

ENVIRONMENT COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30 pm on 9 NOVEMBER 2004

Present:- Councillor A R Thawley – Chairman.
Councillors C A Cant, J F Cheetham, A Dean, C D Down,
B M Hughes, V Pedder and E Tealby-Watson.

Also present:- Councillors A J Ketteridge and J E Menell.

Officers in attendance:- D Burrige, R Harborough, N Harris, J Mitchell,
R Pridham and M T Purkiss.

E18 STATEMENTS BY MEMBERS OF THE PUBLIC

Prior to the meeting, statements were made by Professor Patrick Smith, Jane Morley, Ann Wade, Edward Gittins and Howard Rolfe. Copies of the statements are attached as an appendix to these minutes.

E19 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Corke and E J Godwin.

E20 DECLARATIONS OF INTEREST

Councillors C A Cant, J F Cheetham, V Pedder, A R Thawley and E Tealby-Watson declared personal interests as members of SSE and drew attention to the dispensation from the Standards Committee.

Councillors C A Cant, A Dean, B M Hughes , E Tealby-Watson and A R Thawley declared interests as members of the National Trust and Councillors C A Cant, A Dean, C D Down, B M Hughes and A R Thawley declared interests as members of CPRE.

Councillor J E Menell also drew attention to her interest as a non-executive director of the Uttlesford PCT.

E21 MINUTES

The Minutes of the meeting held on 14 September 2004 were received, confirmed and signed by the Chairman as a correct record.

E22 UTTLESFORD LOCAL PLAN MODIFICATIONS – REPORT OF REPRESENTATIONS

Members gave due regard to the statements which had been made at the commencement of the meeting and which are summarised at the end of these Minutes.

The Planning Policy and Conservation Manager introduced a report setting out the representations which had been received to the proposed modifications to the Uttlesford Local Plan, together with comments upon these and recommendations as to whether the plan should be further modified in the light of objections.

He then outlined the process which had taken place following the Local Plan Inquiry and the receipt of the Inspector's report, including the Council's decision in June as to how it proposed to respond to the Inspector's recommendations. He stated that the following changes to the plan as proposed to be modified were now recommended in response to the representations received:

Para 1.6	Amend "London-Peterborough" Corridor to read "London-Stansted-Cambridge-Peterborough" Corridor
Para 1.11	Amend bullet point
Para 1.14	Delete the word "local" in relation to Stansted Airport as an employer.
Policy GEN2	Correct typo in criteria I)
Policy GEN3	Amend policy wording in accordance with advice from the Environment Agency
Policy ENV#	Show Scheduled Ancient Monuments on the proposals map and make reference to the county record for other archaeological sites.
SW###	Wording changes to make reference to flood risk
Oakwood Park	Amend proposals map to reflect the latest Master Plan
Elsenham Quality Foods	Amend policy area and change reference from Elsenham Quality Foods to Elsenham Industrial Estate

The Planning Policy and Conservation Manager said that these further changes were not considered to be material to the content of the plan and no further consultation was therefore proposed.

However, he said that a number of objections had been received in response to the proposed modification to include land at Duck Street, Wendens Ambo within the settlement boundary. He summarised the issues which had been raised and said that if Members were minded to review the decision reached in the light of the Inspector's report to include the site, this would indicate that the representations raised significant new issues or that the relevant weights to be attached to the issues previously considered had somehow changed because of the new representations. In either instance, if it was decided not to adopt the plan as proposed to be modified, it would be necessary to hold a modifications inquiry. He said that this would result in significant slippage in achieving the adopted plan and would have implications for workload and possibly planning delivery grant since meeting the key milestones for the preparation of the Local Development Framework would be at risk.

He said that if Members were minded to resolve that the plan be adopted, then following full Council, the Notice of Intention to Adopt would be published and the document sent to GO-East, who then had 28 days to consider the

plan. If they did not direct any changes then the Council could adopt the plan and following adoption there would be a six week period for legal challenge.

In relation to the site at Duck Street, Wendens Ambo, the Executive Manager – Development Services, said that many of the issues raised would be considered by the Development Control Committee in response to any planning application that was received. He asked that the officer recommendation be amended by the inclusion of a further recommendation stating that the Plan as now approved should be used for Development Control purposes.

