

ENVIRONMENT COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 16 MARCH 2010 at 7.30 pm

Present: Councillor S Barker – Chairman.
Councillors C A Cant, R H Chamberlain, C M Dean, C D Down, E J Godwin, E J Hicks, S J Howell, R D Sherer, A M Wattebot and A C Yarwood.

Also present: Councillors A J Ketteridge and D J Perry.

Officers in attendance: D Burrige (Director of Operations), M Cox (Democratic Services Officer), R Harborough (Director of Development) K Osborne (Head of Building Surveying) J Pine (Planning Policy/DC liaison Officer) and R Pridham (Head of Street Services).

E46 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors K R Artus, H J Asker, J F Cheetham and C C Smith.

Members declared the following personal interests:-

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

Councillor Ketteridge as a member of Saffron Walden Town Council.

Councillor C Dean as a member of Stansted Parish Council.

Councillor Godwin as the Council's representative on the Birchanger Wood Trust.

Councillor Howell as an employee of May Gurney who provides Highway services to Essex County Council.

E47 STATEMENTS BY MEMBERS OF THE PUBLIC

Malcolm Domb, Waitrose Branch Manager, spoke about additional parent and child spaces at Waitrose Car park.

In relation to item 11 on the agenda, Claypits Plantation, statements were made by representatives of Saffron Trails.

A summary of the statements is attached to these minutes.

E48 CLAYPITS PLANTATION

The Committee received a report about the use of a piece of woodland at the edge of Saffron Walden for a BMX track. The land was owned by Audley End Estates and leased to the council under an agreement from 1993, the

terms of which were to manage the woodland and to allow public access for 'quiet informal recreation'. Since 2005 banks and ditches had been constructed for BMX trails and dirt jumping. These works had progressively been extended. The woodland was identified in the development plan as an important site in terms of nature conservation, and the definitive line of footpath 15 was on the perimeter of the site. This matter had been brought to the committee because the Council was arguably in breach of its obligations under its lease of the land and could be held liable if someone were to suffer death or personal injury.

There were concerns over safety, as an appropriate assessment for this type of activity had not been made. There was also an issue with insurance as the council was not specifically insured for the risks associated with the BMX use. It was accepted though that there were no other similar facilities within the district and the BMX track had become a well established use on the site.

The Director of Development reported further representations that had been received. The Council's Anti Social Behaviour officer had commented that the site was used by a large number of young people and there could be a significant impact if the site was levelled with the possible increase in nuisance in the area. The Police had also reported that on initial examination they were not aware of any complaints in relation to the use of the site. He referred to a letter from the County Council's youth worker for north Uttlesford.

The Chairman said that she had recently visited the area and had been astonished by the scale of the activity. She had also been concerned that there appeared to be an amount of rubbish on the site.

Councillor Perry, the local member invited members to visit the site. He was concerned at the safety issues and also that the land had been lost for other purposes.

Other Members, whilst conscious of the protection of the wood, said that this was a place that provided activities for young people. The area had been created by the young people themselves, using their own initiative, and should be commended. There should be an opportunity for the council to work together with the bike group to find a solution where the site could be used for other activities as well, and to discuss the safety and insurance issues.

Councillor Howell said that engaging in dangerous pursuits was part of being a teenager. He was aware of the issues on the site but as they had been taking place for a number of years it was best left alone. The activity was well embedded into the community and any attempt to level the site would be met with public outcry and would be difficult to enforce in the future.

Members felt that they needed a clear understanding of the insurance implications. It appeared that as discussions on this matter had been continuing for over a year, the Council's insurers had stated that they would no longer meet the cost of the first claim. It might be possible to obtain insurance cover and the cost of this would need to be further investigated. Other members questioned the council's liability for the activities on the site, in any event, given that the nature of the land had been altered. Advice would be sought on all these matters.

Other concerns were raised by members. The parking of cars on the edge of the site, which exited onto a blind bend, was extremely dangerous. The anti social behaviour had not been fully explored and members asked for further details regarding incidences at this site.

