

ENVIRONMENT COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 17 MARCH 2009 at 7.30 pm

Present: Councillor S Barker – Chairman
Councillors S Anjum, K R Artus, C A Cant, R H Chamberlain, A Dean, C M Dean, C D Down, E J Godwin, S J Howell, H J Mason, and A M Wattebot.

Also present: Councillors A J Ketteridge, D J Morson and A D Walters.

Officers in attendance: D Burridge (Director of Operations), R Harborough (Acting Director of Development) and R Procter (Democratic Services Officer).

E50 STATEMENTS BY MEMBERS OF THE PUBLIC

Prior to the meeting statements were made by Adrian Thomas in relation to proposals for a wind farm at Linton; and by Petrina Lees and John Segar in relation to the response to the Government's consultation on its draft eco towns planning policy statement. A summary of the statements and questions of members of the public is attached to these Minutes.

E51 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J F Cheetham, R D Sherer and C C Smith.

Councillor Barker declared a personal interest as a member of Essex County Council and the EERA Housing Panel.

E52 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 20 January 2009 were approved and signed by the Chairman as a correct record subject to amendment of two instances of the word 'floored' to 'flawed' in the summary of a statement by a member of the public.

E53 BUSINESS ARISING

(i) Minute E49 – Local Development Scheme

Councillor A Dean asked whether there was any date for a cross party consultation workshop. The Acting Director of Development said the report from the strategic housing market assessment consultants was not yet available. Workshops were planned on a number of technical topics. It would be necessary to discuss these topics and identify the relevant issues before discussing appropriate consultation arrangements. Setting a date at this time was premature.

E54

CHAIRMAN'S ITEMS

The Chairman gave a brief update on three items, as follows.

Regarding the kitchen waste caddy trial, a second questionnaire was about to be sent to 1,400 participating households.

Regarding the civic amenity site at Dunmow, further progress was on hold pending a flood risk assessment, which had now been required.

The parking partnership with Braintree and Colchester would go live on 1 April 2009.

E55

LEAD OFFICER'S REPORT

The Acting Director of Development presented his report as Lead Officer, updating the Committee on flood risk management at Ashdon; NATS' proposed changes to airspace; the Inter Authority Waste Agreement; and proposals for the transfer of amenities.

Regarding flood risk management at Ashdon, Councillor Chamberlain said an action group had been established at a meeting of the Parish Council. He asked that senior officers take the lead in arranging a meeting between the action group and various agencies.

(Councillor A Walters arrived at this point.)

Regarding the Inter Authority Agreement on waste, the Acting Director of Development said that it had been anticipated that a report on this matter would have been brought to Members by this time. However, the County Council had not been able to finalise the agreement and had extended the deadline, and therefore a report would come to the Committee in June, with a final report to Full Council in July.

Councillor Cant suggested a presentation would be helpful to Members as a great deal of money was involved, and there were many issues which required full discussion. Councillor Barker said whilst much work had been done by the Waste Strategy Project Team, a workshop or presentation for Members would indeed be necessary.

Councillor A Dean said deadlines had been proved to have been unrealistic. It was important not to rush in but to have time to consider what the opportunities were, and he asked to be kept informed.

Councillor C Dean referred to discussions for transfer of amenities to Saffron Walden Town Council. She presumed the final decision would be made by Full Council, and queried the position regarding transfer of Bridge End Gardens. Officers explained that Bridge End Gardens were leased to the Council. Councillor Barker agreed that full debate would take place on this

matter, and if Members felt strongly that such debate should take place at Full Council, they could make that request.

Councillor A Dean sought to clarify the nature of the interest of those Members who were also members of Saffron Walden Town Council in considering this item. The Chairman said a legal officer would be asked to advise on this point.

E56

RESPONSE TO GOVERNMENT CONSULTATION ON ECO TOWNS PLANNING POLICY STATEMENT

The Chairman brought forward this agenda item, as she appreciated it was of interest to many of those attending. She said an extraordinary meeting would have been held, but the deadline for responses had been extended, and the viability assessment commissioned by the government had only been made available a few days before this Committee's agenda deadline.

The Acting Director of Development gave a verbal presentation on the report. Summarising the context, he said there had been an initial report to Council in April 2008, and a comprehensive report to the Environment Committee in June 2008 on the Department for Communities and Local Government (DCLG) consultation paper 'Eco-towns – Living a greener future'. Following a further report in November 2008 on the draft Eco towns Planning Policy Statement, the Committee had resolved to welcome the change in the Government's stance allowing Local Planning Authorities to decide whether or not a short-listed eco town location was the most appropriate way of providing homes within the district.