Councillor Menell expressed her opposition to the inclusion of the Duck Street site in the village development limits and supported the points made by the parish council and residents concerning poor access, road safety, potential for flooding, destruction of the environment and noise. She said that the Inspector had not properly addressed these issues and it was the duty of the Committee to listen to the views of local residents. She said that the local opinions had been carefully thought through and a public meeting had endorsed the views of the parish council. She said there would be no planning gain arising from the amenity land. She said that the committee should not be swayed by the desire to achieve targets for adoption of the plan.

In response to questions from Councillors Cant and Cheetham, the Planning Policy and Conservation Manager said that whilst some of the points raised by the public speakers prior to the meeting had not explicitly been considered by the Inspector, they would be the subject of detailed investigation if a planning application was received. In relation to the Local Plan he said that the main issue was whether the site should be included in the village development limits. He said that if the committee decided not to proceed, a modifications inquiry would be necessary and would look at all representations received to the modifications. He said that it was unlikely to be arranged at an early date and suggested that it would be a minimum of one year before the plan could be adopted. The Executive Manager – Development Services said that such a delay would render the Council vulnerable to development by appeal and emphasised that the inclusion of the site did not automatically mean that development would take place.

Councillor Dean said that he had heard both sides of the argument concerning the site in Duck Street and was satisfied with the safeguards explained by the officers. In response to a question from him, the Executive Manager – Development Services said that officers would look at the impact on the bridlepath if a planning application was submitted. In response to a question from Councillor Cheetham, the Executive Manager – Development Services explained that the allocation of the Duck Street site could be reviewed in the Local Development Framework Procedure at an early stage but the development control process would provide adequate protection and a speedier outcome for all those involved.

Councillor Tealby-Watson referred to the issue raised by a public speaker earlier in the meeting concerning the designation of a site at the Nurseries, Great Chesterford and officers confirmed that this would also be best dealt with through the Local Development Framework Procedure and the

Development Control process. The Planning Policy and Conservation Manager also confirmed that a fresh planning application would enable the Local Plan and other material factors to be taken into account and he confirmed that the issue of affordable housing could be given greater weight. Councillor Dean added that the East of England Development Plan set out an aspiration to achieve at least 40% affordable housing where appropriate housing stress could be proven.

It was then

RESOLVED unanimously that

- 1 The proposed further changes be approved as summarised above.
- 2 Notwithstanding the representations received, the plan is adopted as proposed to be modified and Members recommend to full Council accordingly.
- 3 Appropriate additional weight be attached to the modified Plan for Development Control purposes
- 4 The representations made at the meeting be addressed during the review of the Local Development Framework at the earliest possible opportunity.

E23

LOCAL DEVELOPMENT FRAMEWORK – LOCAL DEVELOPMENT SCHEME

It was reported that on 28 September 2004, the provisions of the Planning and Compulsory Purchase Act 2004 relating to development plans had come into force. This Act replaced the old system of structure plans, local plans and supplementary planning guidance with a new system of regional spatial strategies and Local Development Frameworks (LDF). The LDF was a portfolio of related documents which together would set out the planning strategy for Uttlesford District under the new system. The Uttlesford Local Plan would be saved for a period of three years from its adoption and during this time, the Council had to prepare the new LDF for the district.

The Planning Policy and Conservation Manager outlined the functions and requirements of the LDF and said that the Council's strategies and policies would need to be based on a thorough understanding of needs, opportunities and constraints which operated in the area.

All policies would have to be subject to a sustainability appraisal and it must be ensured that the requirements of the European Strategic Environmental Assessment Directive were met. The Planning Policy and Conservation Manager said that the first priorities in the LDS would be to prepare the statement of community involvement which must be submitted to the Secretary of State by 28 March 2005 and to commence work on the evidence base and sustainability appraisal method.

He said that it was considered that the first development plan document to be prepared should be the Core Strategy. It was less essential to review the

development control policies and site allocations because the Council would have an up to date local plan.

