



## Public Document Pack

# Uttlesford District Council

Chief Executive: Dawn French

## Cabinet

**Date:** Wednesday, 18th October, 2017

**Time:** 7.00 pm

**Venue:** Council Chamber - Uttlesford District Council, Council Offices, London Road, Saffron Walden, CB11 4ER

**Leader and Chairman:** Councillor H Rolfe

**Members:** Councillors S Barker, S Howell, V Ranger, J Redfern and H Ryles

**Other attendees:** Councillors A Dean (Liberal Democrat Group Leader and Chairman of Scrutiny Committee), J Lodge (Residents for Uttlesford Group Leader) and E Oliver (Chairman of Governance, Audit and Performance Committee)

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

## AGENDA PART 1

### Open to Public and Press

#### **1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.

#### **2 Minutes of the Previous Meeting 7 September 2017**

1 - 12

To consider the minutes of the meeting held on 7 September 2017.

- 3 Questions or Statements from Non-Executive Members of the Council (standing item)**
- To receive questions or statements from non-executive members on matters included on the agenda.
- 4 Matters Referred to the Executive (standing item)**
- To consider matters referred to the Executive in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Rules.
- 5 Reports from Governance, Audit and Performance and Scrutiny Committees (standing item)**
- To consider any reports from the Governance, Audit and Performance and Scrutiny committees.
- 6 Refugee Working Group (standing item)**
- To receive a report from the Refugee Working Group.
- 7 100% Business Rates Retention, Essex Pilot Scheme (report to follow)**
- To consider the Essex pilot scheme for 100% business rates retention.
- 8 Grant for Harlow College** 13 - 16
- To consider the grant for Harlow College to provide the proposed Technical and Professional College at Stansted Airport.
- 9 Air Quality Action Plan** 17 - 74
- To consider the Air Quality Action Plan.
- 10 Article 4 Direction for Local Heritage List** 75 - 80
- To consider the Article 4 Direction for Local Heritage List report.
- 11 Review of Enforcement** 81 - 158
- To consider the Review of Enforcement report and the appended draft enforcement policies.
- 12 Street Naming and Numbering Policy** 159 - 180
- To consider the proposed Street Naming and Numbering Policy.

- 13 Saffron Walden Town Centre Culvert Partnership** 181 - 184
- To consider the Saffron Walden town centre culvert partnership report.
- 14 West of Braintree Garden Community Plan** 185 - 270
- To consider the West of Braintree Garden Community Plan - Issues and Options document.
- 15 Planning for the Right Homes in the Right Places: Government Consultation** 271 - 284
- To note the publication of the government's 'Planning for the right homes in the right places' consultation proposals and to consider the draft response appended to the report.
- 16 Any other items which the Chairman considers to be urgent**
- To receive any items which the Chairman considers to be urgent.

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**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 7 SEPTEMBER 2017 at 7PM**

Present: Councillor H Rolfe (Leader)  
Councillor S Barker (Deputy Leader and Cabinet Member for Environmental Services)  
S Howell (Cabinet Member for Finance and Administration)  
Councillor V Ranger (Cabinet Member for Communities and Partnerships)  
Councillor J Redfern (Cabinet Member for Housing)

Also present: Councillor H Asker, Councillor R Freeman (Residents for Uttlesford Group, substituting for Councillor J Lodge).

Officers in attendance: D French (Chief Executive), R Dobson (Principal Democratic Services Officer), R Harborough (Director of Public Services), A Knight (Assistant Director - Resources), R Millership (Assistant Director – Housing and Environmental Services), S Pugh (Interim Head of Legal Services and Monitoring Officer), J Snares (Housing and Communities Manager) and A Webb (Director of Finance and Corporate Services).

## **Public Speaking**

Mr T J Hockley and Mr R Tongue having registered to speak, the Chairman said the order of business would be altered to enable Mr Hockley to speak after declarations and apologies for absence, and to permit Mr Tongue to speak when the item on De Vigier Avenue was considered.

Mr Hockley made a statement, a summary of which is appended to these minutes.

Councillor Barker said she had visited Mr Hockley at his home, and that when she had been there, the unpleasant odour about which he had complained was not apparent. However, Councillor Ranger had visited earlier and had been aware of the odour. It was possible that the smell was being caused by how the site was run. She had invited Mr Hockley to meet with the Environment Agency and the Council's Environmental Health Officer for a discussion. The cleanliness of the Council's vehicles coming into the site was a possible factor, which she had communicated to the Operations Manager, who would ensure checks were put in place that the vehicles were clean.

Mr Hockley expressed doubt about such measures resolving the problem.

Councillor Rolfe said Mr Hockley and relevant parties should meet on the site to review the position. Whilst the Council did not own the site, the meeting would be a useful step to establishing what mitigation could be put in place.

Councillor Barker said Mr Hockley had referred to the District Council deciding where its waste was taken, but that in fact Essex County Council directed where the District Council had to take the waste.

CA39 **APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS**

*Councillor S Barker declared a personal interest in Great Dunmow Waste Transfer site, as Essex County Council, of which she was a member, had responsibility for that site.*

Apologies for absence were received from Councillors A Dean, J Lodge and H Ryles.

CA40 **MINUTES**

The minutes of the meeting held on 6 July 2017 were received and signed by the Chairman as a correct record.

The minutes of the meeting held on 10 July 2017 were received and signed by the Chairman as a correct record, subject to an amendment as follows: to delete in the third paragraph of Minute CA29, Local Council Tax Support Scheme 2018/19, the wording "When this happened it would no longer be possible to maintain support for those people presently benefitting from LCTS."

CA41 **QUESTIONS OR STATEMENTS FROM NON - EXECUTIVE MEMBERS OF THE COUNCIL**

In the absence of Councillor Dean, a statement he had submitted for consideration at the meeting was read out as follows:

"At the last Full Council Meeting I was appointed to a task group to oversee agreements with the Army at Carver Barracks related to an agreed grant of £500,000 towards the cost of creating a running track at the barracks. It is intended that there will be public access to the running track as there has been to date for the use of existing sport facilities.

I have asked in writing a number of questions about past and current public usage of the facilities, for which some answers have been received. I have also asked questions related to forecasts of planned use by the local public of the running track. No answers have been received from the Army. Moreover, I am concerned that there may be a blockage within this Council preventing the questions being asked of the Army. I will, of course, continue to pursue these matters in the interests of public accountability."

Councillor Rolfe said the Cabinet noted Councillor Dean's comments. Whilst future use of the facility was difficult to predict, it would be in the context of the existing Multi Use Games Area. It was important that all questions were filtered through a central point. A cross-party group, to be chaired by

Councillor Ranger working with Councillors Knight and Artus, would examine the detail of the proposals.

Councillor Ranger indicated he wished to speak.

Councillor Barker said that if the topic of Carver Barracks was to be discussed, she would need to declare a prejudicial interest as this subject came within her portfolio as a member of Essex County Council.

Councillor Ranger said his comments were for clarification only. He said Councillor Dean had been present at the meeting that had refined the member group's heads of terms to be put to the Army, and that revisions from the members, including Councillor Morris, would be incorporated into the terms proposed. Only once all terms were considered satisfactory by members would it be possible to make public the hours during which the facilities could be used.

Councillor Rolfe said Councillor Dean would be kept informed.

#### CA41 **REFUGEE WORKING GROUP**

Councillor Redfern said the Council would be assisting another Syrian refugee family identified by the Essex Resettlement team, as another property was available in close proximity to a refugee family already housed within the District. The property should be ready in October, and the family were to be brought over in mid to late October. She would report further in November.

Councillor Rolfe asked about the number of refugees helped by Uttlesford District Council, in terms of a proportion of those helped by Essex County Council.

Councillor Redfern said whilst she was not in possession of the precise numbers of refugees assisted across Essex County Council, a factor to bear in mind was that this district did not have some of the support facilities required by the most needy families, such as a major Hospital.

Councillor Rolfe thanked Councillor Redfern for her verbal report.

#### CA42 **LAND AT DE VIGIER AVENUE**

Councillor Rolfe invited Mr Tongue to make his statement at this point (the statement is appended).

Councillor Howell presented the report. He said at the meeting of Cabinet on 25 May 2017 a resolution to dispose of the land was made. Following the statutory advertisement, three objections had been received, one from Saffron Walden Town Council and two from members of the public. As required, the Cabinet now had to consider the issues before reaching a final decision.

Councillor Howell drew to members' attention the financial implications stated in the report, in that by agreeing to the request of Saffron Walden Town Council to transfer the land to it for a nominal sum, the District Council would forego a significant capital receipt.

Councillor Howell explained the background to the matter. He agreed with the point Mr Tongue had raised, that there had been access to the site over the driveways of numbers 16 and 18, but he said that to all intents and purposes the land had been landlocked as far as vehicular access was concerned. Authority had been granted on 25 May 2017 to the Director of Finance and Corporate Services to dispose of the land. Since then it had been established that the land was subject to a covenant given by the developer to transfer the land to the Council for public open space purposes. The report set out the legal position regarding the covenant, in that it was not a covenant given by the Council.

If the land was no longer required for the purpose for which it was held the Council could appropriate it. The Council was obliged to follow statutory procedures before appropriating the land for disposal.

Councillor Howell referred to the objections which had been received, comprising an objection from Saffron Walden Town Council, Mr Tongue and Mr Storah. Councillor Howell thanked Mr Tongue, for also attending to make representations.

Councillor Howell took members through the objections, set out in full in the report's appendices.

Regarding the objection received from Saffron Walden Town Council, he said the Town Council had objected to the disposal of the land, and had referred to provision under an agreement in 1984 for the transfer of the land for use as public open space. The objection stated that the land was currently used as such, and that it was a discrete wildlife area for flora and fauna. The Town Council asserted that the disposal or sale of the land would have a negative impact on this natural environment.

Councillor Howell said the Town Council had proposed that ownership be transferred to it for a nominal sum with a view to its future retention as public open space.

Regarding the objection received from Mr Tongue, Councillor Howell drew to members' attention to Mr Tongue's written statement that the land was "under covenant which was enforceable without any limit of time to be used as a public open space. A covenant shall be enforceable (without any limit of time) against any person deriving title from the original covenantor, which is yourselves, you have failed in your duty regards this. You have ignored the correct options open to you and instead of enforcing the covenant have decided to profit from this land with your current actions."

Mr Tongue had also in his written objection stated his view that the proposed appropriation and disposal would infringe the rights of residents under the Human Rights Act.

Regarding the objection received from Mr Storah, he had mentioned the planning agreement from 1984 and had put forward the view that this required the Council to keep the land as public open space. Mr Storah had also made a substantive point about the value of the current use of the land, in that he had stated "This land is a discreet, wildlife area for flora and fauna and the disposal/sale of this land would have such a serious adverse impact on this small enclave of natural environment that it would effectively be totally obliterated from the local area."

Councillor Howell said he had spoken to officers and that officer comments on the objections were set out in the report, which considered some misunderstandings around legal and procedural aspects of the objections.

He said the covenant referred to related to a covenant given by the developer to transfer the land to the Council for public open space purposes. The covenant did not prevent the appropriation and disposal of the land, and did not oblige the Council to maintain the land as open space. The Council had separate legal obligations to manage public open space in a manner compatible with its status, and not for other purposes. Provided the statutory procedure was followed and objections were properly considered, appropriation under section 122 of the Local Government Act 1972 or disposal under section 233 of the Town and Country Planning Act 1990 overrode the primary protection given by the Public Open Spaces Act 1910.

