

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 7.30 pm on 21 MAY 2012**

Present: Councillor E Godwin – Chairman.  
Councillors G Barker, S Howell, D Morson, J Rich and D Watson.

Also present: Councillors J Ketteridge – Leader, S Barker – Portfolio Holder for Environment, C Cant – Chairman of the Council, J Cheetham – Deputy Leader, R Chambers – Portfolio Holder for Finance, K Eden, H Rolfe – Portfolio Holder for Communities and Partnerships and K Mackman.

Officers: R Auty (Assistant Director Corporate Services), R Dobson (Democratic Services Officer), A Taylor (Assistant Director Planning and Building Control) and A Webb (Director of Corporate Services).

**PUBLIC QUESTION AND ANSWER SESSION**

Mr Neil Hargreaves, Dr Richard Freeman and Councillor Tristan Rose of Newport Parish Council made statements and asked questions, a summary of which is appended to these minutes.

Councillor Godwin thanked all three speakers, and reminded all present that the Local Plan would be going to consultation.

Councillor S Barker replied briefly to some of the general points raised. She spoke about the hierarchy of settlements which Cabinet had recently agreed; and the fact that the scale of allocations suggested would gain infrastructure which would benefit the wider district, rather than just putting additional strain on existing facilities. Securing this outcome was a very fine balance.

The Assistant Director Planning and Building Control said he did not propose to enter into detailed discussion of methodology as this had already been considered by the Scrutiny Committee and agreed by Cabinet. The Local Plan was going forward for consultation, and this was the opportunity for people to comment. He would respond in writing to the speakers' questions. Regarding the question why the process assessed available land submitted by developers, the Council was required to do so. There had to be a certain amount of development to obtain infrastructure across the district. Regarding the question about employment land in Newport, if the community wished further land to be allocated, the Council would look at that carefully. Regarding the questions put by Dr Freeman the Council had already agreed its intention. He disagreed slightly with the contention that evidence could be read in different ways. For some years discussion had taken place on having

a new settlement with dispersal around the district without infrastructure gain. Therefore there were a range of reasons for the proposals under the Local Plan, which had been agreed by Cabinet recently, and tonight's papers would take this process forward.

## SC1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Evans and Favell.

*Members declared the following personal interests:*

*Councillor Godwin as a member of the Local Development Framework Working Group and Birchanger Parish Council;*

*Councillor Ketteridge as a member of Saffron Walden Town Council;*

*Councillor S Barker as a member of Essex County Council and the Essex Fire Authority;*

*Councillor G Barker as the husband of Councillor S Barker;*

*Councillor D Watson as a member of Saffron Walden Town Council.*

## SC2 **LOCAL DEVELOPMENT SCHEME – REVISION AND RESOURCING**

Councillor S Barker presented a report on revision and resourcing of the Local Development Scheme. There were three changes proposed: the timing of production of the Community Infrastructure Levy; the timing of public consultation in late 2012 and the creation of a stand-alone Development Plan Document for Gypsy and Traveller sites. The report also sought authorisation for the Council to employ a Programme Officer for the Examination and its preparation; and further resources were required to deliver the Local Plan to timetable.

The proposal was put to the vote and accepted by a majority of 5 votes to one.

### AGREED

- 1 the amendments to the LDS be approved
- 2 a total of £50,000 is made available from the Planning Reserve to provide funding to employ a Programme Officer for the Examination and its preparation and to provide additional resources to deliver the Local Plan to timetable.

## LOCAL PLAN CONSULTATION

Councillor S Barker presented a report seeking approval for public participation on the draft Local Plan. She suggested that the Committee first consider site allocations, as this section of the report was likely to be of most interest to the members of the public attending.

Councillor S Barker referred to the hierarchy of settlements in the district, on which the dispersal strategy would be based, and to the fact that allocations had been based on the Strategic Housing Land Availability Assessment. She said she would encourage communities to enter into a dialogue to see how best to achieve the possible inclusion of affordable housing on some exception sites.

She then gave a summary of the criteria for each policy, and referred to how the various studies listed in the report had contributed to the draft Local Plan. She then proceeded to speak briefly about each of the site allocations set out in the report.

Regarding sites in Saffron Walden, Councillor Watson spoke about concerns about air pollution and traffic congestion, as he felt the report did not address these issues sufficiently: the proposed link road between Thaxted Road and Radwinter Road would not prevent commuter traffic between the town and Audley End Station; the supposed benefits of the development would only benefit new people, not existing residents; proposals to extend the skate park would not accord with the wishes of nearby residents. He did not think this report explained any of the questions he had recently been asking. He said Saffron Walden was full; the proposals were nonsense and the Scrutiny Committee should stop it.