The Core Strategy would set the context for 10 years housing supply. It was proposed that during 2005, public participation would be conducted on the issues and options for accommodating 7-8,000 dwellings with consultation on the preferred options in early 2006. It was anticipated that by the end of 2005, the public examination into the regional spatial strategy would have finished and during the course of 2006 the panel report would be published, the Government would consider its recommendations and publish proposed changes. Final approval by the Secretary of State was anticipated in 2006/07.

It was noted that when assessing the LDS, one of the areas the Government Office would look at was whether the LDS was deliverable and realistic in terms of timetable and resources. The Planning Policy and Conservation Manager said that resources within the section were currently a manager and two officers with authority to advertise for a third officer. The gathering of the evidence base and sustainability appraisal work would require specialist consultants on some aspects such as the provision and adequacy of playing fields/public open space; the adequacy and location of business accommodation and employment land, the biodiversity of the district and external evaluation of the sustainability appraisal/strategic environmental assessment.

There was general agreement that the process needed to be from the bottom up and issues needed to be put into context and explained clearly and emphasised that the process was not just about housing. It was also emphasised that town and parish councils needed to be involved and issues clearly explained to them. In relation to this, the Executive Manager – Development Services said that a workshop for town and parish councils would be held on 16 November and he also stressed the increasing importance of parish plans.

RESOLVED that

- 1 Any issues raised in the Local Plan Modification process be dealt with at an early stage of the Local Development Framework
- 2 Opportunities be looked at of working in partnership with other Councils.
- 3 Specific reference be made to the importance of the involvement of town and parish councils.
- 4 Recognition be made of the linkage with health and educational facilities provision.
- 5 The Resources Committee be advised of the resource implications, particularly in relation to the cost of adequate communication and consultation and ensuring that there is a robust evidence base.

SERVICE PLANS BUDGETS AND COUNCIL PRIORITIES 2005/06

The Principal Accountant outlined the Committee's initial draft General Fund Revised Estimates of direct costs and income for 2004/05 and estimates for 2005/06 prepared on the basis of existing approved levels of service. He submitted a report which included draft Service Plans, including spending pressures prepared by those Executive Managers whose services were controlled by the Environment Committee. The report also contained a full set of results from the Prioritisation Working Group set up by the Resources Committee to look at the contribution that services made to the Council's objectives set out in the Quality of Life Plan.

In relation to the revised 2004/05 budget, he said that the total variation from the adjusted base was £10,990, giving a revised estimate for direct costs of £2,085,811. Details of the key variations were explained. In relation to the draft budget for 2005/06 he explained that the total variation from the adjusted base was £53,759, giving a draft estimate of direct costs for 2005/06 of £2,128,580. He said that fees and charges for this committee would be examined prior to the next meeting as part of any budget reduction exercise.

A summary of the spending pressures for this committee and of the prioritisation process was submitted. It was noted that it was being stressed to staff that the placing of their service into the medium or low categories, rather than the higher priority, was no reflection on their individual's abilities, commitments or efforts, but was a reflection of the Council's policy priorities and, at the time of limited resources, necessary financial strategy.

Councillor Cheetham expressed concern that flexibility was being removed through the prioritisation exercise and said that all services were important and the categorisation of low, medium and high was not helpful. Councillor Thawley emphasised the need for consultation during the prioritisation process and gave a reassurance to staff in the low and medium categories that they were valued and their services were fundamental to the running of the Council. Councillor Tealby-Watson said that the committee needed to look at how it could increase income and needed a clearer idea of how the budget process would progress. She also asked why food safety training for retailers was costing the Council money, suggested that the recycling booklet be sponsored by advertising and that some laptops for planning staff could be provided by those not being used by some Councillors.

Officers confirmed that sponsorship for the recycling booklet would be looked at next year. Officers would also investigate further the status of the Essex Economic Partnership and the issues involved in the Council contributing towards repairs to gravestones.

RESOLVED that

- 1 the revised 2004/05 budget and draft 2005/06 Budget be approved and submitted to the Resources Committee.
- 2 The elements of the draft Service Plans relating to this Committee's activities and in particular the new spending pressures identified, be approved and submitted to the Resources Committee.