Regarding Mr Tongue's citation of the Human Rights Act 1998, Councillor Howell said the Act was not relevant to the proposed appropriation and disposal of the land. The view given in the report by the Interim Head of Legal Services was that whilst the residents might consider the land to be a beneficial amenity, the removal of the amenity by itself would not amount to an infringement of the rights under the Act; nor would Article 1 of the first protocol be relevant, as the residents had no right to possession in respect of the open space.

Councillor Howell referred members to the statutory requirements relevant to making the decision. Members needed to weigh up the pros and cons and give reasons for their decision. The site at Ridgeons would provide housing, including affordable housing, a recreation amenity and open spaces. He had thorough knowledge of the background relating to the land. In the past, the Town Council had been reluctant to take on additional pieces of land. The current proposal seemed a change of policy. The land at De Vigier Avenue had not been a widely used public space for 29 years, the right of way was accessed over the driveways of two of the residents, making it very difficult to access. The Council had agreed to retain the treeline. The wildlife survey which had been undertaken indicated there were no wildlife species which were rare, and that the most common type of wildlife on the land were rats. There were merits in appropriation of the land for planning purposes in that it would allow it to be incorporated into the adjoining Ridgeons site, as without taking this opportunity of creating access to the land, it would remain landlocked. There were significant benefits in doing so for enabling development for additional housing. Furthermore, there was potential for

generating a significant capital receipt for the Council. Councillor Howell recommended the proposal, which was seconded by Councillor Ranger.

Councillor R Freeman said the land at De Vigier Avenue was in his ward, and that Councillor Asker was also in attendance as the other ward member. He intended to speak on behalf of the Town Council. The land was in the gift of the District Council, and they had chosen to leave it in the state it was in now. He found it hard to believe the wildlife survey had not revealed evidence of a diversity of wildlife, because in Little Walden Road there was a piece of land with eight species of bats, one of which was rare.

Councillor R Freeman referred to the deed dated 1984, containing a section 106 agreement. The agreement referred to green land, so if anyone was to benefit, it should be the residents of De Vigier Avenue. The land was made over to the then council for their benefit, but this council had "let it go" for 29 years. Any pecuniary benefit should go to the residents, or the land should be tidied up and made into more of an open space. The Town Council would be willing to do this.

Regarding Councillor Howell's statement that the Council used to be unenthusiastic about taking on public open spaces, councils were not bound by earlier ones. The land should remain for the benefit of the residents, and the Town Council was the obvious instrument to manage it, either as it was, or for more productive use; or if it was to be turned to building, the beneficiaries should be the residents who had bought their properties in De Vigier Avenue. There was no full audit trail of title, and he questioned whether the District Council had good title to enable it to pass the land to a developer. If the land were made over to Saffron Walden Town Council, it would create a wildlife corridor.

Councillor Ranger said open space had been provided on the Ridgeon's site, which was very near, so there would not be a lack of open space in the area. Councillor Freeman had suggested ownership by De Vigier Avenue residents, but any change of ownership since the site had been bought would make any division difficult. Councillor Howell had accurately summarised the position.

Councillor Howell said there was no evidence to suggest the original transfer was to any party other than the District Council. When he had been a councillor at Saffron Walden Town Council, there had never been any suggestion of a question over ownership. The land was clearly owned by Uttlesford. He was delighted the Town Council was taking on more of the smaller green spaces, and he recommended they look more widely across the town.

Councillor Ranger said he would not speculate as to bats. The presence of rare species was not borne out by surveys. This land was not an island, it was in an area of fields and trees, and was on the edge of town. He supported the proposal.

Councillor Rolfe said as part of the negotiations he would like there to be some pedestrian safety measures installed on Ashdon Road, near the Homebase junction.

## RESOLVED

- a) that the land at De Vigier Avenue is no longer required for its current purpose as public open space;
- b) to approve the appropriation of this piece of land for planning purposes under S122 Local Government Act 1972;
- c) approve the disposal of the land for planning purposes under S233 Town and Country Planning Act 1990; and instruct the Director of Finance and Corporate Services to agree the terms of the sale and complete the disposal process.

CA43

### **BUDGET MONITORING REPORT: QUARTER 1 2017/18**

Councillor Howell presented a report detailing financial performance relating to the General Fund, Housing Revenue Account (“HRA”), Capital Programme and Treasury Management. The General Fund was forecast a £1,160,000 underspend; the HRA was forecast an overall underspend of £2,994,000; the Capital Programme was forecast an underspend by £2,656,000; and Treasury Management activity now included external borrowing, relating to the Council’s purchase of the 50% share of Chesterford Research Park by Aspire Ltd.

Councillor Howell said the purchase of Chesterford Research Park was a significant initial piece of income, which was very welcome. He referred to the efficiencies target which had been included in the 2017/18 budget, of £200,000, relating to the four year funding deal signed in October 2016. This Council was well within the target, as there was a net positive variance within services of £528,895 after adjusting for movements to/from reserves, giving a net efficiency saving of £235,835. Full details of variances were set out in the report.

Councillor Howell referred members to the items outside the Council’s control. These were: a reduction in current caseload in Housing Benefits; in relation to Business Rates Retention, a successful appeal by one of the area’s largest businesses which had reduced the collection fund balance; and a £207,000 overspend in relation to the Pension Fund Deficit, which was the updated cost of the three year upfront payment, as there was a saving achieved by paying in advance.

Councillor Howell referred members to the reserves shown in detail in the report, and drew attention to the 2016/17 underspend of £691,000 which had been allocated from the Strategic Initiatives Fund to the Planning Reserve. Following the transfer the updated balance was £764,000 on the Planning Reserve, with £2,767,000 remaining in the SIF.

Regarding the HRA, Councillor Howell drew attention to the forecast underspend on net operating costs, which was made up of interest return on the loan to Aspire (CRP) Ltd as set out in the Treasury Management section

of the report; and a reduction in the funding requirement for capital projects by £2,506,000 in the current year.

Regarding the capital programme, Councillor Howell asked members to note the adjustment of the current budget to reflect the approved slippage from 2016/17, the total cost of the capital programme being £20,132,000. He referred to the forecasted capital expenditure being £2,656,000 below the current budget, which was due to slippage in relation mainly to the redevelopment of sheltered schemes at Reynolds Court, Hatherley Court and Walden Place.

Regarding Treasury Management, Councillor Howell said this item was being reported in more detail than for a while, due to reporting borrowing. The Council had lent Aspire (CRP) Ltd £47,250,000 in May 2017, to purchase the 50% share in Chesterford Research Park. The loan had initially been funded by using the Council's available cash balances and short term borrowing from other local authorities.

Councillor Howell said the recommendation was to note the outturn forecast position, and to approve the reserve transfers as detailed in the report.

Councillor Rolfe thanked Councillor Howell for a clear and comprehensive report. He said the Council was spending the SIF fund, which was earmarked for broadband and sporting facilities, as well as other areas.

Councillor Redfern spoke about the HRA slippage. She said Reynolds Court was progressing well, as residents had moved from one half into a new building. There had been some issues in appointing contractors for the work at Hatherley Court. Development at Walden Place would not take place this year, because much work was required to take into account its listed building status before progressing.

Councillor Barker asked why the Council was borrowing money when on some days it was making deposits.

Councillor Howell said in order to fund the acquisition by Aspire (CRP) Ltd of the 50% share of Chesterford Research Park, it had been necessary to use the cash balance and borrowing from other authorities, and to use borrowing to bridge the gap.

Councillor Barker asked why it was not then possible to keep borrowing at these lower rates. Councillor Howell said the lower rates were available on a short-term basis only.

Councillor Howell proposed the recommendation in the report. Councillor Redfern seconded the proposal.

RESOLVED to:

- 1 note and approve the outturn forecast position
- 2 approve the reserve transfers as follows:

- The 2016/17 underspend of £691,000 has been allocated from the SIF to the Planning Reserve; the planning reserve balance at 1 April 2017 was £73,000. Following the transfer the updated balance is £764,000 on the planning reserve and £2,767,000 remains in the SIF.
- A drawdown from the planning reserve to cover the cost of the additional resource at £260,000 leaves a balance of £504,000.
- The reserve in year drawdown to support specific areas or projects has increased by a net £177,000. This is made up of the following items:
  - I. £260,000 to fund the increase in planning resources plus £15,000 for Neighbourhood plans
  - II. £63,000 funding for the current Economic Development Strategy to support the Viability and Vitality of Town Centres, plus £10,000 for a joint initiative project.
  - III. £58,000 funding for the continued rollout of the new HR and Payroll system
  - IV. £135,000 has been transferred to the reserves relating to unused management consultancy and the PFI.
  - V. £118,000 adjustment to the working balance (unusable reserve), this reserve is a statutory requirement and is based on a specific formula.

CA44

## **CORPORATE PLAN DELIVERY PLAN PROGRESS UPDATE**

Councillor Rolfe presented a report setting out progress against the Corporate Plan Delivery Plan between April and June (Quarter 1), and including more recent updates where significant progress had been made since the end of June.

Councillor Rolfe outlined the main points of the report to which he wished to draw attention. He said the Public Engagement Working Group had been established, which was important progress in relation to the aim to engage with communities. In relation to the aim to work with partners to tackle loneliness and isolation, he had met Essex partners during the first week of September, with other groups, to focus on priorities so that the Council could play their part. Regarding the promotion of pride in Uttlesford, Councillor Rolfe said on his return from outside the district the appearance of roads and verges was disappointing. This aim should be a significant objective. Regarding opposition to a second runway at Stansted Airport, the Council was committed to this position. MAG would be submitting an application to increase passenger numbers, which would also be a significant issue, and would be dealt with by the Planning Committee.

Councillor Redfern asked Councillor Barker to feedback to Essex County Council the unsatisfactory appearance of the roundabouts near the northwest boundary of the district, which were its responsibility. The roundabouts were in need of maintenance and weeding.

Councillor Barker said all litter-picking in Uttlesford was delegated to the District Council, but if maintenance was the issue she would investigate.

Councillor Ranger said he had similar concerns at Dunmow.

Councillor Barker said she and the Director of Public Services had tried to engage the County Council regarding sponsorship of roundabouts, for a long time. She would be happy to re-open the discussion.

The Director of Public Services said protracted discussions had taken place with Essex County Council officers regarding the transfer of responsibility from Highways to this council. ECC did not have up to date records of sponsored roundabouts, and it seemed those arrangements had lapsed.

Councillor Rolfe asked that officers take further steps to establish responsibility for the condition of roundabouts.

Cabinet noted the report.

CA45

#### **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED to exclude the public and press from the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in section 100 I and paragraph 3 of Schedule 12A of the Local Government Act 1972.

CA46

#### **CONSIDERATION OF EXEMPT ITEM – USE OF RIGHT TO BUY RECEIPTS**

Cabinet considered an exempt from publication report on use of right to buy receipts.

RESOLVED to approve the recommendations of the report.

The meeting ended at 8.20pm.

