potential with owner of initiating repairs particularly to roof of ancillary barn at Hill Farmhouse.
Discuss potential with owner of initiating repairs to wall on High Street frontage of the Old Vicarage.
Source owner and consider potential of initiating selected repairs to 19th century pump on the Ickleton Road.

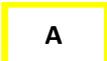
Maps

Figure 1 - 1877 Ordnance Survey Map



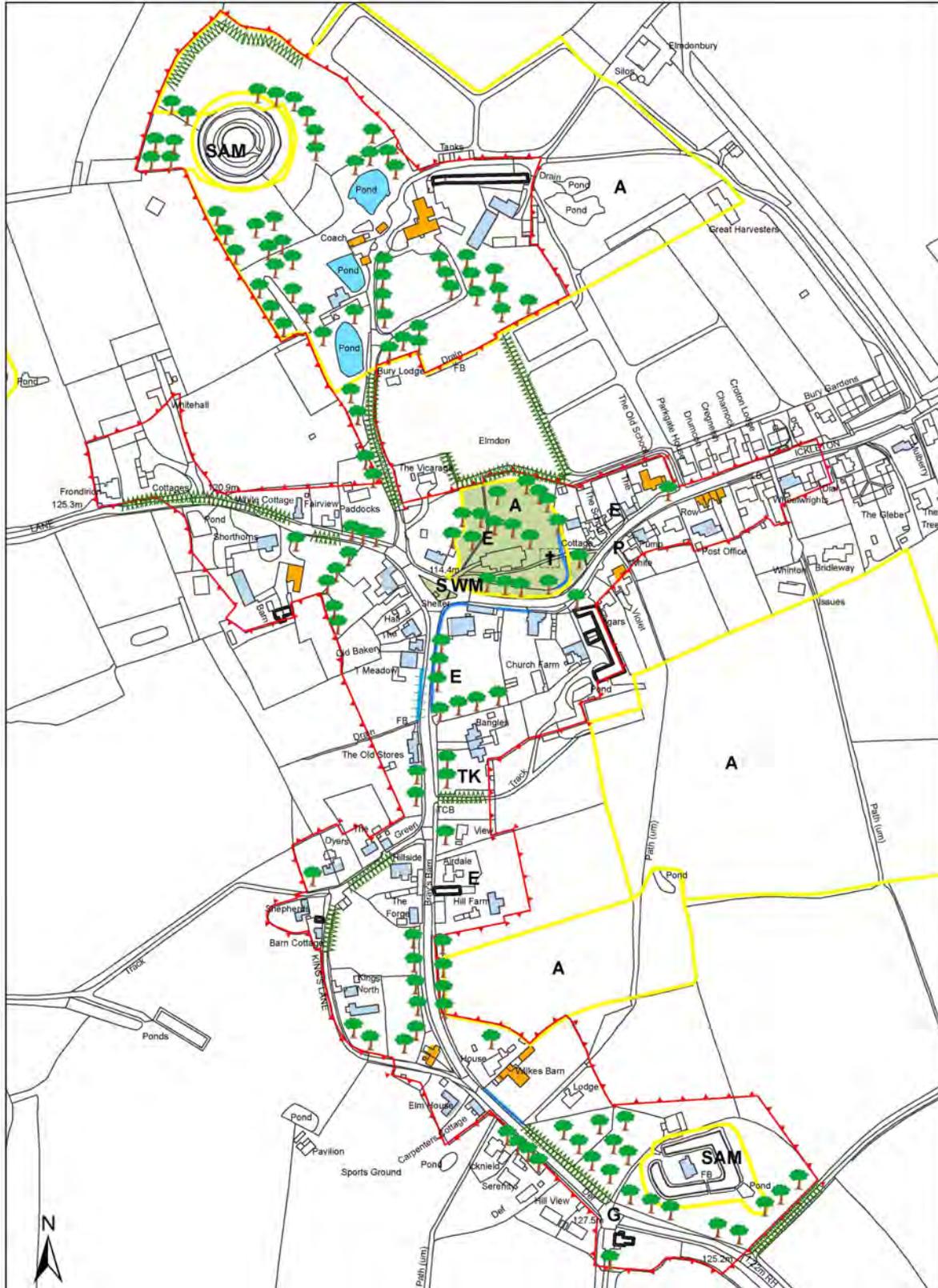
Maps

Character Analysis Key

	Existing Conservation Area boundary
	Scheduled Ancient Monuments
	Archaeological Sites
	Individually Listed Buildings and listed Telephone Kiosk
	Important Buildings in the curtilages of Listed Buildings
	Other buildings that make an important architectural or historic contribution
	Important open spaces and water features
	General location of important trees/hedgerows
Other distinctive features to be protected from demolition within parameters of legislation (including walls and railings within the curtilage of listed buildings)	
	Walls
	Railings
	Tombs and Gravestones
S	Directional Sign
WM	War Memorial
P	Pump
G	Gate Piers and entrance gates
Important Views – Maps too crowded to illustrate, please refer to text.	
D	Detracting elements out of character
E	Suggested Improvements

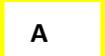
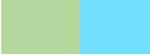
Maps

Figure 3 - Management Plan



Maps

Management Plan Key

	Revised Conservation Area boundary, adopted policy ENV1 applies
	Scheduled Ancient Monuments, adopted policy ENV4 applies
	Archaeological Sites, adopted policy ENV4 applies
	TK Individually Listed Buildings and listed Telephone Kiosk, adopted policy ENV2 applies
	Important Buildings in the curtilages of Listed Buildings, adopted policy ENV2 applies
	Other buildings to be protected from demolition. See policy ENV1
	Important open spaces and water features to be protected from development. Adopted policy ENV3 and National Planning Policy Framework apply.