- 3 Members of the Committee be requested to submit comments to the Executive Managers Development Services and Environmental and Cultural Services by 11 November and they advise the Resources Committee of the priority order following consultation with the Chairman and Vice-Chairman of the Committee.

E25

DRAFT CAPITAL PROGRAMME 2005/06

The Principal Accountant outlined the new procedures for the approval of the capital programme. He said that the Council was required to prepare a capital strategy setting out the framework within which the use of capital resources, both financial and physical assets, could be co-ordinated and allocated in accordance with the Council's key objectives. It was noted that the Council had approved the strategy for submission to the Government Office for the East of England in July 2003 and they had assessed the strategy as 'good', which meant that the Council would not have to submit a strategy in the future.

The Principal Accountant outlined the work which would be undertaken by the Capital Strategy Officer Group and said that the Prioritisation had not yet been applied to the bids identified in the report, but input from Members at a relatively early stage would inform the process and help to minimise late submissions.

Members considered the draft programme and noted that a number of items were not the responsibility of this Committee. Following further discussion, the following schemes were included in the draft capital programme;

Flood relief schemes

Upgrade recycling bring sites

Trade waste bin replacements

Depot replacement Great Dunmow

Refuse collection vehicles

Recycling vehicles

Street cleansing vehicles

Mobile recycling unit

Saffron Walden Cemetery – Gravestone works

Shire Hill Depot improvements

In response to questions from Councillor Cheetham, the reasons for the additional cost for the Hill Street conveniences was explained and it was stated that the cost of trade waste bins was off-set by income received for this service. Councillor Thawley also said that the actual cost of the depot replacement could be neutral when the sale of the old depot was taken into account and said that the waste and recycling contracts would contain elements of capital expenditure.

Councillor A Dean again asked that officers investigate the Council's liabilities in respect of the replacement of grave stones and asked that the capital programme should include the provision of an environmental park.

RESOLVED that the 2005/06 Draft Capital Programme, as amended at the meeting be approved for further consideration by the Capital Strategy Officer Group.

E26

NOTICE OF MOTION

The Committee considered the following Notice of Motion submitted by Councillor A J Ketteridge and referred to the Committee by Council on 19 October 2004;

“That this Council rejects and removes objective P1.3 of the Quality of Life Plan which states “by April 2005 – reduce the number of items collected to four and charge £20.00 per collection. By March 2006 to increase the charge to £25.00 per collection”. This objective does nothing to improve the “Quality of Life” but merely encourages fly tipping.”

The Motion was duly moved and seconded and Councillor Ketteridge added that the proposal was not fair or sensible and would not improve the quality of life. He said that free collection greatly reduced the amount of fly tipping in the district and the scheme worked well to the advantage of residents. He concluded that it would be a retrograde step to charge for this service. Councillor Cheetham supported these comments and said that the service was much appreciated by local residents.

At this stage an amendment was moved by Councillor Pedder and duly seconded in the following terms:

“That the Council looks at objective P1.3 of the Quality of Life Plan, which states:

“Subject to P2.2, review disposal patterns and if appropriate discontinue the free unlimited number of items bulk waste collection. By April 2005 – reduce the number of items collected to four and charge £20 per collection, by March 2006 increase charge to £25 per collection”.

The objective should now be reviewed as part of the Waste Management Strategy, which will be looking at ways to improve all aspects of the waste collection service this Council provides”.

Councillor Tealby-Watson said that if charges were introduced, the Council should look at giving targeted concessions to those in genuine need. Councillor A Dean supported the amendment and asked that the report be submitted to the Committee on 11 January 2005. He also suggested that the report should provide figures from comparative authorities and address the issue of the amount of materials collected that could be recycled.

Councillor Cant said that all these issues needed to be looked at in a comprehensive way as part of the overall review of waste management. She also said that fly tipping in the south of the district would be greatly reduced if the recycling site was provided at Great Dunmow.

In response to a question, Councillor Dean said that the cost of providing the service was in excess of £100,000. However, Councillor Down said that this needed to be offset against the cost of the collection of rubbish which was dumped around the district and Councillor Dean agreed that this needed to form part of the study.

