

**ENVIRONMENT COMMITTEE held at COUNCIL OFFICES SAFFRON WALDEN at 7.30 pm on 8 JUNE 2004**

Present:- Councillor A R Thawley – Chairman  
Councillors C A Cant, D Corke, A Dean, C D Down, E J Godwin,  
B Hughes and V Pedder.

Councillor R Copping also attended the meeting.

Officers in attendance:- A Bovaird, D Burrige, P O'Dell, R Harborough,  
R Kirmani, I Orton, R Pridham, J Mitchell and E Spencer.

**E1 STATEMENT BY MEMBERS OF THE PUBLIC**

Prior to the meeting statements were made by Edward Gittins and Deborah Bryce on the Uttlesford Local Plan modifications. The Chairman read the statement sent by Terry Watson from High Easter Parish Council as he was unable to attend the meeting.

A summary of their comments is attached to these Minutes.

**E2 WELCOME AND VOTE OF THANKS**

The Chairman welcomed the Members to the new Environment Committee and thanked Members and the former Director of Community Services who served on the Environment and Transport Committee.

**E3 APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors J F Cheetham and E Tealby-Watson.

Councillors C A Cant, D Corke, A Dean and A R Thawley declared personal interests as members of SSE and drew attention to the dispensation from the Standards Committee.

**E4 MINUTES**

The Minutes of the meetings held on 2 March 2004 were received, confirmed and signed by the Chairman as a correct record.

**E5 UTTLESFORD LOCAL PLAN-MODIFICATIONS**

The Executive Manager Development Services introduced a report on recommendations of the Inspector on modifications to the Uttlesford Local Plan. On basis of the Inspectors' report a revised plan had been prepared. The Committee was requested to consider these modifications to the Plan. Once the modifications were approved then the Council in accordance with

legislation, had to prepare three documents and make these documents available for public inspection and comments for a period of six weeks commencing from 22 July 2004.

RECOMMENDED that

- 1 the Council to approve the proposed modifications to the Plan subject to the following amendments, and consequential changes
  - (i) Mod 32-GEN7-line 1 delete word-‘significant’.
  - (ii) Mod 85-6.20-line 1 delete words - ‘up-to’.
- 2 officers be authorised to prepare the statutory documents required for public consultation.

## E6 **CAPACITY FOR IMPROVEMENT IN DEVELOPMENT SERVICES AND THE USE OF PLANNING DELIVERY GRANT**

The Executive Manager Development Services informed the Members that the Strategic Planning Member Reference Group met on 19 May 2004 to discuss issues of capacity of services within Development Services, particularly the Planning Services, to deliver day to- day service requirements in the face of increasing workloads. He said that failure to achieve basic statutory service delivery would mean that there was no capacity to take on the additional requirements arising from Quality of Life Corporate Plan or the proposed restructuring. The report recommended additional staff to help with high workloads in development control and planning policy. The report also detailed how this year’s Planning Delivery Grant could be used to help in the short term and to develop staff in the longer term.

RESOLVED that

- 1 the Resources Committee be requested to increase the establishment of staff as set out in the minimum interim scenario in para 15 and appx. C;
- 2 the appointment of an additional Customer Care Officer be approved as requested by the Development Control meeting held on 7 June 2004;
- 3 Validus Consulting be appointed to further implement the Planning Best Value Review and the Resources Committee be requested to approve the use of £38,250 from Planning Consultancy Reserve to finance consultants to work on the Service Improvement Plan;
- 4 the Planning Delivery Grant for 2004/05 be apportioned as above and as set out in Appendix D;
- 5 a further report regarding longer term resourcing of planning be considered as part of the budget setting process
- 6 a further report on the economics of planning including the impact of the Best Value Review be submitted as budget setting process.

**E7 ENERGY EFFICIENCY POST**

The Executive Manager Development Services introduced the report which detailed additional information requested by Members to support the creation of an Energy Efficiency post.

RESOLVED that

- 1 a new post of Energy Efficiency Officer be approved;
- 2 the Resources Committee be requested to approve the new post and endorse that this post be added to the establishment.