	General location of important trees/hedgerows to be protected within parameters of legislation
Other distinctive features to be protected from demolition within parameters of legislation (including walls and railings within the curtilage of listed buildings)	
	Walls
	Railings
	Tombs and Gravestones
S	Directional Sign
WM	War Memorial
P	Pump
G	Gate Piers and entrance gates
E	Proposed enhancement

Appendices

Appendix 1 - Sources

ACT "An Act for taking an Account of the Population of Great Britain, and the Increase or Diminution thereof."enumeration Abstract. 1831

ACT Planning (Listed Buildings and Conservation Areas) Act 1990

CENSUS 2001, Office of National Statistics

CENSUS 1881 Census of England and Wales, Population tables 2, Table 4, 'Area, Houses, and Population of Civil Parishes in the several Registration Sub-Districts in 1871 and 1881'

CHRIS BLANDFORD ASSOCIATES Landscape Character Assessment, Chris Blandford Associates, September 2006

CHAPMAN (John) Surveyor, and ANDRÉ(Peter) A Map of the County of Essex from a Survey Taken in the Years 1772, 1773 and 1774, 1777

DEFRA Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Land, Defra Publications, 1988

DOMESDAY BOOK Little Domesday Book Essex, Alecto Historical Editions London, 2000

DOUBLEDAY (H. A.) The Victoria History of the County of Essex Vol. I, Westminster 1903

ENGLISH HERITAGE The National Heritage List for England (online resource at <http://www.english-heritage.org.uk/professional/protection/process/national-heritage-list-for-england/>)

ESSEX COUNTY COUNCIL Buildings at Risk Register - Heritage at Risk in Essex Register 2011, Essex County Council October 2011

ESSEX COUNTY COUNCIL Protected Lanes Assessment, Essex County Council, March 2012

ESSEX COUNTY COUNCIL Strategic Environmental Assessment Consultation Environmental Report Annex B: Baseline Information, Essex County Council, March 2012

ESSEX COUNTY COUNCIL Uttlesford District Historic Environment Characterisation Project, Essex County Council, 2009