Members asked why this matter was being brought to the committee now given that the site had been operating without any real issues for the last five years. It was reported that there had been a meeting with Audley End Estates in 2005 but there had been no formal agreement at that time and the use had been allowed to continue informally. The Estate was of the view that the Council as occupiers should resolve the issue.

Members were generally of the opinion that they would be happy for the activity to continue but now that it had been brought to the attention of the committee it was accepted that the situation needed to be regularised. The Chairman was concerned about the current insurance situation and suggested that the BMX use should cease until a further meeting could be held to determine the future of the site.

RESOLVED that

- 1 further information be obtained regarding the following issues: insurance liability, rights of way, car parking and anti social behaviour,
- 2 Advice be sought from RoSPA in relation to the BMX activities.
- 3 Members of the committee arrange to visit the site.
- 4 A further meeting be arranged in about 3 weeks time to determine the future use of the site, and
- 5 until that the meeting is held the BMX use of the site should cease.

E49

MINUTES

The Minutes of the meeting held on 19 January 2010 were approved and signed by the Chairman as a correct record.

E50 **BUSINESS ARISING**

i) **Minute E39 – Chairman’s items (Bridge End Gardens)**

Members were informed that the transfer of Bridge End Gardens to Saffron Walden Town Council was expected to be completed shortly.

E51 **CHAIRMAN’S ITEMS**

The Chairman reported that funding for the Swan Meadow pond was likely to be forthcoming and work would commence in September.

E52 **LEAD OFFICER’S REPORT**

The Director of Development presented his report as Lead Officer, updating the Committee on street sweeping/ litter picking, football pitches and amenities at Saffron Green, East of England Plan review, LDF Core strategy, Rural Masterplanning fund, Highways Locality Panel, traffic regulation orders for Uttlesford car parks and outsourcing of carbon management.

In relation to amenities at Saffron Green, the sum for the works had now been agreed and subject to minor works being completed, the land would be transferred to the Town Council. Councillor Ketteridge thanked the Director of Operations for her efforts in concluding this matter.

The Committee was informed that the Council’s Housing and Planning Delivery Grant award for 2009/10 had been confirmed as £429,238.

E53 **WASTE PROJECT TEAM**

The Committee received the minutes of the Waste Strategy Project Team held on 7 January 2010. At minute WS37, the working group had asked officers to pursue the shared facilities option at the Lakes Road site and suggested that a joint member/officer task group be set up to assist with this.

RESOLVED

- 1 to establish a member and officer partnership jointly with Braintree District Council to pursue proposals for a shared waste collection facility.
- 2 the Task Group to comprise 4 members including Councillors Barker, Cant, Cheetham and Godwin.

E54

BUILDING CONTROL PARTNERSHIP

The Committee was advised that work had commenced to look at the viability of a partnership with neighbouring authorities to provide the building control service. The need had arisen from the economic downturn and the resulting reduction in workload and fee income. The service also faced competition from approved inspectors in the private sector. The Council had commenced discussions with Epping Forest and Harlow on the viability of a joint service. Funding of up to £32,000 had been secured from Improvement East to resource the development of a partnership and the next stage would be to prepare a project plan.

Councillor Howell questioned whether a partnership arrangement was the best solution and if consideration had been given to buying in from an external source. It was confirmed that all options would be considered but the Head of Building Surveying said that there were examples of successful working partnerships around the country and benefits could be achieved by combining income and reducing overheads. The desired end result was to make the service self financing whilst still providing the same good quality service.

RESOLVED that

- 1 the Committee supports the exploration of the potential for a joint building control service for Epping Forest, Harlow and Uttlesford.
- 2 A project plan be prepared by officers to enable Improvement East funding to be drawn down.

E55

CO2 EMISSION SCENARIOS

Following the report to Council in December 2009, the Committee received for information details of how the forecast of the Council's carbon dioxide emissions under various scenarios were produced.

E56

NATURAL RESOURCES MANAGEMENT STRATEGY

The Committee considered the Natural Resources Management Strategy and its related action plans. This was an updated and expanded version of the Climate Change Strategy that had been adopted in 2007.