Councillor Howell asked a question about the provision of a cycle path to Audley End station.

Councillor S Barker replied that the draft Local Plan was the best opportunity for achieving what had been a longstanding aspiration, and she would expect development to deliver this amenity.

Councillor Rich said that during the previous round of development Stansted had taken a much larger number of new houses than the 60 houses now proposed. He asked whether the reasons for allocating more houses this time to Saffron Walden were in any way because it was Saffron Walden's 'turn'.

Councillor S Barker explained that the reasoning was based primarily on establishment of a hierarchy of settlements. She spoke about factors relevant to Stansted, as to the north of Stansted there was no natural boundary, and to the south virtually all the land was Green Belt. The proposals in relation to

Saffron Walden were based on evidence, and represented a better option than some of the alternatives.

Councillor Watson said that Saffron Walden Town Council had put forward Brownfield sites for housing land. He repeated his concerns about air quality and traffic problems.

Councillor S Barker said allocating housing to Brownfield sites would mean more outbuilding for employment land and would compound the commuting problem.

Regarding air quality, the Leader said the recent Sainsbury's decision had concluded that this issue was not significant.

Regarding site allocations in Great Dunmow, Councillor G Barker said he was concerned about the large scale of development, and would like to be reassured about the 'icing on the cake', that is, the infrastructure benefits anticipated from this amount of development.

*Councillor S Barker declared a personal interest in that she was married to Councillor G Barker.* She said the benefit from development in Great Dunmow would be a bypass, which was the subject of a live planning application. Should that application be refused, further consultation would take place, as the development could not take place without the necessary infrastructure being in place before the houses were occupied.

Regarding Stansted Mountfitchet, Councillor Rich said he intended to speak at Planning Committee on the development proposed at 14-28 Cambridge Road, which was currently used for business. He said Stansted Members considered that if it should be converted to residential use it should not be a gated residential area, but should offer some community benefit, in the form of a public footpath leading to Crafton Green. He was therefore surprised and concerned that it now appeared the police had advised the developer that the provision of such a footpath involved a risk of increased crime. He asked what strategies were available to ensure this amenity could be achieved.

The Assistant Director Planning and Building Control cautioned that those Members who were also on Planning Committee could not comment on a live planning application. He said there were a number of reasons for the design and the issue regarding the gate was to minimise traffic issues. It was possible to design schemes that secured permeability and which answered police concerns. He advised that planning applications should not be linked with community benefit as this was not the test; and that the scheme was looking ahead to the next 15 years, so the issue of access for the public from Cambridge Road to Crafton Green was not wholly dependent on this particular application.

Councillor Rich then spoke about concerns regarding the St Mary's Primary School site off St John's Road. This was a prime location in the heart of the community, and he was surprised that this site could be allocated for 30 retirement homes. It was very close to the Church and surrounding conservation area; it was in the centre of Stansted and the access roads were unadopted. He asked how this site would be taken forward.

The Assistant Director Planning and Building Control said this had been put forward by Essex County Council for housing development. Other primary schools, for example in Takeley, were relocating, on the proposition that such sites would be sold to create funds to provide new schools and open spaces. He explained the benefits of building retirement homes, in that they would provide for specific needs; and residents of such units did not increase the need for primary education provision; and had a reduced impact on highways. He explained the criteria for improvements to be secured through this allocation.

Councillor S Barker briefly referred to site allocations at Takeley, Thaxted, Clavering, Henham, Radwinter and Stebbing, and referred to a small number of corrections and changes to be made to the document. Regarding Thaxted, she welcomed the fact that the community had taken the initiative in suggesting this site.

Councillor Godwin agreed it was very encouraging when communities took ownership of their part of the plan in this way.

Councillor S Barker continued to take Members briefly through the document, referring to site allocations at Elsenham, Takeley Business Park, Wendens Ambo, Chesterford Research Park, Great Hallingbury and Stansted Airport.

The Chairman then invited comments on development management policies.

Councillor S Barker said there were some changes to development management policies made in January. She referred in particular to the closing of a loophole which had meant non-BAA owned car parks were escaping paying the infrastructure levy.

Councillor Howell said he was concerned at the loss of village shops and other facilities. In his ward two of three pubs were facing difficulties. Some pub owners could manipulate the criteria under Policy RET2 to claim that a village pub was not viable, which then represented a significant challenge for the community. The policy should be more robust.

