

UTTLESFORD DISTRICT COUNCIL

NOTICE OF KEY DECISION(S)

Uttlesford District Council intends to take key decisions on the issue set out below.

Key decisions are decisions which:

- Are likely to result in the Council incurring expenditure or making savings in excess of £100,000 subject to the following:
 - Decisions on the acquisition or disposal of land or of an interest in land will be key decisions if their value exceeds £500,000¹.
- Are likely to be significant in terms of its effects on communities living or working in Uttlesford.
- Relate to the adoption or revision of plans and policies which would have a significant impact on the way in which the Council carries out its statutory functions.
- Relates to consideration by the Cabinet of proposals which would have a significant impact on the provision of services to the public or on the operational management of the Council.

Decisions to be taken in private are also listed (this is where specific exemptions apply under Schedule 12A of the Local Government Act 1972).

A list of the documents forwarded to the executive for consideration in connection with the key decisions is included in the plan. Copies or extracts of these documents or any questions regarding the items listed should be addressed to the contact officer shown in the final column.

Documents are available from the Council Offices, London Road Saffron Walden CB11 4ER.

All documents and decisions are also published on the Council's website www.uttlesford.gov.uk or are available from Democratic Services 510410 /548 or by contacting committee@uttlesford.gov.uk

¹ Please note, the following are not key decisions:

- Loans or borrowing decisions made in accordance with the Treasury Management Policy.
- Decisions relating to the engagement of staff unless falling within paragraph 4.
- Contract awards or renewals for vehicles, plant, machinery, goods, supplies and services where budget provision has been made and the award or renewal is within budget.
- Contract awards where the decision to let the contract has already been treated as a key decision.
-

Key Decision(s):
Published on 7 August 2020

Decision	Decision Maker	Date of Decision	Brief information about the item and details of documents submitted for consideration	Portfolio Holder	Contact officer from where the documents can be obtained
Land west of Woodside Way Great Dunmow	Cabinet	9 Sept 2020	<p>As well as having powers to control development, the Council also has powers to help enable development to go ahead. Sometimes schemes which are acceptable or desirable in planning terms cannot be implemented because of private land ownership rights. The Council has powers, for example, to use compulsory purchase powers to help with site assembly.</p> <p>Sometimes, approved development cannot be implemented because of restrictive covenants. The Council, as planning authority, has statutory powers to override restrictive covenants to enable development to go ahead, subject to payment of compensation. Where land affected by covenants is owned by the Council itself, it does this by “appropriating” the land to planning purposes. This means a decision to change the stated purpose for which the Council owns and holds the land.</p>	Portfolio Holder for Planning and the Local Plan	Roger Harborough, Director - Public Services rharborough@uttlesford.gov.uk

The Council has given planning permission for development of land near Dunmow. The permission is for development of up to 790 dwellings on a 53.2 ha site to the west of Woodside Way. The development includes the provision of a primary school, a community building, sports pitches and pavilions. The development will help to provide housing in Uttlesford and will also lead to the provision of valuable community facilities.

The planning consent and the associated s106 agreement (“the Section 106 Agreement”) contemplate access across Council land to the highway on Woodside Way and dedication for highway purposes. However, covenants in an earlier agreement between the Council and a neighbouring landowner (Wickford Development Company Limited - “Wickford”) would prevent any such dedication or use of that land for the purposes of a road giving access to Woodside Way. Wickford has brought High Court proceedings against the Council and is seeking an injunction to prevent the Council granting full access across its land and to prevent the Council dedicating the access road as public highway. In the alternative it is seeking damages against the Council.

The report recommends that the Council

uses its statutory powers under section 122 Local Government Act 1972 to appropriate the land needed for the access (“the Subject Site”) from open space purposes to planning purposes. The effect of this, in short, will be to override the restrictive covenants by virtue of section 203 Housing and Planning Act 2016. This will allow the development to go ahead as permitted. Wickford would no longer be able to seek to stop the access and public highway dedication of the Subject Site but would still be entitled to claim compensation for any loss suffered.

The Subject Site is currently held for open space purposes as part of a larger area of land (“the Council’s Land”) and therefore special protection applies. There is a two-stage process for appropriating open space land to another purpose. The first is to make a decision “in principle”, to advertise this and to invite objections. The second stage is to give proper consideration to any objections received and then to decide whether or not to go ahead with the appropriation.

The Cabinet is being asked to make the first stage “in principle” decision to appropriate the Subject Site. It will need to consider at a future meeting any representations made before making a final decision.