The viability assessment had not been available in November 2008. Work by Price Waterhouse Cooper had subsequently concluded that the eco town proposal at Elsenham had the potential to generate sufficient value, but significant financial uncertainties existed, even assuming a return to the housing market conditions of mid 2007.

He explained in further detail the paragraphs in the report which addressed matters that would be applicable to any eco town location.

Officers had compared the sustainability appraisal commissioned by DCLG with that commissioned by the Council and published as part of the Local Development Framework (LDF) Preferred Option consultation. Issues identified in the eco-towns sustainability appraisal were similar to those identified for Option 4. That judgment applied to biodiversity and green infrastructure, climate change adaptation and flood risk, climate change mitigation (renewable energy potential), landscape and historic environment, waste, and community infrastructure, decent and affordable housing and transport and accessibility. The LDF sustainability appraisal did not consider water resources specifically, but this was now being explored through an ongoing water cycle study.

The Scott Wilson sustainability appraisal for DCLG had given the Elsenham eco town location a mixed assessment in terms of community wellbeing, noting the substantial opposition to the LDF consultation preferred option, whereas the assessment for the Council of Option 4 suggested that the development would draw resources away from other areas within the district.

The Acting Director of Development said his advice remained that the suitability of Elsenham as an eco town location could not be considered in isolation from a comparative analysis of the other reasonable alternatives within the district for providing homes, jobs and facilities. The appropriate mechanism for that comparison was the LDF Core Strategy.

He referred to the resolution of the Committee in June 2008, that the Council was opposed to North East Elsenham being identified in a national planning policy statement as a location that had the potential to be an eco town, and stating, in terms, that should be a matter for the LDF. Officers were aware that Members might wish to continue to send a message to Government that development strategy should be a matter resolved locally, without national PPS identifying locations for new communities.

In conclusion, he said the Council could accordingly restate in its response to the draft PPS its preference currently to accommodate new development over a portfolio of sites related to the scale of the hierarchy of towns and larger villages in Uttlesford, with the balance being provided in a new settlement at Elsenham of 3,000 homes with business space and facilities. That balanced approach was necessary because of the lead times for such a strategic allocation, and also to take account of the potential uncertainty reflected in the viability assessment for DCLG. The Council remained opposed to a larger new settlement of 5,000 at North East Elsenham because in combination with the portfolio of other sites, that would take the total provision to a level that the Council considered was not justified, particularly as Members remained of the view that the current Regional Spatial Strategy provision for Uttlesford was too high bearing in mind its rural nature.

Councillor C Dean referred to the Council's resolution of April 2008, and said the Council's total opposition to an eco town at North East Elsenham should be reiterated. A robust response to the eco town proposal was called for. The sustainability appraisal for NE Elsenham indicated some weaknesses from a sustainability viewpoint. The original eco town concept was that brownfield locations would be chosen, but the PPS had now acknowledged that NE Elsenham was agricultural land. She was concerned that the DCLG was relying only on studies undertaken by the promoter of the development. These seemed to have been accepted at face value despite the preposterous assertions they contained. The proposals would have a devastating impact on the villages of Henham and Elsenham, and the Council should be questioning such statements via its own reports in order to make a robust rebuttal. There were many detailed aspects of the proposals which the Council should be challenging, since all who lived in the area knew how ridiculous they were, such as how to achieve changes to on street parking in Stansted Mountfitchet, fitting in priority bus lanes, re-routing buses via Forest

Hall Road, and many other aspects. The Officer's report contained much that was good, but did not go far enough, particularly on transport. She proposed a motion as follows:

'The promoter of an eco town at North East Elsenham makes claims for sustainability and deliverability which have not been submitted to rigorous scrutiny. This Committee doubts that many of these assumptions are attainable, and remains totally opposed to an eco town at this location, as resolved by Full Council on 22 April 2008. This Committee therefore resolves to require a robust report rebutting the Elsenham eco town proposal to be submitted for endorsement at the Full Council meeting on 21 April 2009.'

The motion was seconded by Councillor A Dean.

The Chairman said she personally had no objection to this proposal, but reminded the Committee of the comments of the Acting Director of Development, that is, that the eco town proposal should not be considered in isolation but through the LDF Core Strategy.