Members asked for the following points to be addressed in the document

- Actions to promote a reduction in water use and an increase in appropriate renewable energy generation in the district.
- Remove the reference to Bridge End Gardens on page 24

- The consideration of Energy Efficiency measures for listed buildings.

RECOMMENDED that Full Council be recommended to approve the Natural Resources Management Strategy and related action plan taking into account the points made at the meeting.

E57

STAFF RESOURCES SUCCESSION PLANNING FOR CLIMATE CHANGE ENERGY EFFICIENCY AND FUEL POVERY WORK

The Committee was informed that in view of the departure of the Council's Energy Efficiency Officer, the council was reviewing the role performed by that post. The work was being covered remotely by the current post holder but this was not sustainable in the longer term.

The post provided specialist technical advice, contribution to corporate strategy development and community involvement. It was unlikely that there would be another candidate with the particular knowledge and experience to cover all these aspects and the council was therefore considering alternative arrangements for providing the service. It was proposed to reallocate some of the duties of the post to other posts in the Housing and Building Control divisions. This would leave a new post of Corporate Strategy and Programme officer to cover strategy and community involvement, promoting home efficiency to residents and managing the energy efficiency budget.

The Chairman reported a letter from the Chairman of the Environment Working Group of Uttleford Futures. It stressed the importance of the support that this post gave to the group and outlined elements it would like to see included within the job description.

The Committee generally supported the proposed arrangements. Officers would complete their assessment of capacity in the Housing Services division, prepare a job description for a Corporate Strategy and Programmes officer, and arrange for a job evaluation.

E58

STEBBING CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

Councillor Cant declared a personal interest as the Chairman of Stebbing Parish Council.

The Committee received the Stebbing Conservation Area Appraisal and draft management proposals, which had been prepared in consultation with Stebbing Parish Council and would protect and enhance the character of the Conservation Area.

RESOLVED that

- 1 the report be approved and used to assist in the process of determining planning applications and to encourage the implementation of Management Proposals
- 2 the Stebbing Conservation Area boundary is formally amended and additional planning controls on non listed buildings in the form of an Article 4 Direction be sought.

E59

CONSERVATION AREA APPRAISAL MANAGEMENT PROPOSALS

Councillor C Dean and Councillor Yarwood declared personal interests as members of Stansted and Newport Parish Councils respectively.

It was noted that in 2006/07, 6 conservation area appraisals had been undertaken using resources from the planning delivery grant as, at that time, the existence of appraisals and management proposals had been a national performance indicator. Recommendations included boundary changes, which had been implemented, but also environmental enhancements and Article 4 directions which had not progressed due to lack of resources and available budget.

The Article 4 Direction had the effect of making an application for planning permission necessary for works that would otherwise not require an application.

There had been recent changes to the process of applying for an Article 4 direction which now only required notification to the Secretary of State. However consultation was still required and there was no officer resource within the council to undertake this process. The Committee felt that having gone to the effort of completing the appraisals, the recommendations should now be implemented to protect the identified areas. It was therefore

RECOMMENDED to the Finance and Administration Committee that £18,000 of the Housing and Planning Delivery Grant be used to engage agency staff resources enabling Article 4 Directions to be obtained for the 6 villages where conservation area appraisals have been completed

E60

BIRCHANGER WOOD

The Committee was advised of a request from the Birchanger Management Trust for a financial contribution toward urgent works required to trees bordering the A120 which had been identified as dangerous by ECC. Estimates had been obtained for the work of around £8,500. The trust had procured work costing £2,000 but had stated that this was the limit of its resources and was now requesting contributions from the other authorities on the trust. Parts of the wood were owned by a management trust and Uttlesford was one of the signatories along with other councils in the area.

Councillor Godwin, the council's representative on the management committee said that Trust had no funds available for maintenance and the trustees were concerned about their liability as the Trust could be served with a notice if the work did not go ahead.

It was noted that the exact nature of the work required to the trees was still unclear, as was the associated cost. It was also noted that the Trust's accounts were not available on the Charity Commission website. Members were reluctant to make a contribution until they had the relevant information and also details about the contributions made by other authorities.