ESSEX PLACENAMES PROJECT www.essex.ac.uk/history/esah/essexplacenames/

FRAMEWORK National Planning Policy Framework, Department for Communities and Local Government, March 2012

HERITAGE GATEWAY <http://www.heritagegateway.org.uk/>

Appendices

H.M.S.O. Population: account of the total population, according to the census taken, 1841, of each county in Great Britain; ... also, the number of houses...; similar returns for the Channel Islands and Isle of Man... ; account of the population of each city and royal and parliamentary burgh in Scotland. London : H.M.S.O., 1841

KELLY (E.R.) Ed., Post Office Directory of Essex, London, Printed and Published by Kelly and Co., 1878

LEWIS (Samuel) A Topographical Dictionary of England, London, S. Lewis and Co., 1848

MORANT (P) History of Essex Vol 2, 1768

NICHOLLS (John V) Essex survey of cast iron signposts 2002-2005. 2005

ORDER The Town and Country Planning (General Permitted Development Order), 1995

ORDNANCE SURVEY Second Edition Ordnance Survey map sheets of England, 1898

PEVSNER (Nikolaus) ed. James Bettleyard The Buildings of England, Essex, New Haven/London, Yale University Press, 2007

RACKHAM (Oliver) The History of the Countryside: The full fascinating story of Britain's landscape, London, J. M. Dent & Sons Ltd, 1986

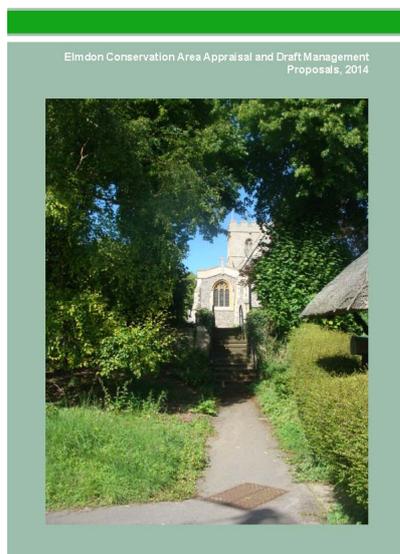
REANEY (Percy Hide) The Place names of Essex, Cambridge University Press, 1935

WILSON (John Marius) Imperial Gazetteer of England and Wales, London & Edinburgh: A. Fullarton and Co. 1870-72

UTTLESFORD DISTRICT COUNCIL Uttlesford Local Plan Adopted January 2005, Uttlesford District Council, 2005

Report of Public Participation on Elmdon Conservation Area Appraisal and Draft Management Plan 6 October - 16 November

Report One Comments made at the Public Exhibition and during the consultation period



November 2014

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Appendix 1 – Copy of letter to Elmdon Residents

Appendix 2 – Elmdon consultation form (the Council's standard equalities monitoring forms were also made available)

Introduction

This report outlines the responses received from the public exhibition held at Elmdon Village Hall on Thursday 16 October 5.30-8pm and all responses received during the consultation period 6 October to 16 November.

The Government encourages Councils to undertake appraisals of Conservation Areas and as part of an ongoing programme an appraisal of the Elmdon Conservation Area was carried out in 2014. Anyone with an interest in Elmdon was invited to respond to the consultation on the draft Appraisal which was available on line at <http://www.uttlesford.gov.uk/elmdoncaa> or, from 6 October paper copies could be inspected at the Council Offices in Saffron Walden, Saffron Walden Library and the mobile library or from the Elmdon Parish Clerk.

Consultees were invited to visit the Council's website, read the document and send in responses as to whether all the measures should be included or just a selection of them. For those who could not access the website, they could send any comments to the Project Officer at the Council Offices, London Road, Saffron Walden, CB11 4ER by email, letter or fax.

There was also a chance to see details of all the proposed changes and to discuss them with Council officers at a public exhibition which was held at Elmdon Village Hall on Thursday 16 October 5.30-8pm.

Following the consultation the District Council will take into account all comments and approve an amended document that will be an important material consideration when processing applications.