Councillor A Dean asked what form the campaign to oppose the eco town proposals had taken, following the Council's resolution in April 2008. The Acting Director of Development, in reply, referred to meetings between Members and the Minister on a number of occasions. Councillor A Dean went on to say that the Council appeared to be going to great lengths to fund studies to make the proposals work, rather than campaigning against them. The democratic process was not being fulfilled, and the sooner the Council ceased fudging the better. Officers should pick up the points made in opposition to the proposals.

The Chairman said she was dismayed that officers' professionalism was being questioned. Officers had to weigh up a vast number of issues, and it was quite wrong to suggest they were not putting points forward.

Councillor Howell said he had voted in favour of the resolution of 22 April 2008. He had opposed consistently the siting of an eco town in Elsenham, and was opposed to the imposition of huge numbers of houses. He was opposed to the by passing of local democracy. The important thing to understand was the motivation of the Government for choosing Elsenham, which was due to its location near the Airport. The Council should oppose the eco town proposals. He considered that development strategy should be set locally, but in his view, housing should be at a single site in order to benefit from some planning gain.

Councillor Godwin said she was surprised at the proposed resolution because work had been going on since 22 April 2008 to banish the spectre of an eco town at Elsenham. Every point raised by Councillor C Dean had been raised at the meeting with the Minister, and it was evident the developer had no valid response. She assured all present that work had indeed been going on, and that the Council was not complacent.

Councillor Cant referred to proposals for a proposed new settlement at Boxted Wood. Uttlesford was not big enough for the 20,000 houses which were being considered, and she would wish to rebut any proposal for a stand alone or eco settlement in the district.

Councillor Ketteridge then made a statement. He said the Council had made it quite clear from the outset of discussions on the LDF that it opposed the number of dwellings that Uttlesford had to provide under the East of England Plan. To that end, a cross party delegation from the Council met with the Secretary of State in December 2007. Some months after that meeting the Government published plans for eco towns, naming Elsenham as a potential site. The Administration opposed the proposal because it introduced even higher numbers of dwellings and ancillary development into the District. Council Members and local people met with the then Housing Minister, Caroline Flint, when she was left in no doubt about the Council's views regarding imposing on the area even more houses in the form of an eco town.

Councillor Ketteridge said that the Council had since then lobbied Conservative Shadow Ministers on the issue. He referred to a written statement issued in November 2008 by Eric Pickles MP, Opposition Spokesman for Communities and Local Government, and to the Conservative Green Paper 'Returning power to local communities'. He said a Conservative government would abolish Regional Spatial Strategies and Regional Planning Bodies and would return their powers to elected local councils. Councillor Ketteridge said councils would then be able to revise their Local Development Frameworks to undo changes imposed by the Regional Spatial Strategy, and would decide themselves the most appropriate level of development for their area.

Councillor Ketteridge said he had invited Caroline Spelman MP, now the Shadow Secretary of State for Communities and Local Government, to visit Uttlesford, in order to emphasise the Conservative Party's commitment to the above policy.

Councillor Ketteridge referred again to the cross party meeting with Hazel Blears MP in December 2007, the sole aim of which had been to try to persuade the Minister to make an exception in Uttlesford's case by reducing the housing numbers imposed by the RSS. He referred to statements by Councillor Wilcock at that meeting, indicating the need for increased affordable housing at a rate of 570 affordable homes per year to meet demand. As affordable housing was only achieved at 40% of housing development, this would mean building 1,400 homes per year. Such statements had, he said, undermined the case for opposing the eco town, and gave encouragement to the Government's promotion of vast numbers of houses in this region via the RSS and the eco town.

The Council had to provide affordable housing and market housing for the District, but mainly for population growth, not for regional or national shifts of population. The current local plan was valid to 2011.

Councillor Ketteridge said there had been much misleading comment on housing issues from the Liberal Democrat group. Whilst they appeared to support large numbers of houses in this District, they were not prepared to suggest where they might be built. In conclusion, he said that the Council remained unequivocally opposed to an eco town and would continue to oppose the housing numbers imposed by the RSS. He anticipated a change in national government would mean many districts went back to the drawing board for their local plan.

Councillor Morson spoke, with the consent of the Chairman. He was saddened that Councillor Ketteridge had politicised this matter to the extent he had done. The Conservative administration's adoption of Option 4 under the LDF was more significant in the choice of location for an eco town than any comments about the need for affordable housing. The deadline for the eco town consultation had originally been 6 March, but this had now been extended. People here wanted to be sure there would be an overtly robust rebuttal of the proposals, and he questioned what would have happened had the deadline not been extended. Councillor C Dean's proposal would permit Full Council to consider and vote on the proposals. If this Council was opposed to the eco town in principle then it should do so in practice. The same principles for opposing an eco town should be applied to the siting of large numbers of houses at Elsenham. As the viability study for the eco town mirrored some of the concerns regarding Option 4, planning directions should be made in order to allow the same concerns to be sustained in determining both the eco town and the Option 4 applications.