#### **Public Speaking**

Statement of Mr Hockley

I am here to make a statement about Great Dunmow waste transfer site. Our street is used as a screen for this dump. Since the start, foul smells from the site pour over us, which has affected us in different ways. My wife and I decided to keep working so that we could stay away from the house, even though we would like to retire. I will leave it to my neighbours to say how it has affected them. Trade waste is taken away, at extra cost to the ratepayer, to Braintree. The result was that when trade waste was taken away, the odour was reduced. This has still not been addressed. I have complained to ECC, Councillor S Barker, Uttlesford District Council and the Environment Agency with no result. On the side of the dustcarts you have to take responsibility for your rubbish. Your problem is that you have decided to take it to a place causing environmental damage to us. We can't use our homes as we would like. You are no different to a fly tipper. The effect is the same. Are you happy that your rubbish is going in a location that affects someone else? I've seen nothing from Uttlesford to say it is up to ECC to sort this out. If we must live with it, please get on and tell us. I have asked ECC if they will buy our homes.

#### Statement of Mr Tongue

A decision is to be made tonight as to whether the public interest is served by keeping the land at De Vigier Avenue as public open space. Development of the site for housing is said to justify appropriating the land for planning purposes. The report to this meeting refers to the main considerations in making a decision, but the report author is misinformed in stating the land "has been fenced off from the public for 29 years", as there was an entry point and a lot of trees were planted by residents. It is not correct to say it doesn't perform an open space function. The concern of residents is also that the flora and fauna are protected. Also there is an option from Saffron Walden Town Council that they would take on the land as public open space.

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**Committee:** Cabinet

**Agenda Item**

**Date:** 18 October 2017

**8**

**Title:** Grant for Harlow College to provide the proposed Technical and Professional College at Stansted Airport

**Portfolio Holder:** Cllr Vic Ranger Cabinet Member for Communities and Partnerships

Key decision: Yes

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## Summary

1. This report considers a request from Harlow College for a capital grant towards the provision of a proposed Technical and Professional College on land at Stansted Airport being provided by Stansted Airport Ltd.
2. The total capital budget is £10,480,000 of which £7,480,000 is for buildings and equipment and £3,000,000 the value of the site. Contractors' prices came in over budget and the College has engaged in a process to negotiate best final fixed prices with bidders. South East LEP Local Growth Funding, matched by funding from Essex CC is providing £7,000,000 and Harlow College is able to provide £480,000 capital funding for equipment. The gap funding needed to cover the capital costs is being assessed.
3. The project will educate and train approximately 530 young people and adults per year in technical & vocational skills, traineeships and Apprenticeships. It will directly benefit people from Uttlesford who will have greater opportunities to train in skills leading to careers at the airport.

## Recommendations

4. The Council makes a capital grant of up to £300,000 towards the provision of the proposed Technical and Professional College at Stansted Airport, subject to Harlow College providing a statement of the need for the amount of funding required up to the £300,000 cap and acknowledging the council as a supporter of the project.

## Financial Implications

5. The costs of the capital grant will be met from the Strategic Investment Fund.

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

7.

Communication/Consultation	The council's financial contribution will be publicised through Harlow College's promotional material and a permanent record in the college
Community Safety	
Equalities	
Health and Safety	
Human Rights/Legal Implications	
Sustainability	
Ward-specific impacts	
Workforce/Workplace	

## Situation

8. Uttlesford district does not have a further education college within its boundaries. The secondary schools offer academic subjects in their sixth-forms. Access to further education provision is an issue throughout Uttlesford, whether in the north or south, and there is anecdotal evidence that transport and the time taken to travel to further education is a factor in the decision-making process for learners when deciding where and whether to access post-16 learning opportunities. According to the Essex Employment and Skills Board (ESB) Evidence Base 2016, there are currently 960 young people and 2250 adults travelling outside of Uttlesford for further education. Significant numbers travel up to 2 hours heading north of Cambridge. The evidence from Essex County Council shows that 438 pupils drop out of 6th form education in year 12 from Essex Schools within a 20 mile radius of Stansted Airport. There is major housing and infrastructure development in the locality for 2400 homes in Great Dunmow with a potential further 500 homes under consideration. This will necessitate technical and professional training.
9. The project will support the development of employment growth at Stansted Airport. It will enable employers at the airport to recruit young people and adults with appropriate levels of skills to commence work and with the capacity to acquire advanced and higher level skills. It will meet SELEP and Essex Employment Skills Board priorities areas in STEM, advanced manufacturing and engineering, transport and logistics and the visitor economy. This approved Local Growth Funding contributes directly to the delivery of SELEP's objectives and priorities for economic growth, as well as being a key enabler for housing growth.

Housing growth in East Herts and West Essex will rely on many supporting services of which education is critical. The scheme will directly provide the skills required for the airport, and companies in existing towns and committed business development including TriSail and Harlow Enterprise Zone to grow. It will train the future generation of asset managers, logistical experts, engineers and technicians to support the development of the road, rail and air infrastructure, as well as the digital infrastructure.

10. The provision of vocational learning opportunities and higher level, high value training in Uttlesford is low in relation to the expressed demand stated by schools and other providers. Discussions with the Harlow and Uttlesford School Heads group have resulted in agreement of the need for such post-16 provision and a strong intention from the schools to back plans for the development of the Stansted Airport College.

### Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The project may run out of money compromising the specification	2 Best final fixed prices being negotiated between the college and its contractors	3 The college needs a quality learning environment offer to attract students	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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**Committee:** Cabinet

**Agenda Item**

**Date:** 18<sup>th</sup> October 2017

**9**

**Title:** Air Quality Action Plan

**Portfolio holder :** Cllr Susan Barker, Cabinet member of Environmental Services

Key decision: Yes

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## Summary

1. There is a legal requirement to produce an Air Quality Action Plan further to the declaration of the Saffron Walden Air Quality Management Area. A decision was made to adopt the Action Plan at Cabinet on 15<sup>th</sup> September 2016. The Action plan was then called in for discussion at the Scrutiny Committee meeting on 4<sup>th</sup> October 2016. The Scrutiny Committee resolved to refer the Action Plan back to Cabinet with recommendations for improvements. Amendments to the Action Plan have been made incorporating the recommendations by the Committee. The matter was heard at Scrutiny on 26<sup>th</sup> September 2017 where the recommendation was made for the plan to be approved by Cabinet.

## Recommendations

2. The Cabinet is requested to approve the Air Quality Action Plan as a working document over the 5 year life of the plan.

## Financial Implications

3. None, from existing resources

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Draft Air Quality Action Plan (AQAP) October 2017

## Impact

- 5.

Communication/Consultation	A consultation exercise was carried out during the development of the AQAP with public and key stakeholders in 2016.
Community Safety	None
Equalities	None

Health and Safety	None
Human Rights/Legal Implications	Having designated an Air Quality Management Area the council is required to prepare an Action Plan in accordance with the Environment Act 1995. Under the same Act, ECC is obliged to submit measures related to their functions to help meet Air Quality Objectives in their area, and may make recommendations to UDC in relation to amendment of the AQAP.
Sustainability	The AQAP aims to encourage alternative and sustainable transport
Ward-specific impacts	Saffron Walden wards: Audley, Castle and Shire.
Workforce/Workplace	Environmental Health Service

## Situation

6. Air quality monitoring and modelling carried out by the Council has shown that air quality is generally good in the district but at some junctions within Saffron Walden, the national objective for nitrogen dioxide (NO<sub>2</sub>) has not been met in recent years, or has been very slightly below the objective.
7. The junctions of concern are:
  - Thaxted Road/East St /Radwinter Road/Chaters Hill
  - High Street/ George St/Abbey Lane
  - Debden Road/London Road
  - Bridge Street/Castle St
8. Where objectives are not likely to be achieved, the Council is obliged under the Environment Act 1995 to designate the affected area as an Air Quality Management Area (AQMA)
9. The Act then requires an Action Plan to be produced for these designated areas, setting out the actions that the Council intends to take to meet the objectives and to maintain levels below the objective for the life of the plan.
10. The Council last produced an Air Quality Action Plan (AQAP) in 2009 following declaration of three small Air Quality Management Areas (AQMAs) centred on the most congested road junctions in the centre of Saffron Walden.
11. Further monitoring of air quality was subsequently undertaken which revealed a wider area of concern where air quality objectives were not being met, and in 2012 a larger AQMA was declared by the Council covering the central area of the town.

12. An updated AQAP was prepared following a lengthy consultation exercise and put to Cabinet on 15<sup>th</sup> September 2016. A decision was made to adopt the plan, subject to a minor amendment.
13. Following the Cabinet decision, the matter was called in by Councillor Dean, the Chairman of the Scrutiny Committee. During Scrutiny Committee discussions it was suggested that the action plan should include the following additional information:
- A position statement
  - Prioritise the actions.
  - Quantification of costs
  - Confirmation that the plan meets DEFRA guidelines
14. It was resolved at the meeting to refer the decision back to Cabinet, with a recommendation that improvements be made to the Saffron Walden AQAP before it was approved and submitted to DEFRA.
15. In response to the recommendations made by the committee, an amended AQAP has been prepared and was presented to Scrutiny on 26<sup>th</sup> September. Scrutiny resolved to recommend that the Action Plan should now be adopted by Cabinet. The Action Plan is attached to this report as Appendix 1.
16. It should be noted that advice received from Defra Local Air Quality Unit is to publish the plan as soon as possible and amend as when necessary and when new land allocations become available.
17. In accordance with Defra Guidance, the Action Plan is to act as a live document which is to be continually reviewed and developed, to ensure current measures are progressing and new measures are adopted and brought forward. A commitment to review annually is included at the start of the Plan.

## Risk Analysis

18.

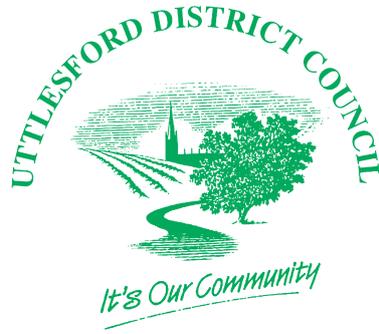
Risk	Likelihood	Impact	Mitigating actions
Air pollution levels are not reduced within the 5 year life of the action plan	Some risk from availability of budget over the 5 year term	Impact will be subject to on-going monitoring	The action plan will be kept under review as a working document