Summary of findings of the Elmdon Conservation Area Appraisal

The historic core of Elmdon is a high quality environment where the 37 Listed Buildings, or groups of buildings, and other structures in the Conservation Area make a significant contribution to its architectural and historical importance. The majority are designated Grade II, though, there are two which are designated Grade II*, namely the church of St Nicolas and Pigots. Most Listed Buildings in the Conservation Area date from the 17th century (40%) followed by over 30% being

from the 18th century. Earlier buildings from the 15th and 16th centuries together represent about 20% of the total. There are also several representatives from 19th and 20th centuries, the latter being a telephone kiosk.

A number of quality unlisted buildings have been identified as making a positive contribution to the character of the Conservation Area. These are the main house at Elmdonbury; Coach House to west of Elmdonbury; barn to south of Coach House; barn to east of Coach House; Elmdon Lodge; outbuilding to Elmdon Lodge; Wilkes Barn; barn to rear of Wilkes Barn; The Old School; School Row; part of Violet Cottage; Pilgrims.

Trees, hedgerows, water features and open spaces within the existing Conservation Area play an important function in adding to the high quality and diversity of the environment. Of particular note are the churchyard and two small greens, one centrally located and the other on the Ickleton Road to the east of the church, together with water features in the Elmdonbury area. These represent landscape features that materially contribute to the character and appearance of the Conservation Area which must be protected. There are few detracting elements in the area, though it is noted that the removal of overhead utility cables and poles and the installation of these services underground would be beneficial to the overall appearance of the Conservation Area.

One amendment to the boundary of the Conservation Area is proposed: To extend the boundary to include the small range of outbuildings south of Elmdon Lodge within the Conservation Area in recognition of their historic and architectural interest..

Publicity

Publicity was carried out to advise all possible respondents of the publication of the Appraisal, the duration of the consultation period, ways of making a response and the details of the public exhibition held in the village.

Parish Council - Elmdon Parish Council were notified of the Council's intention to appraise the Conservation Area. The fieldworker met with the Parish Council prior to the publication of the document and they were supplied with advance notification of the consultation and with a pre-publication copy of the Appraisal report to which they were invited to make a response.

Posters were distributed and copies were sent to the Parish Council.

Information letters were delivered to all properties within the Conservation Area and in any other areas affected by any amendments. A copy is included in Appendix 1.

Website – a dedicated page on a marketing url <http://www.uttlesford.gov.uk/elmdoncaa> was created on the Council's website from which links were supplied to enable access to pdf and online interactive versions (via the Council's Objective consultation portal) of the Appraisal. Summary information on the report was given on the page and links to pdf and Word versions of the comments form.

Direct Mailing - key consultees on the Council's database (Objective) were emailed advising them of the new consultation event.

Uttlesford District Council Elmdon Conservation Area Appraisal and Management Proposals Consultation

Public exhibition – a public exhibition was held at Elmdon Village Hall on Thursday 16 October 5.30-8pm and was attended by 33 people. The exhibition was attended by the Council's Conservation Officer and the fieldworker who had undertaken the appraisal. Both were on hand to answer enquiries. Maps, plans, a selection of images of important local buildings and copies of the Appraisal were available as were paper copies of the response forms.

Press release – a press release was issued on 6 October and was subsequently published in local newspapers. It was also available on the Council's website and via its Twitter and Facebook pages. A reminder about the public exhibition was issued via social media in the week leading up to the public exhibition.

Copies of the Appraisal - The Appraisal document was available online, as noted above, and paper copies could be inspected at the Council Offices in Saffron Walden, Saffron Walden Library and the mobile library or from the Elmdon Parish Clerk.

Results of the consultation on the Elmdon Conservation Area Appraisal

The consultation period ran between 6 October and 16 November and all responses are reproduced below.