RESOLVED that officers obtain further information regarding the financial position of the Trust and the cost of the work and report back to the next meeting of the Committee.

E61

GREATER ANGLIA FRANCHISE CONSULTATION

The Committee was invited to put forward its view on the Dft's consultation on the Greater Anglia Franchise. The existing franchise, run by National Express would terminate on 31 March 2011.

Members suggested the inclusion of the following points in the Council's response:

- The franchise length should be longer than 10 years to enable investment in rolling stock.
- Tracks security issues should be considered
- Safety of level crossings.
- Increase in length of trains to increase capacity
- Less bias toward the Airport in services
- Consider passenger comfort - temperature and cleanliness
- Stansted Express trains to continue to stop at Stansted Mountfitchet
- Ensure that stations are adequately manned.

RESOLVED that the consultation response include the points raised above.

The meeting ended at 10.00pm

STATEMENT BY MEMBER OF THE PUBLIC

i) Malcolm Domb - Waitrose

Presentation to the Environment Committee at Uttlesford District Council - 16th March 2010 Request for additional parent and child spaces in Fairycroft Car Park

My name is Malcolm Domb and I am the Waitrose Branch Manager. I have been store Manager here for 15 years so I believe I have a good understanding of the town centre, the Fairycroft car park and both Waitrose customers and other car park users. I have come to present to the Environment Committee tonight with a request for additional parent and child parking spaces to be provided in the Fairycroft Car Park, located adjacent to the store. We are keen to provide our customers with the balance of car parking that they desire and we have had numerous requests for additional parent and child spaces. The ability for parents with children being able to park readily will be an important factor in choosing whether to use the town's facilities or whether to shop elsewhere.

There are currently 4 designated parent and child spaces which we would like to see doubled. We get regular requests from customers for more of these spaces to be provided. The existing 4 spaces are located in an alcove just outside the store by Jubilee Gardens and closest to the Town Centre with 5 standard spaces located opposite to these. It would therefore make sense to convert these 5 spaces to parent and child spaces which would just mean the loss of one standard space overall. I have a plan here to illustrate the proposal.

There is a perception from the Council that the car park is often at capacity and therefore spaces should not be lost. However, in reality, only on a Saturday morning does the car park reach capacity. The Fairycroft car park serves as the main short stay car park for the town. Therefore by carrying out these minor alterations the rest of the town centre shoppers would benefit as well as Waitrose customers.

To put this request into perspective, the ratios proposed on the currently lodged application for Tesco and Sainsbury's are 1:18 and 1:25 for parent and child spaces. Fairycroft car park currently provides a ratio of 1:75 and with the proposed changes this would increase to 1:38 which would still fall below ideal standards but would go some way towards meeting the current demand.

For the reasons set out above I hope you will be agreeable for our request to increase parent and child parking provision in Fairycroft car park from 4 to 8 spaces.

Thank you for your time and I am happy to take any questions.

2) Saffron Trails

Two users of the site explained that they created the BMX jumps in the winter and rode them during the summer months. The Jumps were a natural creation made only of mud. The sport was non competitive and danger was kept to a minimum with the direction of travel being in one direction only.

40/50 people a day used the site and parents and children often came to watch. The site was previously used for fly tipping and had been cleaned up. There was a permissive footpath through the wood which was kept clear. It was an ideal site for this type of activity, as being surrounded by trees it gave good screening and noise insulation. The jumps took up only a small corner of the site, less than that stated in the report. The jumps were 8 -10 foot from the road boundary so it would be possible to reinstate the public footpath.

The use had been there for 7 – 8 years and was imbedded in the community. There were no complaints from residents. A recent facebook campaign to keep the use of the site had attracted over 150 members.

In 2005 there had been a public meeting when the use of the area was discussed with Audley End Estates and the District Council and at that time the BMX use had been allowed to continue. This was a well established use that kept youth off the streets.

The bikers indicated that they would be willing to refrain from riding until the insurance situation was sorted out.
(during discussion on the item the bike group undertook to refrain from riding on the site for about 3 weeks until a further meeting could be held).