Councillor S Barker asked Councillor Howell to provide written details of the particular situation in his ward, and referred to the appendix in the document regarding marketing.

The Assistant Director Planning and Building Control said the inclusion in the draft local plan of a marketing policy was intended to address the type of situation which had been described. Provisions under the Localism Act now enabled the community to take responsibility for assets of community value. The statutory instrument enabling this provision was anticipated in June or July, following which a list of businesses to which it could apply would be prepared by means of consultation.

Councillor Rich cited a similar situation in Stansted, and said he considered relevant factors included whether the landlord intended ultimately to develop the land, rather than run a pub as a business, as well as the low value of commercial land in comparison to residential land.

Councillor Godwin said pubs were a vital asset for the tourism industry. She then summed up her views on the Local Plan discussion so far. She said she was in favour of a 'pepper-potting' policy regarding affordable housing as it led to far better integration; that the air quality was a concern to Saffron Walden residents and the Committee noted this concern must be taken on board. She said the consultation on the Local Plan would give people the opportunity to comment.

The Committee then considered the strategic policies set out in the document.

Councillor Watson questioned the relevance of the Accessible Development strategy. He said current development in Saffron Walden did not comply with that policy.

The Assistant Director Planning and Building Control referred to discussion at a previous meeting of this Committee. He said Saffron Walden was well located in terms of roads and proximity to a railway station; the development would give the option to deliver improved links with the addition of the link road to change the flow of traffic; and there was the option to look at changing the traffic light control and to change air quality issues. Therefore the proposals included some significant benefits.

The Leader said he was concerned that the Committee's support for a change to the Local Development Scheme timetable had not been unanimous. It was crucial if this Council were to retain control that the plan was delivered on time. Since the 1970s many of the large developments in Uttlesford had been won on appeal, so the district had not had the infrastructure it could have had: an inspector rather than the Council had determined what was on those sites. Officers had worked very hard to seek the maximum benefit from development in the Local Development Scheme. If only small numbers of houses were built in certain settlements it just put pressure on existing infrastructure. So with the exception of the arrangements for gypsies and travellers, the Council had to meet this timescale.

Councillor Godwin said this Committee acknowledged how important it was to remain in the driving seat and to achieve benefits from more co-ordinated development. She referred to the report's recommendations and the imminent date of the consultation, which she said made it important to approve the draft Local Plan, with the Committee's comments. The recommendation was put to the vote and passed with a majority of 5 in favour, 1 against.

AGREED to approve the Local Plan policies for public consultation between Friday 8 June and Monday 23 July 2012 with any amendments subject to delegation to the Assistant Director Planning and Building Control in consultation with the Leader of the Council.

#### SC4 **SCOPING REPORT: CABINET SYSTEM REVIEW**

The Committee considered a scoping report relating to a review of the Cabinet system. Detailed discussion took place, as some Members felt the terms of reference should be more open in order to draw out ways of improving the Cabinet system.

Councillor Howell said he felt the draft terms of reference would mean going over old ground, as the decision to move to a Cabinet system had been taken and Members now needed to live with that decision. The Council had chosen a collective decision making process and he felt there was some lack of engagement by some Cabinet members.

Councillor Rich said the question of the effectiveness of a Cabinet system should be dissociated from improving decision-making.

Councillor Watson said what could be investigated was entirely open and if Members felt the decision making had got worse, then they could say so.

The Director of Corporate Services advised that under the Localism Act councils could revert to the committee system.

Councillor Godwin said that after only one year that option would be too soon, but that it would be useful to tease out what people thought. .

The aim of the report was discussed in further detail.

Councillor Morson said he accepted that the decision to go to a Cabinet system had been made but that in a healthy democracy it was reasonable to review that decision within a year. He presumed that with a good majority the administration would indeed want to continue that system; but to exclude consideration of the issue was to limit the debate, and that a question about the merits of returning to a committee system should be asked, as otherwise

the debate would be skewed and undemocratic. He agreed that opinions on how to improve the Cabinet system should be sought.

Following more discussion it was agreed the terms of reference for the report should state 'To establish whether the Cabinet system is effective and whether there are ways to improve its effectiveness'.

SC5

## **MEMBERS' SURVEY**

Councillor Howell suggested the removal of question 12, which asked whether members would prefer a Committee governance system. Prolonged discussion took place regarding whether the questionnaire should include this question. Members considered there was a need for the survey to ask for practical suggestions to improve the Cabinet system, such as having regular reports from Cabinet Members on their portfolios.