Councillor Barker reminded Members that at the last meeting it had been stated that an extraordinary meeting of this Committee would be called so as to permit responses to be made to the viability study. That study had not become available in time, and the deadline had been extended. She invited Members to vote on the motion proposed by Councillor C Dean, which was duly carried.

RESOLVED the promoter of an eco town at North East Elsenham makes claims for sustainability and deliverability which have not been submitted to rigorous scrutiny. This Committee doubts that many of these assumptions are attainable, and remains totally opposed to an eco town at this location, as resolved by Full Council on 22 April 2008. This Committee therefore resolves to require a robust report rebutting the Elsenham eco town proposal to be submitted for endorsement at the Full Council meeting on 21 April 2009.

E57

CAR PARK LIGHTING POLICY FAIRYCROFT CAR PARK

The Committee considered the report of the Director of Operations, who said this consultation had come about following an approach by residents to the Council. Key stakeholders had been consulted, and certain options were set out in the report.

Some Members remarked on the narrow scope of the consultation and raised various points on the different lighting options and the potential impact of any change to existing lighting on crime levels. The Director of Operations said no crime figures were available on the effect of reducing lighting in car parks.

Councillor Wattebot said criteria for evaluating success of the trial and further consultation were needed. The Chairman said this was hardly a major scale consultation and it was not necessary to use public money in drawing up such criteria.

Councillor Mason declared her interest as a member of Saffron Walden Town Council and apologised for not giving it earlier in the meeting.

She said the Town Council supported option 3 in the report, that is, that the lights on the ground floor only remained on all night and the remainder be turned off at midnight until 5 am. She could report that, in contrast to what had gone on before, those using the new skate park now went home once the lights were turned off, and residents were grateful.

The motion being put, and carried accordingly, it was

RESOLVED

- 1 A trial period of 12 months be approved after which an evaluation be undertaken and reported to Members to enable a way forward to be agreed.
- 2 That Officers be authorized to commence a trial in accordance with option 3 in the report, ie that the lights on the ground floor only remain on all night and the remainder be turned off at midnight until 5 a.m.
- 3 Officers are further delegated authority to curtail the trial without notice should there be deemed a threat to community safety due to this trial and report back to Members at the meeting following this concern.

The meeting ended at 9.05 pm.

STATEMENTS BY MEMBERS OF THE PUBLIC

(i) Adrian Thomas

Adrian Thomas spoke on behalf of the Stop Linton Wind Farm Group. He said that whilst this Group was not opposed to the principle of wind farms as a sustainable energy source, they considered the proposed site to be inappropriate for a large development of this kind. He listed a number of reasons for this view, including insufficient wind speed; potential noise from turbulence; cost; impact on landscape; and increased danger to motorists on the nearby road. He said the proposals were unacceptable in terms of the distances between the development and nearby houses, and referred to studies on adequate distances between houses and wind farms. He referred to medical conditions which research showed could result from turbulence and low frequency sound. He concluded by stating that once turbines had been erected, the land would be re-classified and would become a magnet for other developers.

(ii) Petrina Lees

Petrina Lees referred to the Council's resolution of 21 April 2008 opposing Eco towns. She asked two questions: first, whether Uttlesford District Council intended to continue its strong opposition to an Eco site in Elsenham or anywhere else in the District, by responding to draft PPS consultation and in particular to question 6.9, which related to specific sites. Secondly, she asked what specific arguments the Council would use, particularly with regard to the NE Elsenham site.

At the invitation of the Chairman, the Acting Director of Development replied. He confirmed it was his recommendation that the Council respond to the PPS consultation to add to its resolution of 18 November 2008, and that this response should include specific issues identified in relation to Elsenham. He would be presenting on this item later in the Agenda, when Members would debate the matter and make their decision.

The Acting Director of Development said he would put in writing his response to the question.

(iii) John Segar

John Segar said the Elsenham Eco town proposals represented nothing more than aspirations of Fairfield Partnership. He questioned whether the development would be a 'vibrant market town' as described in their publicity. There was great concern about this issue in Elsenham and Henham. People were also disturbed about a rumour that Uttlesford would be instructing its officers to be very circumspect so as not to undermine Option 4, or indeed Options 2 and 3 under the LDF.