**E8 GOLD ENTERPRISE ZONE - ELSENHAM**

The Committee received a progress report on the management, lettings, repair and rebranding of the Gold Enterprise Zone. The Performance Manager informed the Members that £12,000 Grant was received from Essex County Council and up to June 2004 about 18 units had been let. A CCTV Camera had been installed and there was 24-hour surveillance.

RESOLVED that

- 1 the current situation of letting of units be noted;
- 2 regular reports be submitted to inform Members of updated position of management & letting of units.

**E9 ESSEX WASTE MANAGEMENT CONTRACTS**

The Executive Manager Environment Services reported on the waste management arrangements which were available for Uttlesford post 2006/7 and requested Members nominations to the Annual Essex Waste Management Conference to be held in Chelmsford on 14 July 2004.

RESOLVED that

- 1 participation to continue via the waste Management Board or any associated successive bodies on projects beneficial to this Council's future Waste Management Initiative;
- 2 discussions be held with Harlow District Council (or other districts as appropriate) to develop the possibility of a joint or linked waste management contract post 2006/07;
- 3 up to ten Members be nominated to attend the Annual Conference on 14 July 2004 in Chelmsford
- 4 a Member workshop about waste management be set up and reports on progress be brought back on a regular basis.

**E10 FORWARD COMMITTEE PROGRAMME 2004/05**

RESOLVED that the programme be noted.

**E11 EXCLUSION OF THE PUBLIC**

RESOLVED that under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A of the Act.

**E12 RECYCLING PERFORMANCE IMPROVEMENTS**

Members agreed to consider the report at the next Council meeting as they had not received the report prior to the meeting.

RESOLVED that

- 1 this item be deferred to be considered at the next Council meeting;
- 2 Members were requested to submit their comments to the officers.

The meeting ended at 9.55 pm

**ENVIRONMENT COMMITTEE 8 June 2004 -  
PUBLIC SPEAKING**

**REPRESENTATIONS MADE ABOUT UTTLESFORD LOCAL PLAN-  
MODIFICATIONS**

The following statements were made by

- (i) Edwards Gittins – Wendens Ambo

Mr Gittins said that he welcomed the recommended modification to the Local Plan in relation to the Wendens Ambo village development limit. His clients owned an additional hectare of land between the village and the M11. He was instructed by his clients to open discussions with the Parish Council and the Planning Offices about bringing this piece of land into community use, for example as a woodland, if the Local Plan was adopted with the revised development limit as proposed by officers.

- (ii) Deborah Bryce

She said that over the last two years, she had made a considerable effort to raise the awareness of councillors at district and parish level, planning officers and others to the issue of biodiversity and the protection of threatened ecological and historic habitats within the planning system. Working on her own this aim was massively difficult and time consuming, with a very steep learning curve about ecology, the historic environment, planning, local government, politics and research.

She was working to save just one threatened habitat from an unnecessary planning application which was ultimately approved despite a great deal of expert recommendation to the contrary, and I have become acquainted with dozens of similar situations going on all over the country – individuals or villages struggling against the System to protect valuable and rare sites from loss to development, vested interests, and general lack of concern and awareness. Her contacts across the country all agree that trying to protect these sites from development was a nightmare that has to be experienced to be believed – some have been battling against their local authorities for decades and struggling with personal politics that preclude their success.

Although the planning system should be used to protect rare, declining and threatened ecological or historic habitats, in reality it doesn't because planning officers were all too often unaware of what they are dealing with, disinterested or downright obstructive. There is too much weighing up of competing interests without the necessary expertise to properly judge them, and too many weasel works in the planning policy. If the removal of a threatened site falls outside the planning system, there was no protection for it at all unless it is fortunate enough to have a national designation such as National Park or SSSI.

The worst thing is when rare habitats are lost to unnecessary development that doesn't even meet identified local housing needs, as has just happened with an Old Orchard at High Easter. The whole site will fall into the hands of a

developer, and we all know what will happen, despite its officially recognised ecological and gene pool value, contribution to the character of the conservation area and value to villagers as a green space.

A political push is needed to get these sites recognised and protected by planning restrictions. Fortunately, there is much Government statement to show that the Government is actually on the campaigner's side. The Government is also strongly promoting the principles of Sustainable Development which it said should be given very high regard in the planning system. Chipping away at finite pristine habitats for a presumption in favour of development is no longer good enough.