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

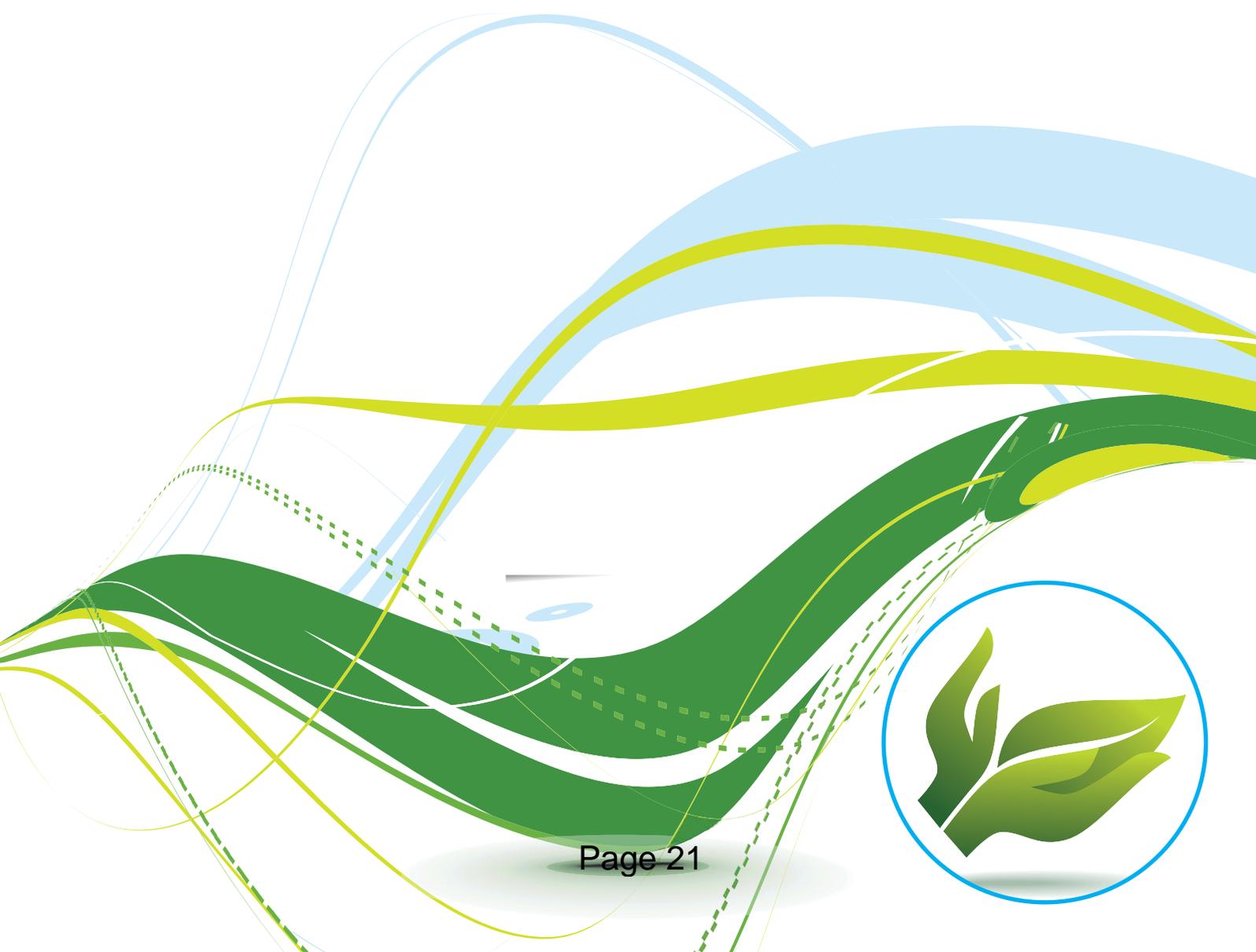
3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Draft**

# **Air Quality Action Plan 2017 - 2022**



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**Uttlesford District Council**  
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## Executive Summary

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The Environment Act 1995 requires all Local Authorities to review air quality within their districts. If any air quality objective set out in regulations under the Act is not likely to be achieved then the local authority must designate the affected area as an Air Quality Management Area (AQMA). The Act then requires an Action Plan to be produced for these designated areas, setting out the actions that the Council intends to take to meet the objectives and to maintain levels below the objective for the 5 year life of the plan.

Air quality monitoring and modelling carried out by the Uttlesford District Council (UDC) indicates that air quality is generally good in the district but at some junctions within the main town, Saffron Walden, the objective for nitrogen dioxide (NO<sub>2</sub>) has either not been met in recent years or has been slightly below the objective.

The Council last produced an Air Quality Action Plan in 2009 following declaration of three small AQMAs centred on the most congested road junctions in the centre of Saffron Walden. Further monitoring of air quality was subsequently undertaken which revealed a wider area of concern, and in 2012 a larger AQMA was declared by the Council covering the central area of the town.

In the absence of significant industrial emissions, the main source of air pollution within Saffron Walden is transport, in particular congested traffic and heavy goods vehicles. The proposed actions therefore focus on improving traffic management in partnership with Essex County Council as highway authority, considering alternatives to private vehicle use, and promoting low emission transport. Whilst the actions are designed to improve air quality within the Saffron Walden AQMA to meet legal requirements, they will also benefit the wider district.

This Action Plan has been the subject of a period of statutory consultation before the final plan has been submitted for adoption.

An annual review of the plan will be undertaken to assess progress of implementing the measures and to ensure the proposed actions remain appropriate. Progress each year will be reported in the Annual Status Review of air quality as part of our statutory Local Air Quality Management duties set by Defra.

For further information concerning this report, please contact:

Environmental Health, Uttlesford District Council  
Tel: 01799 510510  
Email: [environmentalhealth@uttlesford.gov.uk](mailto:environmentalhealth@uttlesford.gov.uk)

## Part 1 Proposed Measures

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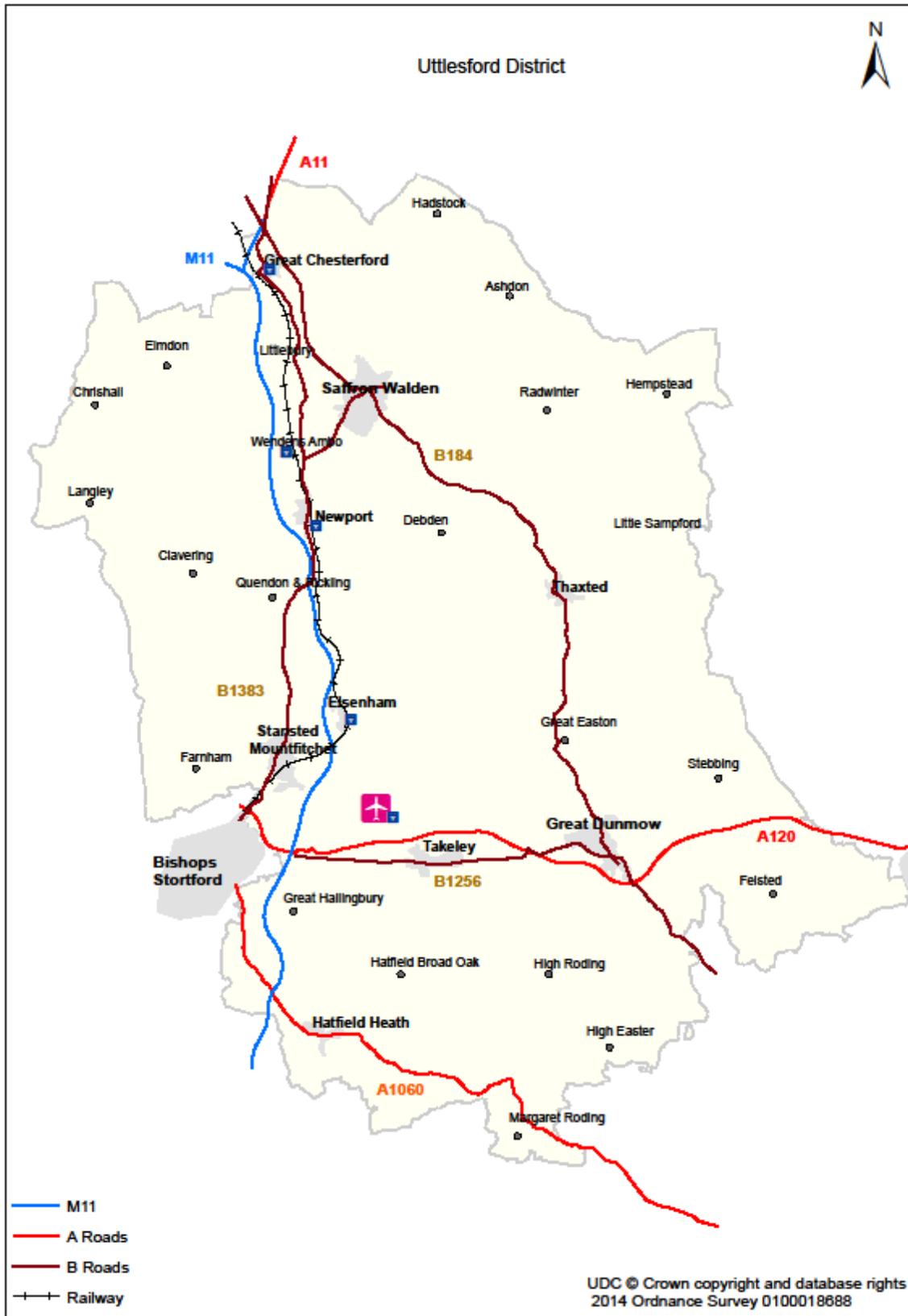
### 1. Introduction

#### 1.1 Purpose of the Action Plan

- 1.1.1** Uttlesford District Council is committed to improving air quality, and consequently the quality of life of both residents and visitors. Polluted air has the potential to impact on people's health, the economy and the environment. In common with many towns and cities, the towns in Uttlesford sometimes experience raised levels of pollutants as a result of traffic congestion.
- 1.1.2** This local Air Quality Action Plan (AQAP) has been developed under the Local Air Quality Management review and assessment regime as set out in the Environment Act 1995. If the review and assessment process indicates that a national air quality objective (as detailed below) is unlikely to be achieved, the Local Authority must designate an area where this occurs as an Air Quality Management Area (AQMA). Following the declaration process, the Act requires the authority to develop local measures, proportionate to the level of exceedances, which the authority will deliver with the aim of improving air quality to a level to where it is no longer likely to exceed the relevant objective at residential properties or other sensitive receptors.
- 1.1.3** Before the plan can be adopted, it must be subject to consultation with key stakeholders as outlined in Local Air Quality Management Policy Guidance LAQM.PG(16)[1] and must also be appraised and accepted by the Secretary of State as being suitable for purpose. A key objective will be to work in partnership with the highways authority, Essex County Council (ECC).
- 1.1.4** Uttlesford is a largely rural district in the western part of Essex. The largest towns are Saffron Walden in the north and Great Dunmow in the south of the district. Both are growing, although the largest new settlements are located in and around Great Dunmow. The M11 and A120 run through the district and Stansted Airport is located in the south west of the district.
- 1.1.5** The Council monitors air quality throughout the district, specifically levels of NO<sub>2</sub>, fine particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). Ozone is also monitored close to the National Trust owned Hatfield Forest, and periodically, hydrocarbons close to Stansted Airport. Particulate matter is fractionated into PM<sub>10</sub> which includes all particles smaller than 10 microns (including PM<sub>2.5</sub>) and PM<sub>2.5</sub>, comprising all particles smaller than 2.5 microns. One micron is 1000<sup>th</sup> of a millimetre.
- 1.1.6** Saffron Walden town centre has consistently shown the highest levels of air pollutants, along with areas very close to the M11, where the nearest dwellings are currently sufficiently distant for pollution to fall to acceptable levels. Levels have been well below objective levels in other towns and villages.

Uttlesford District Council  
AQMA Draft Action Plan

Figure 1: Uttlesford District



**1.1.7** UDC last produced an Action Plan in 2009 following declaration of three small AQMAs centres around junctions in the centre of Saffron Walden where air quality objectives were not being achieved. Since then, a further junction was identified as subject to elevated levels and rather than declare a fourth small AQMA, the Council decided to revoke the three existing AQMAs and declare a large AQMA encompassing the previous and new areas of concern. This Action Plan replaces the 2009 Action Plan and covers the new AQMA.

## **1.2 Recent trends in air quality within Saffron Walden**

**1.2.1** UDC currently monitors air quality using passive diffusion tubes for NO<sub>2</sub> and automatic monitors. Monitoring for NO<sub>2</sub> has been undertaken in the central part of Saffron Walden since 1993 using diffusion tubes, and an automatic analyser located in Hill Street. Three diffusion tubes are located adjacent to the analyser for tube calibration purposes.