Natural England

Date: 21 October 2014
Our ref: 133720
Your ref: [Click here to enter text.](#)



Mr Bruce Tice
Uttlesford District Council
Council Offices
London Road
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BY EMAIL ONLY

Dear Mr Tice

Elmdon Conservation Area Appraisal

Thank you for your consultation on the above dated 06 October 2014 which was received by Natural England on 06 October 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England does not wish to offer any substantive comments in respect of this consultation document, however, other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this area in the decision making process.

Although Natural England does not wish to make any substantive comments, we welcome the reference to open land and open spaces under paragraphs 1.50 to 1.52 and 2.11.

Biodiversity and the natural environment can lead to various opportunities, not just for wildlife activity and connection, but also health, recreation, contributing to climate change adaptation and improving quality of life. Natural England encourages the Council through its Local Plans and policies to ensure the borough's green infrastructure is designed to deliver multiple functions.

The Council should also look at the fragmentation of open spaces and the linking of them back to paths and other sites. This would protect and enhance green spaces and corridors, as well as providing opportunities to link sites and areas, whilst also offering sustainable transport options through walking and cycling, together with increasing and enhancing the green infrastructure network of the area.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Elmdon residents

The leaflet delivered to some households in Elmdon regarding the Conservation area here has come to our notice and we are writing to you regarding the churchyard in Elmdon.

The church folk together with the local farmer have taken it upon themselves to demolish the hedgerows etc. forming the entry to the churchyard from the village green and along the boundary of the churchyard with Ickleton Road. It also seems that the original flint wall which ran along the boundary under the brambles may also have been damaged/destroyed. A digger has been working there all this week and where views of the church were partially hidden by the brambles the complete removal of these in some areas has totally opened up the views of the church.

Maybe we are wrong but we think that the conservation area continues down Ickleton Road obviously including the churchyard. If this is the case should permission for these large scale works have been sought from the Uttlesford planning department or do local laws not apply to churches?

Yours sincerely
Concerned residents

An Elmdon resident

Comment here on the character analysis of Elmdon:

Consider the character analysis to be fair representation.

Comment here on the revised conservation area boundary:

This seems to be logical within the context of the existing conservation area.

Comment here on the buildings that make an important architectural or historical contribution to the conservation area:

This seems to be logical having regard to the existing conservation area.

Comment here on the management proposals:

The proposals that refer to the individual home owners should be commended on by the home owners themselves.

With regard to the 3 way directional sign when this was repaired by ECC 30 year ago no attempt was made to match the new with the original!

We were informed at the public consultation that both ECC and utility companies are exempt from conservation planning control and guidance. Some hope to get any change regarding the poles!

Any other comments:

Elmdoners are proud of the heritage, history and varied architecture of the village and generally welcome the existence of the conservation area given the responsibilities and obligations that go with it. We are also blessed that it is situated in a delightfully attractive and unspoilt part of Essex.

Uttesford District Council Elmdon Conservation Area Appraisal and Management Proposals Consultation

With regard to the consultation that took place on 16 October I got the impression that the presenters were quick to point out the financial constraint put on public and statutory authorities but seemed to overlook the fact that the same financial constraints equally apply to individual homeowners.

Elmdon is a living community and hopefully will remain so for the next generations. I believe there should be a balance between conservation and the construction of tomorrows houses of potential architectural and heritage interest. It is not in the interests of a living community to have the area clothed in aspic or one which becomes a museum.

As a listed property owner I am not convinced that Uttesford has thought of continuing to fight the corner for owners of listed properties regarding the government's imposition of standard rate VAT in respect of approved alterations, maintenance and repairs to listed properties. I am also concerned that Uttesford takes a particularly stringent interpretation of the guidelines regarding double glazing. Clearly there is a contradiction between absolute conservation and government policy regarding conservation. The LPOC raise the issue regularly in their club magazine and point out the differing views of councils on the matter. There are products on the market which in my view do not detract from the visual appearance of windows and should be universally permitted – secondary double glazing is not the universal solution.