The Chairman invited Councillor Rolfe to comment. Councillor Rolfe said that it was the Leader's intention that at future meetings of the Cabinet, Portfolio Holders would give reports.

Councillor Rolfe then commented on the section of the questionnaire dealing with Members' training needs as he was responsible for this area. Members should receive training and support in order to be effective councillors. He therefore welcomed these questions and would take account of the replies, as he intended to meet councillors from all three groups to establish their training needs.

Councillor Godwin said her main concern was that not all councillors were fully engaged.

Councillor Rolfe agreed that there were some members who seemed to want little involvement, but that he was more concerned about those who wished to do more and currently did not receive the support they might require. He suggested adding another survey question regarding this point.

AGREED that officers would circulate a re-draft of the questionnaire to the Committee and would seek a view of the majority on any contentious elements.

The meeting ended at 9.55pm.

## **PUBLIC QUESTION AND ANSWER SESSION**

### **Statement of Mr Hargreaves**

Mr Hargreaves referred the Committee to his questions which had been circulated to Members, and made a statement.



Newport has been allocated a large number of houses. I have concerns about the employment statistics and the allocation process used for the LDF. On the face of it, it is reasonable to base housing allocations on jobs, demographic forecasts and employment statistics. However, I would question the reliability of this approach for the following reasons.

The employment statistics lack supporting information, which call into question whether this data can be relied upon. Missing information includes source data and how it has been used; sensitivity analysis; comment against each output explaining clearly the reasons for the results; and peer review.

Recent history of actual jobs growth does not reflect the predictions: the forecast results show uninterrupted growth every year for 22 years, and very significant growth for each of the next 7 years: does this look reasonable compared with past actual growth or the present employment situation? Are there any explanations for the long period of growth? I would ask that Scrutiny Committee ensure these statistics, which could have a major and permanent effect on the district, are revisited. In particular in the light of the current economic picture there must be a case for cutting back the growth projection.

Regarding the allocation process, I find it difficult to understand why Newport in the 'emerging' proposal is given a 40% increase in size. I do not see that the figure of 370 is based on any calculation or logic. In an email to me, Andrew Taylor states 'The numbers per settlement are not dependent on (the) population figures of the settlements'. His email indicates that the process is based on the submitted sites. If these appear viable then they go into the plan. I think this is flawed because it ignores areas not currently put forward; it is a passive response, suitable for a planning application, but is not the way to produce a strategic plan for the district. For Newport it would produce an increase in size utterly out of proportion to the settlement.

I would ask the Committee that this process be amended so that proportionality to the existing settlement size should be the primary factor in the allocation process.

### **Statement of Dr Freeman**

I am the Chairman of the Neighbourhood Plan Working Group in Saffron Walden. I have two questions: why do we want to go for expansion of a historic market town when the correct interpretation is that a new settlement is the right option? Market towns are already at and beyond capacity. In part this conclusion will depend on data, but this can be interpreted in many ways, and it is possible to cherry-pick evidence. Saffron Walden has been selected to go for dispersal. What you proposed is rubbishing our market towns, which form part of this district's assets. In Saffron Walden the only sites available are to the south and east, so traffic would have to cross the town, which it

cannot do. The junction at Peaslands Road and Borough Lane would be a huge problem.

Hectares of new employment land would not give rise to jobs; transport links are poor; we have empty industrial sites, so this area is clearly unattractive to investors, so why have you interpreted the data in this way? The same data can be interpreted to put forward Greenfield sites, of which we have plenty. These would be ideal for a new developer and could have matching infrastructure.

### **Statement of Councillor T Rose, Newport Parish Council**

How did Uttlesford District Council use the information gathered at the Consultation to arrive at the figure of 370?

Can we see the methodology used to calculate 370 homes?

Have you subjected the figure of 370 to the sustainability appraisal?

Can UDC illustrate and detail for the Parish Council and residents why the housing numbers advertised for the District's towns and key villages differ so greatly?

Government guidance, per household, is 2.2 per household, is that what UDC is using?

There is no mention of any employment opportunities in connection with the housing allocation in Newport. A 39% increase in houses in the village over 17 years is likely to translate into a larger increase than 39% in commuting out of the village, given that present levels of commuting reflect the fact that 28% of the village works within the village. Will the consultation allow scope to modify the proposals to include space for offices, industrial units, and retail facilities to provide the opportunity to ameliorate this significant growth, likely to be of the order of 62%.