**1.2.2** Initially levels monitored at some tubes were above the annual mean objective but in line with national trends related to the introduction for improved engine emissions, levels dropped below the objective. In 2007 this trend began to reverse, most likely due to increases in traffic and congestion. The levels monitored at the diffusion tubes sites in Saffron Walden since 2008 are set out in **Appendix 3**. Results show that levels of NO<sub>2</sub> reduced slightly at some junctions from 2013-14 but increased slightly from 2014-16. Some fluctuation is due to the effect of atmospheric conditions and traffic anomalies such as long term road works.

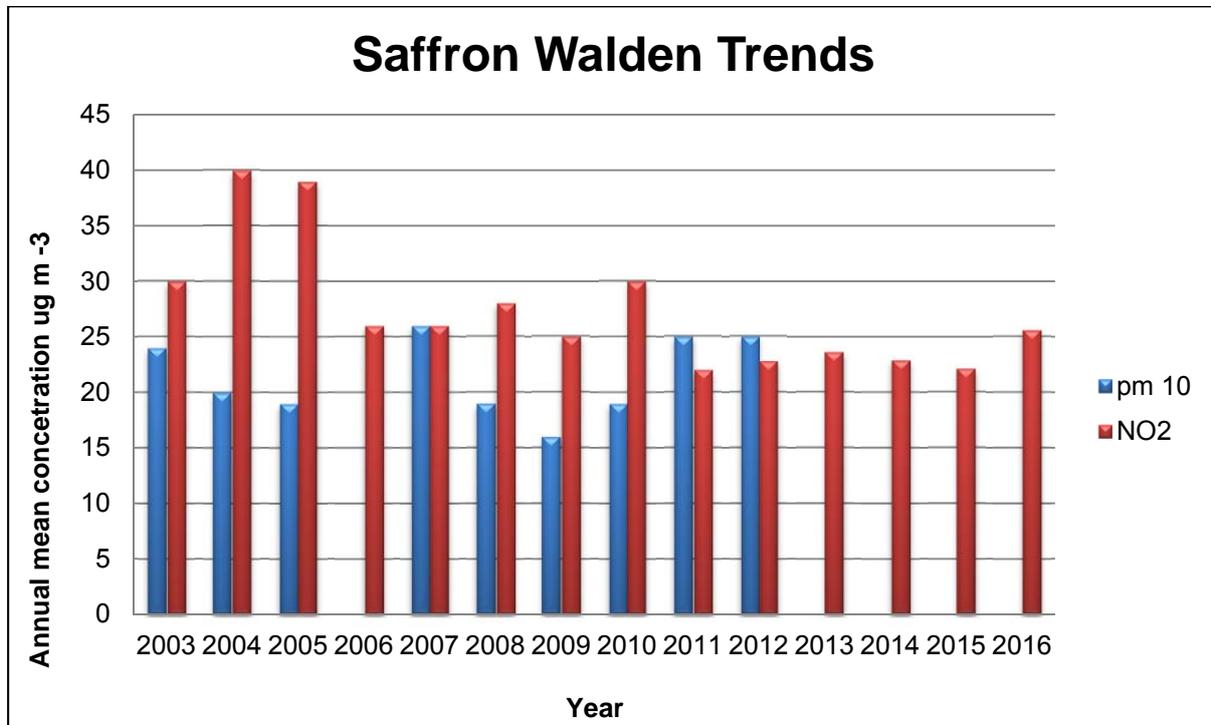
**1.2.3** **Figure 2** shows the trends at the automatic monitoring station in Hill Street Saffron Walden since 2003, indicating no significant reduction in concentrations of NO<sub>2</sub> between 2007 and 2016. The trend is consistent with Department of Environment, Food and Rural Affairs (Defra) conclusions on long term trends derived from national monitoring sites. Defra have stated that 2010 was an unusually high year for NO<sub>2</sub> and that concentrations stabilised with little to no reduction at urban roadside and background sites up to 2013.

**1.2.4** Levels of PM<sub>10</sub> have also remained relatively flat since 2011. Measurement of the finest particulates, PM<sub>2.5</sub>, replaced PM<sub>10</sub> monitoring at Hill Street throughout 2014, in response to evidence on health impacts due specifically to fine particulates.

**1.2.5** The reason for the flat trend is not fully understood, but it is thought to relate to on-road performance of vehicles when compared with calculations based on standards to regulate emissions from vehicles. Emission categories, known as Euro standards **[2]** are set for new vehicles by the European Commission, and emissions from light duty vehicles (less than 3.5 t) did not reduce substantially up to and including Euro 5 standard (2009).

**1.2.6** The long term trend nationally is assumed to be level until the impact on air quality is known of the introduction of new vehicles complying with the more stringent Euro 6 standards for light duty vehicles and Euro VI for heavy duty vehicles from 2014 onwards.

Figure 2: Trends in emissions in Saffron Walden based on Hill Street automatic monitor (NB: PM<sub>10</sub> not monitored in Hill Street after 2012)



1.2.7 Uncertainty is due to a lack of data from real world emission testing, as some Euro 6 vehicles, primarily diesel, have failed to deliver the expected emission reductions during on road driving conditions compared to submitted laboratory testing data. The reason for higher than expected emissions can range from equipment failure, inadequate maintenance, tampering or use of defeat devices. A new EU testing procedure to better reflect real driving conditions has been introduced for new models during 2017 and all new vehicles by 2019. As the proportion of vehicles on the road built under the standard increases, roadside emissions are expected to improve, provided users incorporate and maintain the emission reduction technology provided with the vehicle.

1.2.8 An additional factor has been the increase in proportion of cars and light duty vehicles with diesel engines. Fuel efficiency is greater for diesel engines than petrol and proportionately less CO<sub>2</sub> is emitted, assisting with reducing man made causes of climate change. Increased fuel efficiency lead to earlier national fiscal incentives to encourage diesel usage, however, operating efficiency has been counteracted in a proportion of the fleet by the use of large capacity, powerful engines. Measures are now in place to reduce the proportion as part of the National Action Plan to address NO<sub>2</sub> levels, and there are signs of behavioural shift. Diesel fuel produces four more times NO<sub>2</sub> and up to 30 times more particulates than petrol. Catalytic converters on diesel engines help to reduce particulate matter released but increase the ratio of nitrous oxides from the combustion process converted into nitrogen dioxide. The proportion of primary nitrogen dioxide emitted from vehicles, has

subsequently increased over recent years. Catalytic converters function fully only when the engine is at high temperature, and will have little impact on emissions where a large proportion of the vehicles on the roads are making short journeys from cold, at low speeds, a characteristic of most peak hour town centre traffic.

- 1.2.9** As a rural area, car ownership and use within Uttlesford is relatively high [3]. Fewer households in Uttlesford do not own a vehicle than any other Essex district, and more households own 2, 3, or 4 vehicles than any other Essex district. Saffron Walden is located in a relatively affluent area compared to the UK as a whole, and the introduction of new vehicles meeting Euro 6 standards can be expected to be at a greater rate than the national average. However, the growth of Saffron Walden and surrounding areas will inevitably lead to increased traffic using local roads, and improvements in emission quality of new vehicles alone may be insufficient to adequately mitigate against increases in levels of emissions, with the risk that the objective will not be met at receptor locations in future years. Further mitigation must therefore accompany development which impacts on the AQMA.

### **1.3 Background levels of NO<sub>2</sub>**

- 1.3.1** Exposure to air pollutants is not entirely due to local sources. The monitored level of NO<sub>2</sub> is made up of a combination of the background level and the traffic emissions at a given locality. The background level is made up of regional sources of emissions from distant industrial and transport, and local sources from residential and commercial heating appliances. Background levels for NO<sub>2</sub> are expected to reduce gradually due to improvements in overall emissions from all sources in response to a national problem of elevated levels of NO<sub>2</sub>.
- 1.3.2** Comparison of the monitored NO<sub>2</sub> level with the background level shows the impact of vehicle emissions within the AQMA. Defra provide a mapping database producing estimates of background emission concentrations on 1km x 1km grid square basis, related to the national network of emission monitoring. Background levels within the AQMA are monitored by the Gibson Close diffusion tube, which can be used to verify the Defra figure in the relevant grid square, and adjust the figure for other grid squares. Background levels in the town have been calculated at 37% of the total.

### **1.4 Defining the AQMA**

- 1.4.1** In 2007, AQMAs were declared in three small areas centred on junctions where the breach of the objective had been identified by diffusion tubes. In 2008 additional tubes were placed in the central area and a further junction of concern was identified over subsequent years.
- 1.4.2** Revocation of the three small AQMAs was approved by UDC Cabinet in May 2012 and the larger Saffron Walden AQMA was declared in September 2012.

**Uttlesford District Council**  
**AQMA Draft Action Plan**

- 1.4.3** The geographical extent of the new AQMA is a circle of 1400m diameter centred on TL 53950 38300, Elm Grove, in the town centre.
- 1.4.4** A map showing the location of the AQMA is shown in **Figure 3**, incorporating the locations for NO<sub>2</sub> monitoring using diffusion tubes.
- 1.4.5** In common with many market towns, access to Saffron Walden from surrounding areas and within the town is largely dependent on the private car. Elevated emissions are associated with high volumes of slow moving traffic, stopping and starting to negotiate junctions and pedestrian crossings, leading to higher levels of emissions than free flowing traffic. The topography of Saffron Walden is such that the centre is low lying in relation to the outer areas, which reduces the amount of dispersion of emissions by air flow. A major additional factor is the geographical constraints of the historic streets of the town centre, much of which is a conservation area, limiting how modern levels of traffic can be moved around and the type of mitigation measures which can be undertaken. Tall buildings on both sides of narrow streets lead to recirculation of air flow that can trap pollutants, resulting in reduced dispersion and elevated concentrations. Many residential properties are located close to the roadside, raising the likelihood of occupiers being exposed to vehicle emissions.
- 1.4.6** Traffic queues build at the major junctions predominantly during the morning and late afternoon peak travel periods for school and commuter journeys. Exceedances of the national objective for NO<sub>2</sub> have been monitored in recent years at properties close to the following junctions within the AQMA:
- a) Thaxted Road/East St /Radwinter Road/Chaters Hill
  - b) High Street/ George St/Abbey Lane
  - c) Debden Road/London Road
  - d) Bridge Street/Castle St
- 1.4.7** The location of the four junctions is shown at **Figure 4**. Where possible, tubes are attached to the façade of residential properties (receptors) to measure levels where exposure to pollutants is relevant. Where this is not possible, levels of NO<sub>2</sub> at the nearest dwelling are calculated using drop off with distance from the tube in accordance with Defra guidance. An allowance for a 10% margin of error in monitoring, an annual mean at the nearest receptor of more than 36µg/m<sup>3</sup> is regarded as not meeting the objective level.
- 1.4.8** The Radwinter Rd junction with Thaxted Rd is controlled by traffic lights, and is used by traffic entering the town from the villages to the east of Saffron Walden and from the town of Haverhill. Traffic from the south will include journeys from Thaxted accessing the town centre and the edge of town supermarket on Radwinter Rd. A small number of properties are located close to the road side on three out of four arms of the junction.
- 1.4.9** The High Street/George St/Abbey Lane junction is controlled by traffic lights. Traffic on the north and south arms of the junction can be obstructed by delivery vehicles at commercial premises on either side of the junction.