Appendices

Appendix 1 – Copy of letter to Elmdon Residents

Elmdon conservation area appraisal
and draft management proposals consultation



Dear Elmdon resident

The Government encourages councils to undertake appraisals of Conservation Areas and one has just been completed for your village. We now need your comments on the Conservation Area appraisal for Elmdon; a consultation on the draft document will be running between **6 October and 16 November**. The document will be available online at <http://www.uttlesford.gov.uk/elmdoncaa> or, from 6 October, paper copies can be inspected at the Council Offices in Saffron Walden, Saffron Walden Library and the mobile library or from the Elmdon Parish Clerk. The main findings are set out below. There will also be a chance to see details of all the proposed changes and to discuss them with council officers at a public exhibition which will be held at Elmdon Village Hall on **Thursday 16 October 5.30-8.00pm**.

The historic core of Elmdon is a high quality environment where the 37 Listed Buildings, or groups of buildings, and other structures in the Conservation Area make a significant contribution to its architectural and historical importance. The majority are designated Grade II, though, there are two which are designated Grade II*, namely the church of St Nicolas and Pigots. Most Listed Buildings in the Conservation Area date from the 17th century (40%) followed by over 30% being from the 18th century. Earlier buildings from the 15th and 16th centuries together represent about 20% of the total. There are also several representatives from 19th and 20th centuries, the latter being a telephone kiosk.

A number of quality unlisted buildings have been identified as making a positive contribution to the character of the Conservation Area. These are the main house at Elmdonbury; Coach House to west of Elmdonbury; barn to south of Coach House; barn to east of Coach House; Elmdon Lodge; outbuilding to Elmdon Lodge; Wilkes Barn; barn to rear of Wilkes Barn; The Old School; School Row; part of Violet Cottage; Pilgrims.

Trees, hedgerows, water features and open spaces within the existing Conservation Area play an important function in adding to the high quality and diversity of the environment. Of particular note are the churchyard and two small greens, one centrally located and the other on the Ickleton Road to the east of the church, together with water features in the Elmdonbury area. These represent landscape features that materially contribute to the character and appearance of the Conservation Area which must be protected. There are few detracting elements in the area, though it is noted that the removal of overhead utility cables and poles and the installation of these services underground would be beneficial to the overall appearance of the Conservation Area.

One amendment to the boundary of the Conservation Area is proposed: To extend the boundary to include the small range of outbuildings south of Elmdon Lodge within the Conservation Area in recognition of their historic and architectural interest.

Please visit our website, read the document and let us know what you think and whether we should include all the measures or just a selection of them. If you cannot access our website, please send any comments to the Council Offices, London Road, Saffron Walden, CB11 4ER. For further information please call Bruce Tice, our Project Officer, on 01799 510670 or email btice@uttlesford.gov.uk who will be pleased to assist and answer any of your queries.

Elmdon conservation area appraisal
and draft management proposals consultation



Uttlesford District Council Official Notification

Important information on the Elmdon
Conservation Area Appraisal

For the attention of the property owner


**Elmdon
Conservation Area
Appraisal
Public Exhibition**

**Thursday 16 October 5.30-8.00pm
Elmdon Village Hall
Elmdon CB11 4NL**

Your chance to have your say on the draft Conservation
Area Appraisal for Elmdon

The consultation runs 6 October to 16 November 2014
For more information call 01799 510670 or take part online at
www.uttlesford.gov.uk/elmdoncaa

Appendix 2 – Elmdon consultation form (the Council’s standard equalities monitoring forms were also made available)

Elmdon Conservation Area Appraisal Consultation

Consultation Feedback Form

Comment here on the character analysis of Elmdon:

Comment here on the revised conservation area boundary:

Comment here on the buildings that make an important architectural or historical contribution to the conservation area:

Comment here on the management proposals:

Any other comments:

Please send any comments to Bruce Tice, Conservation Area Appraisals Project, Council Offices, London Road, Saffron Walden, CB11 4ER. For further information please ring Bruce Tice, our Project Officer, on 01799 510670 or email btice@uttlesford.gov.uk who will be pleased to assist and answer any of your queries.