RESOLVED that the Motion as amended at the meeting be approved.

E27

THANKS

Councillor Tealby-Watson expressed her thanks to the officers for the helpful way in which they had dealt with the numerous questions which had been raised at the meeting.

The meeting ended at 10.20 pm.

STATEMENTS BY MEMBERS OF THE PUBLIC

1 Professor Patrick Smith

Professor Smith commented upon the inclusion in the Local Plan of a site at Duck Street, Wendens Ambo. He said that his comments were based upon experience as a resident of Wendens Ambo for 21 years and Chairman of the parish council for the past eight. He said that the parish council had a well balanced and forward looking attitude to development in the village and there was very little evidence of a “not in my back yard” stance when considering development applications. He said that his objections were based on five issues:

- 1 Road Safety. He said that Duck Street and Rookery Lane were essentially single track roads with numerous blind bends and were regularly used by children of primary and secondary school age. He said that there was no doubt that the existing volume of traffic using Duck Street and Rookery Lane had already reached saturation point and any increase in the volume of traffic resulting from any new developments in Duck Street would significantly increase the risk of traffic accidents.
- 2 Distance from Audley End and Newport railway stations. He said that Audley End Station was far more than a five minute walk away from the proposed development site and it was not feasible to cycle to Newport as suggested in the Inspector’s report.
- 3 Mains drainage problems. He said that Wendens Ambo was not connected to the main sewerage system and all houses in Duck Street were served by septic tanks. The low lying nature of Duck Street combined with the high water table had caused considerable problems in the past.
- 4 Surface water drainage problems. He said that the proposed development site was the site of a number of natural springs which drained into a complex system of ditches which eventually drained into the river Utle to the northern end of Duck Street. He referred to an instance in the past where houses in the vicinity had been flooded to a depth of 9 inches.
- 5 Offer of amenity land. He said that the proposed developer had offered land to the rear of the site to the village as amenity land should the development proceed. He said that the offer was nothing short of ridiculous and, at best, could only be considered as a rather clumsy attempt to sway public opinion. He said that there was very little use that the village could make of such land.

In conclusion he asked that the views of the parishioners were heeded and that the decision be made to over throw the report of the Inspector and not to develop the area of land in question.

2 JOHN GOODGER

Mr Goodger spoke concerning the same development. He said that whilst he was not against appropriate development, he was concerned that the Inspector’s comments were inaccurate and he had made mistaken conclusions. He said the site was liable to flooding, traffic safety was critical and the amenity land was not convenient. He said that the main issue was that the Inspector’s conclusions were based on wrong information.

3 ANN WADE

Ann Wade spoke on the same development and agreed wholeheartedly with the previous comments. She said that Duck Street was a dangerous narrow road and the development would be off a bridlepath. She was disappointed to see comments in the officer's report about slippage of the plan and claimed that the Inspector had made a mistake. She concluded that there was no case for this development.

4 EDWARD GITTINS

Mr Gittins spoke on behalf of his client, Mr Joslin, who was a supporter of the proposal in Duck Street. He referred to the allegations about drainage and said that the site overlaid chalk and there were no springs nor evidence of flooding. He said that the addition of three or four houses in this area would not be significant. The Inspector had given regard to the sustainability issues and there was no new evidence sufficient to challenge his view. He said that the offer of amenity land remained and said that this could form an attractive backdrop to the village for all to enjoy. He concluded that the proposal was an appropriate scale for village development and also provided a woodland amenity area.

5 HOWARD ROLFE

Mr Rolfe from Great Chesterford Parish Council spoke in relation to a proposal at the Nurseries, London Road, Great Chesterford. He said that Great Chesterford Parish Council had been working with the Council and the Rural Housing Trust to meet the need for social housing in the village. It had been difficult to find a suitable site, but the site at the Nurseries, currently designated as commercial, would be desirable if its designation could be amended to residential. He asked the Committee to reconsider the designation of this site for residential purposes and said that it would be desirable to achieve 40% of affordable houses on the site, but regard would have to be given to density and car parking.