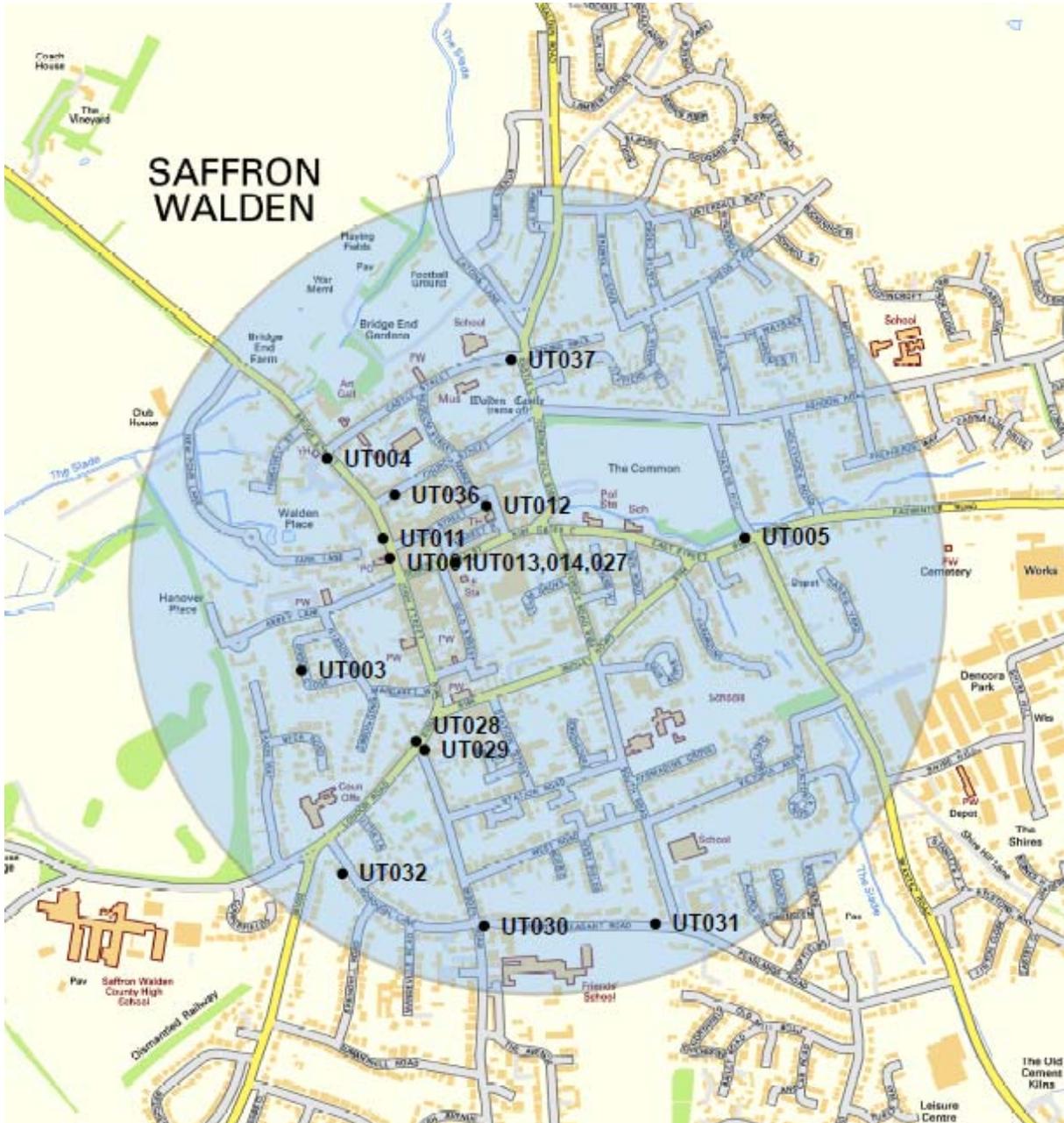
**Uttlesford District Council**  
**AQMA Draft Action Plan**

Consequent queues build up on the southern approach to impact on the mini-roundabout controlled junction at Debden Road and London Road, where properties are at the roadside. At other times, notably during the school run and commuter hours, weight of traffic causes both junctions to exceed capacity.

- 1.4.10** The Castle Street and Bridge Street junction is used by traffic entering and exiting the town from and to the north, which often results in queues building to the north and south of the junction to allow vehicles to negotiate the narrowing of the road at this point. A weight restriction applies to this route, requiring HGV's to use the south west access route via Newport Road to enter the town from this direction.
-

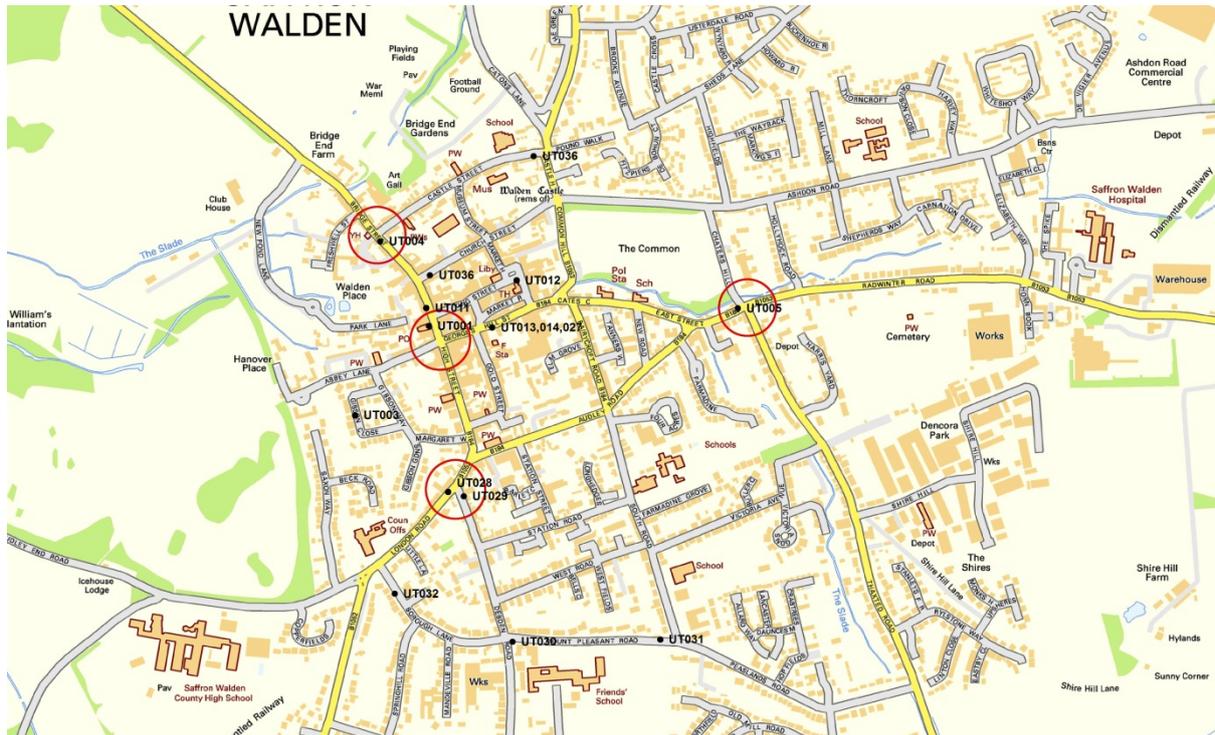
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AQMA Draft Action Plan

Figure 3 Map of AQMA Boundary showing diffusion tube locations



## Uttlesford District Council AQMA Draft Action Plan

Figure 4 Location of exceedances



The total number of sensitive receptors which could be exposed to levels exceeding the objectives remains small. Residential accommodation is located on all sides of the junction close to the road at road level at all junctions where exceedances have been recorded. Some commercial units to the south of the junction in the High Street have flats at first floor level. Further monitoring is planned to be carried out at residential properties in East Street where building facades are close to the roadside, and queues build up to access Thaxted Rd traffic lights. This will inform part of the evaluation of progress with the Action Plan.

## 2. Action Plan proposals

### 2.1 Key Objectives

- I. To outline the actions which can be taken by UDC and partner organisations to work towards reducing NO<sub>2</sub> levels within the declared AQMA as early as possible to ensure National Air Quality Objectives are not exceeded at relevant receptor locations within the 5 year life of the plan.
- II. The actions taken must avoid causing displacement of emissions from one hotspot to another such that there is the potential for new exceedances at other locations.
- III. The actions taken must include measures designed to reduce emissions from vehicles generally and also seek to contribute to a reduction of CO<sub>2</sub> emissions into the atmosphere for climate change mitigation purposes.

**2.1.1** Indicators will be set to assess progress of implementation of the measures identified where they can be assessed quantitatively, with regard to the impact on NO<sub>2</sub> levels. Proposed measures will be proportionate to the marginal nature of exceedances monitored in recent years. Evidence that all the options have been considered on grounds of cost-effectiveness and feasibility will be provided as part of that process.

The proposed actions fall within one or more of the following outcomes:

- a) Resisting development which will adversely impact on the AQMA
- b) Reduction of traffic congestion
- c) Promotion of alternative modes of travel to the private car
- d) Reduction in emissions from vehicles and plant

### 2.2 Planning Policy Measures

**2.2.1** Planning and development control plays an important role in minimising the potential detrimental impacts that new developments may have on local air quality. Air quality is taken into account during the planning process, and the potential impact of major developments on the AQMA is a material consideration, ensuring that all practicable mitigation measures are implemented where necessary and appropriate. UDC planning policy is drawn from national policy and guidance, and local plan policies, including ECC policies on minerals and waste.

**Uttlesford District Council**  
**AQMA Draft Action Plan**

**2.2.2** The National Planning Policy Framework (NPPF) [5] produced in March 2012 guides local strategic planning and sets out the government's approach to planning. Central to the approach is sustainable development including focusing significant development in locations which are or can be made sustainable, ensuring design gives priority to pedestrian and cycle travel and providing infrastructure necessary to support low emission travel choices.

**2.2.3** The framework suggests significant development should be accompanied by Travel Plans for residents and supporting those for new businesses, and car parking restrained to encourage other modes of transport to become quicker and more convenient.

**2.2.4** Planning decisions should ensure that any new development in an AQMA is consistent with the local air quality action plan. Specific to air quality, **paragraph 124** provides that:

*“Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans”.*

**2.2.5** Inclusion of air quality in the NPPF makes it a material consideration for development likely to produce vehicle trips or increase the number of people exposed to emissions above the air quality objectives

**2.2.6** National Planning Practice Guidance [6] has since been published which provides guiding principles on how planning can take account of the impact of new development on air quality. The guidance advises that the Local Plan may need to consider:

*“Ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable.”*

### **Uttlesford Local Plan**

**2.2.7** The commitment of UDC to protecting residents from long term exposure to poor air quality is reflected in planning policies within the Local Plan, which set out a number of general development management criteria. The previous Local Plan was adopted in January 2005 and the following policies from the plan relating to air quality are current, ahead of adoption of a new Local Plan:

- a) Policy ENV 13 – *“Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted.*

- b) Policy GEN 1 provides that development will only be permitted if “*development encourages movement by means other than by driving a car*”
- c) Policy GEN6 requires development to make provision for the necessary supporting infrastructure, including:
  - junction improvements
  - provision of cycle/footways
  - public transport
  - infrastructure to facilitate low emission vehicles
  - additional monitoring of air quality
  - Parking schemes to reduce road congestion.