Local Agenda 21 was set up as a result of the Rio summit in 1992. It spawned the Biodiversity Action Plan at national and county level because the loss of species and habitats is of global concern – we all know about the almost total loss of Irish peat bogs and rainforests. The decline of all traditional habitats has been dramatic in the last 50 years. Local Agenda 21 makes clear that the responsibility for habitat protection starts at home at the local level and the Government considers that local biodiversity objectives should reflect both national and local priorities for protection; therefore, dwindling national resource is a responsibility for local authorities to protect, within and outside of the planning system.

I would therefore like to ask this Committee to add the full list of ten Essex Biodiversity Action Plan sites to the emerging local plan as protected from development during the next local plan period because the planning system simply does not give them water tight and reliable protection against vested interests, and they do not have the necessary statutory designation to be protected otherwise. There was NO EXCUSE for losing any more of them to agricultural practices or development when developers hold a massive stock of building land.

The ten Essex sites are listed: Hedgerows, Ancient Woodland, Cereal Field Margin, Coastal Grazing Marsh, Seagrass Beds, Upland and Lowland Heath, Old Orchards, Reedbeds, Saline Lagoons, Urban Areas.

DEFRA funds the protection and restoration of these and additional sites which should be added since many occur locally: Unimproved Grassland, Chalk Grassland, Old Meadows and Pastures, Water Meadows and Historic Features. CPRE says: "Orchards and Water Meadows are as much a part of the historic environment as buildings and ancient monuments".

This Committee has it in its power to stop ordinary people like me and my colleagues from enormous difficulties in our efforts to save places of value for future generations.

(iii) Terry K Watson

The statement relates to Chapel Field, Orchard, High Easter, which has recently had a planning permission for housing development on 25% of the site, reference UTT/0352/03, but which is an Old Orchard, in other words, a threatened habitat which is listed in the Essex Biodiversity Action plan as one

of ten declining habitats in need of protection from further loss to development and grubbing up. In addition, this site has been recognised as worthy of becoming a Local Nature Reserve by English Nature, a County Wildlife Site by Essex Wildlife Trust, potential Great Crested Newt terrestrial habitat by Essex Amphibian Group, and is listed in UDC's Biological Records as a site containing a wide variety of wildlife, including rare flora and fauna. It is also a type of habitat funded by DEFRA for restoration and protection.

On Sunday, a newt survey revealed that High Easter has many Great Crested Newts, which is a European Protected Species, and the grassland and scrub of this Orchard is their favourite habitat.

As an Old Orchard is equally important for its species rich grassland and Chapel Field Orchard does indeed contain a patch of Unimproved Grassland, which is an even more threatened and finite resource than Old Orchard. It is in part of the orchard threatened by development.

Despite all of UDC's efforts to safeguard the future of this orchard, it now can be seen that the planning system cannot fully protect such sites from further development, because both Section 106 and Planning Condition are challengeable. One of our Parish Councillors is a developer himself, and he explained at our meeting last night how he believes that the future developer of the site is likely to apply for planning permission on a greater proportion of it. Its owner has already applied for planning permission on all of it.

We have therefore consulted English Nature which says that the best way to protect these threatened habitats is to name them as protected sites and/or Local Nature Reserves within the emerging Local Plan, and this has been confirmed by planning consultants. It is something already done by many other local authorities, eg Epping's lists 6 Local Nature Reserves in its Local Plan, but UDC has none.

We therefore feel concerned for the future of this unique site, which could with correct management increase further its ability to support this wide variety of plant and animal life, and with propagation and tree surgery prolong the trees. We therefore need the help of the Environment and Transport Committee in helping us to protect it from further loss to future development which is acknowledged by UDC to be unnecessary but appears to be unstoppable through the planning system.

We therefore ask if your Committee would list Chapel Field Orchard and High Easter in the emerging Local Plan as a Local Nature Reserve and site of importance for Nature Conservation that should suffer no more loss to unnecessary development. Declining resource is of national importance and this will be reflected in forthcoming Government planning guidance which will be published later this year.

The Chairman thanked the speakers for their statement. The matter would be considered at the end of consultation process in July 2004.