**2.2.8** Where provision cannot be made through the use of planning conditions to render a development acceptable which would otherwise be unacceptable in planning terms, developers may be required to enter a legally binding obligation made under Section 106 of the Town and Country Planning Act 1990, usually for measures beyond the control of the developer. The funding can be for any reasonable measure that can make a positive contribution to improving air quality.

**2.2.9** The drivers of growth in traffic within Saffron Walden are the committed developments as set out below, and those that will come forward as part of the new Local Plan.

**2.2.10** The new Plan will set out the development strategy until 2033 and allocate sites for new homes, employment, infrastructure and open space. A feature of Saffron Walden is the location of main transport links and secondary school to the west of the town, and proposals for development which will lead to increased traffic flow through the town by virtue of its location will not be appropriate without suitable mitigation to reduce congestion and minimise the generation of car trips.

**2.2.11** In addition to land allocations, the new draft Plan will contain supporting policies to protect the qualities of the district, part of which will be to ensure the impact of land allocations on air quality in the AQMA is given adequate consideration and weight in the decision making process. The policies will be consistent with the provisions of the NPPF. Policies will be included to support the promotion of access to development by means other than private vehicles, and in addition the following are directly related to air quality:

**A Policy EN16 Air Quality:**

***Development will be permitted where it can be demonstrated:***

- a) *That is does not lead to significant adverse effects on health, the environment or amenity from polluting or malodorous emissions, or dust or*

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*smoke emissions to air; or*

- b) where a development is a sensitive end-use, that there will not be any significant adverse effects on health, the environment or amenity arising from existing poor air quality, as set by national objectives, targets and emission limits for pollutants, or sources of significant odour.*

**B Specifically applicants, where reasonable and proportionate, according to the end-use and nature of the area and application, must demonstrate that:**

- a) development has regard to relevant UDC Air Quality Technical Guidance*
- b) development within or affecting an Air Quality Management Area (AQMA) will also be expected to contribute to a reduction in levels of air pollutants within the AQMA*
- c) the development does not prevent compliance with national objectives, targets and standards for pollutants*
- d) any sources of emissions to air, odours and fugitive dusts generated by the development are adequately mitigated to prevent loss of amenity for existing and future occupants and land uses*
- e) any impacts on the proposed use from existing poor air quality, odour and emissions are appropriately mitigated*

**C Policy SP12 Environmental Protection (in relation to AQ):**

*The Council will support development which ensures the prudent and sustainable management of the District's towns, villages and countryside by:-*

- a) employing best practice in sustainable design and construction*
- b) promoting development which is located and designed to be energy efficient*

**D Policy EN15 Pollutants:**

- a) The potential impacts of exposure to pollutants must be taken into account in locating development, during construction and in use.*
- b) Planning permission will not be granted where the development and uses would cause adverse impact to occupiers of surrounding land uses or the historic and natural environment, unless the need for development is judged to outweigh the effects caused and the development includes mitigation measures to minimise the adverse effects.*

*c) Developments sensitive to pollutants will be permitted where the occupants would not experience adverse impact, or the impact can be overcome by mitigation measures.*

**2.2.12** Currently guidance is provided to developers on a case by case basis. An air quality Technical Guidance Note adopted by the Council will be made available to developers to provide clarity to the planning process in relation to air quality. It will set out requirements for the district as a whole, including defined criteria in terms of additional traffic generation for when an air quality assessment is necessary and the level of detail required. Information will be provided on the circumstances where a development may be refused on air quality grounds, and where an application cannot be refused on air quality grounds, on the appropriate level of on-site mitigation and provision for planning obligations to support mitigation beyond the control of the developer.

**2.2.13** Guidance will be included to encourage:

- the siting of residential, and commercial development where appropriate, within comfortable walking and cycling distance of amenities and where it can be linked to services and facilities by a range of transport options
- development and transport planning to be co-ordinated to reduce the need to travel by car, and increase public transport use, cycling and walking
- energy efficiency measures and the use of renewable sources of energy will be adopted in the construction of new builds to reduce emissions from heating systems, which contribute to local air pollutant emissions

**2.2.14** Conditions applied to new development under the new policies would be able to require infrastructure to support use of sustainable modes of transport and information on transport to users of the development. Larger developments may need to include bus stops where appropriate, and every new home to be provided with safe storage for bicycles, for those with a garage, a charge point for plug in vehicles or where not appropriate or feasible, communal pay-as-you go points for overnight or rapid charging.

**2.2.15** Information would be in the form of a travel plan for major development, with clear proposals for reducing travel to and from the site by car, including for staff at new commercial development, to encourage use of sustainable travel.

**2.2.16** The plans would be expected to contain a series of initiatives to encourage the uptake of low emission fuels and technology, and local journeys being carried out on foot or by cycling, also to raise awareness of the benefits of reducing car travel. Information should be provided on public transport and car sharing schemes, and vouchers can be made available to new occupiers towards bike purchase or bus travel. Plans would be required to be effectively communicated and updated regularly. Travel plan monitoring fees can be secured through planning obligations, to support monitoring of traffic generated by the development and identify new initiatives if necessary.

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**2.2.17** For smaller developments, a sustainable travel statement would be expected to accompany the application, including provision of infrastructure commensurate with the size of the development.

**2.2.18** Development in Saffron Walden approved since declaration of the AQMA and has been subject to mitigation measures secured either through condition or through the use of obligations to secure matters which are beyond the direct control of the developer.

**2.2.19** **Table 1** shows the details of the most recent applications and the measures secured.

**Table 1: Recent planning applications with developer contributions and/or planning conditions relevant to air quality**

Planning Application	Section 106 agreement	Conditions relevant to air quality
UTT/0400/09/OP:130 dwellings and B1 employment land Ashdon Road + UTT/0407/09/OP 15 dwellings off Little Walden Road  Completed 2015	£250,000 held for 10 years by ECC towards Thaxted Rd/Radwinter Rd junction improvements or such other cycle/highway works as deemed necessary in the vicinity of the land, £3000 to monitor travel plan, £18,500 to upgrade bus stops	Cycle parking, transport information packs, residential and business travel plans,
UTT/13/1981/OP 60 bed care home + UTT/13/3406/FUL 52 dwellings Both at Radwinter Road Dwellings complete, care home not completed mid 2017	£3000 x 2 towards Saffron Walden to Audley End cycle path	
UTT/13/3467/OP 230 dwellings + B1 office space + extra care housing or 200 dwellings + B1 office space + extra care housing + primary school Land off Radwinter Road  Commenced mid 2017	£5000 towards parking schemes, bus service into the development, capacity enhancements at London Rd/Borough Lane and Newport Rd/Audley Rd junctions. £473,000 towards highway mitigation works, £26,290 towards cycle link between Monks Hill and the school and Tesco site on Radwinter Road, £3000 to monitor travel plans, £112,700 towards cycle link to Audley End	Transport information packs, residential and business travel plans.

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UTT/13/2423/FUL Builders merchant, B1 employment land, commercial units including retail, hotel, and 167 dwellings. Land off Ashdon Road Builders merchant complete, dwellings under construction mid 2017	Residential and business travel plans, bus service enhancements, £170,000 contribution capacity work at Ashdon Rd mini roundabout and other identified highway projects, £5000 towards Ashdon Road parking scheme	Cycle link onto Ashdon Rd, electric vehicle charging points, pedestrian and cycle signage to town centre and Audley End
UTT/13/0268/FUL Retail warehouse units, garden centre, a discount food store, café. Land off Thaxted Rd. Partially complete mid 2016	£3000 to monitor travel plan	Cycle/pedestrian link to Thaxted Rd, cycle parking
UTT/14/2003/FUL Thaxted Road Flats/offices/shops. Under construction mid 2017		Travel Pack, cycle parking
UTT/16/2210/OP Land off Little Walden Rd 85 dwellings Granted on appeal August 2017		Travel Plan, EV charging points, pedestrian & cycle links and crossings

### 2.2.20 Planning Policy Actions:

**Proposed action 1:** To adopt revised planning policies which will ensure the impact on air quality in the AQMA is given adequate consideration and weight in the decision making process.

**Proposed action 2:** To produce a planning Technical Guidance document for air quality, to ensure the impacts of new development on the AQMA, the impact of siting new receptors in the AQMA, and the level of mitigation to be provided, are fully considered in all applications

## 2.3 Essex Local Transport Plan

**2.3.1** The Essex LTP3 [4] sets out the highway authority's strategy for transport from 2011 until 2026 and commits ECC to the following policies which will benefit air quality by reducing congestion and improving traffic flow:

- a) Supporting and encouraging the use of low carbon travel, focussing on journeys to school and work.
- b) Enabling greater travel choice by improving public transport and facilities for alternative modes of transport to car travel.
- c) Examining opportunities to introduce electric vehicles and alternative fuels
- d) Assisting travel planning for new developments to encourage walking and cycling.

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- e) Ensuring new developments provide safe, attractive and convenient routes for walking and cycling to everyday amenities.
- f) Ensuring all schools have active travel plans.
- g) Facilitating better broadband coverage to encourage home working
- h) Ensuring the road network operates efficiently including minimising disruption from roadworks.
- i) Adopting measures to reduce emissions from the ECC fleet vehicles.
- j) Ensuring HGV's follow the most appropriate routes.

**2.3.2** The measures proposed in this Action Plan support the Essex LTP in as far as UDC is able to through its statutory functions and allocation of resources.

**2.3.3** Schools in Saffron Walden attract a large number of car and bus journeys, many travelling through the AQMA, and a reduction in the volume of school related traffic at peak hours will benefit congestion and air quality. Many of the buses used for school travel are aged diesel vehicles with a disproportionately high contribution to harmful emissions. The LTP commits to working with education providers to improve access to schools by promoting walking and cycling, and to encouraging schools to update their existing travel plans on a regular basis, with the aim of using their own resources to achieve measurable reductions in car journeys by staff, parents and pupils. Provision of "walking buses", and identifying suitable drop off points were suggested through the public consultation. Where new educational facilities are to be provided in association with residential development, ECC assist in the development of travel plans, and provide cycle storage facilities and footpaths as necessary on land in their control, to assist access to the facility. Provision of cycle/footpath links from new developments to new or existing schools will be supported by ECC. The public consultation identified a need for new pedestrian crossings on the busiest routes within the town, for new and existing crossings to be reviewed for safety, and for new routes to be well designed. Resources would need to be made available by UDC to ensure effective support is provided to ECC to deliver identified measures.

**2.3.4** The LTP commits to helping businesses develop Travel Plans. Larger employers, including UDC and ECC are in a strong position to influence the timing and methods by which their employees travel to work. Car sharing schemes, flexible and home working, encouraging and subsidising the use of public transport, with incentives for walking or cycling to work, are all ways in which congestion at peak periods can be reduced. The impact of journeys carried out for work purposes can be reduced by rewarding car sharing and providing financial incentives for choosing low emission vehicles.

**2.3.5** Increasing the number of walking and cycling journeys to access school, workplaces or amenities would have wider benefits for an individual's health and wellbeing associated with increased activity, notably a reduction in obesity and cardio vascular disease. Reducing the number of short car journeys, which have a disproportionate negative impact on air quality in the town, would also have wider public health benefits such as improved pedestrian safety and reduced noise from traffic.

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- 2.3.6** Under the LTP objective of improving and increasing amounts of cycling, ECC produced a Cycling Strategy for Uttlesford in 2014 [8]. Included in the strategy are proposals for cycling infrastructure and the development of off road routes in and around Saffron Walden. On some routes, the narrow width of historic streets within the town constricts the space available for cyclists. Cyclist training for all ages and provision of secure parking and storage will increase the appeal and safety of cycle usage.
- 2.3.7** One of the first dedicated routes to be developed is the route to Audley End station, about 2.5 miles away from the town centre, a route which was proposed in the current Uttlesford Local Plan. In order to encourage more cyclists along the route, particularly rail users, a route along Wenden Road designed in consultation with local stakeholders has been provided. A significant increase in the use of cycling to access rail services would assist in reducing congestion in Saffron Walden.
- 2.3.8** ECC have committed to further develop cycle links, including protected off road paths through the town by utilising existing footways, and to make the existing road network safer and more attractive for cyclists. Good signage to cycle-ways including direction markers will assist in making the routes easy and enjoyable to use. The public consultation supported improvements, and suggested some one way streets could incorporate a two way lane for cyclists.
- 2.3.9** A continuous route under consideration is a link from the town towards Cambridge, by connecting to Cambridge County Council's off carriageway cycle path north of Gt Chesterford beside the A1301 to the junction with the A505, and northwards. The Local Plan proposal for North Uttlesford Garden Village includes delivery of a package of sustainable transport measures including cycle links from the development to Chesterford Railway Station and traffic light controlled crossing of the A1301/A11 junction.
- 2.3.10** The LTP commits to providing a residential travel pack to house purchasers, to include information on routes for cycling, footpaths and public transport.
- 2.3.11** The need to travel to workplaces will be reduced as the level of home working rises. The availability of a fast broadband service can be a barrier to homeworking. UDC Council has been working closely with Superfast Essex to provide the opportunity for as many homes and businesses (premises) in Uttlesford to have access to fibre superfast broadband. There are 42,800 premises in Uttlesford and 37,300 have access to fibre superfast broadband or are in Superfast Essex plans to have access (i.e. 87% of premises). This would leave a forecast 5,500 premises with either no existing or planned fibre superfast broadband service. In March 2017 the Cabinet approved an investment of £500,000 for inclusion in Superfast Essex's broadband procurement process referred to as Phase Three. In June 2017 Superfast Essex concluded its Phase Three procurement. Once fully implemented by end 2019 Phase Three is forecast to enable an additional 4,600 premises in

Uttlesford to have access to fibre superfast broadband bringing the total to 41,900 premises by end of 2019 (i.e. 98% of premises).

### 2.3.12 Local Transport Plan actions

**Proposed action 3:** To work with ECC to facilitate the provision of new cycle/pedestrian routes and cycle storage and promote the routes available.

**Proposed action 4:** To increase cycle storage on UDC land in Saffron Walden where practical to do so.

**Proposed action 5:** To assist ECC in working with local schools and businesses in the review and upgrading of existing travel plans and to assist individual schools or businesses to develop and promote plans.

**Proposed action 6:** To support the provision of superfast broadband service to all parts of the district.

## 2.4 Traffic Management

**2.4.1** Traffic management is a function of ECC as highway authority. Queuing traffic has been identified as the predominant reason why the objective for NO<sub>2</sub> has not been met or has been close to exceedance at some junctions in the town centre, and measures to improve traffic flow will be the key to lowering emissions within the AQMA, and avoiding exceedances as a result of additional traffic.

**2.4.2** The development of the emerging Local Plan has taken account of the impact on the road network of growth in and around the town.

**2.4.3** ECC commissioned consultants Jacobs[9] to undertake NO<sub>2</sub> dispersion modelling to assess the effects of the previous draft Local Plan developments on concentrations at the four hotspot junctions in Saffron Walden identified in section 1.4.UDC later commissioned Essex Highways to undertake a highways impact assessment (HIA) [10] of the previous draft Local Plan site a location proposals against highway capacity in key areas, including Saffron Walden. ECC have reviewed both and carried out extensive further studies to update modelling scenarios for traffic management interventions, as revised housing allocations emerge. Studies have included census journey to work data, ANPR data, origin and destination surveys for town traffic following recently completed development, and forecasts to take account of committed but not yet completed development.

**2.4.4** Some funding for junction improvements has been secured through developer contributions from completed development. The funding is set out in **Table 2**.

**2.4.5** The restrictions inherent in the historical road network of Saffron Walden make it unlikely for a solution to be found which would improve the capacity of every junction. The following mitigation measures currently under

consideration were identified in the HIA for inclusion as part of the emerging Local Plan:

- a) One way traffic in Borough Lane (westbound) and Borough Lane to Newport Rd priority junction
- b) Northbound traffic restriction on Debden Rd from the junction with Borough Lane and Mount Pleasant Rd and replacement of roundabout at Debden Rd/London Rd junction with priority junction
- c) Relocation of pedestrian crossing on High Street north of junction with George St to line up with Park Lane pedestrian route to Swan meadow car park, and bring traffic stop line further south.

- 2.4.6** Debden Rd/ London Rd junction is one of the four NO<sub>2</sub> hotspot junctions, and reductions to queues resulting from the altered traffic flow will be beneficial to reducing exposure at sensitive locations close to the junction. There is limited scope for improvements to the remaining three hotspot junctions in the absence of new road space to route traffic avoiding the centre of the town. A proposal for 150 houses east of Thaxted Road will form part of the Local Plan land allocation for Saffron Walden. ECC have carried out evaluation of the traffic impact on the Thaxted Road/Radwinter Road junction, and have concluded that improvements to the Peaslands Rd/Thaxted Rd junction to be delivered by development would slightly reduce traffic at the Thaxted Road/Radwinter Road junction. The developer would be expected to undertake appropriate modelling to support the impact on air quality.
- 2.4.7** Liaison will continue with ECC throughout the life of the plan as part of the review process to assess whether additional traffic management measures are appropriate.
- 2.4.8** In addition to junction improvements, the scope for control of parking was considered on the approaches to some junctions within the AQMA and on some of the main routes through the town where parking reduces the flow of traffic leading to congestion. Schemes identified include:
- a) peak hour suspension of the use of a limited number of on street parking bays on the High Street approach to George Street from the south, to allow two lanes of traffic to feed through the junction
  - b) Waiting restrictions to part of Peaslands Road, which provides an east/west route, avoiding the town centre routes.
  - c) Restrictions to part of Ashdon Road which is impacted by residential traffic from new development north and south of the road
- 2.4.9** Enforcement of existing town centre wide parking restrictions assists traffic flow, and the scope for targeted campaigns for infringement hotspots will be assessed.
- 2.4.10** Adequate and clear signage to Swan Meadow car park with information that it serves the town centre; to new amenities, the leisure centre, food stores and Audley End station helps to reduce unnecessary mileage and will be considered when new development is completed or where insufficient signage

is identified. Provision of an electric powered shuttle bus from Swan Meadow car park to the market square was suggested under the public consultation; however, recent experience of shuttle bus operations during temporary closure of the central multi- storey car park demonstrated it to be not cost effective.

#### **2.4.11 Traffic management actions**

**Proposed action 7:** To work with ECC to implement a scheme of measures aimed at improving junction capacity within the AQMA identified to be necessary as part of the emerging Local Plan once adopted.

**Proposed action 8:** To work with ECC to implement changes to parking controls on main routes through the town, and access to the centre of the town by HGVs, which will demonstrably reduce congestion.

**Proposed action 9:** To support targeted enforcement of parking restrictions where identified to be an issue, on main routes through the town centre.

Proposed actions 7-9 to were identified as the least popular measures following the public consultation phase of the Action Plan, reflecting concern at the nature of specific measures, although overall more were in favour of the measures than against. There was support for targeted enforcement of existing parking restrictions where roads and junctions were regularly being impeded by stationery vehicles. Further suggestions included extending the weight restriction for HGV's entering from the north at Bridge Street to include northbound vehicles exiting the town, to reduce use of the High Street, and extending the 20mph limit currently applying to Castle Street to other town centre roads.

**Proposed action 10:** To provide clear informative signage to Swan Meadow car park, new amenities, leisure centre, food stores and Audley End Station.

## **2.5 Corporate action by UDC**

**2.5.1** UDC commits to reducing its own impact on air quality as a result of its operational activity, and from staff journeys to and from the workplace.

### **UDC Travel Plan**

**2.5.2** The organisation currently has over three hundred employees, based mainly at the offices in Saffron Walden, with a number of smaller sites. The main offices are shared with partner organisations.

**2.5.3** In 2012 a Green Travel Plan was produced with the following proposed actions:

- a) Achieving greater take-up of home working
- b) Increasing provision of flexible working arrangements
- c) Encouraging greater use of tele-conferencing facilities

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- d) Increasing provision of bike rack and storage facilities to facilitate more cycling and walking
- e) Encourage car sharing and allocate dedicated car share bays
- f) Provide further Green Driving Training
- g) Supporting production of a green travel plan for the three UDC leisure sites operated by outside contractors

**2.5.4** A number of human resource policies are in places which are relevant to travel choices:

- a) Maintaining a flexi-time system where staff are required to undertake 'core hours' but with flexibility at each end of the day for start and finish times, which could facilitate car sharing
- b) Home working : over 100 staff are currently enabled to work from home at any one time with the permission of their manager, to reduce the number of staff travelling to and from offices on a daily basis
- c) A cycling allowance is in place for staff and members to encourage cycling for work purposes
- d) A staff car share scheme is in place

**2.5.5** More recently a salary sacrifice bike purchase scheme has been made available, and an additional 6 secure, covered cycle spaces have been provided at the main offices to encourage cycle usage.

**2.5.6** Information on individual's travel choices is made available for staff and the travel plan is promoted to new staff.

**2.5.7** An annual audit of the measures within the travel plan will be undertaken to assess progress in achieving the stated outcomes. Staff travel surveys will be carried out every 2 years to understand the impact of travel behaviour within the organisation and inform review when setting objectives, actions and targets for the future life of the plan.

**Proposed action 11:** To continue to review UDC travel plan and review opportunities for a shared travel plan with partner organisations using UDC facilities within the town

### **UDC Fleet and buildings**

**2.5.8** UDC operates in the region of 75 fleet vehicles, many of which operate within the town. Refuse collection routes are already scheduled to avoid contributing to peak hour congestion, and opportunities will continue to be explored to further reduce emissions, for example through the use of electrically operated bin hoists if proven to be cost effective. In addition to emission reductions, investment in low emission vehicles may be financially beneficial due to wider taxation incentives when procuring additional or replacement vehicles across the fleet, and lower fuel costs. UDC can also lead by example by operating low emission vehicles throughout the district, with some fleet vehicles being suitable for all electric.

- 2.5.9** Opportunities to reduce air pollutant emissions from heating facilities in UDC owned buildings, including its general needs housing stock and sheltered housing schemes within Saffron Walden, will continue to be sought, by ensuring optimum energy efficiency, and using renewable energy sources where practical and cost effective to do so, as part of a wider commitment under the UDC Climate Change Strategy.

**Proposed action 12:** To continue to pursue options to install renewable energy technologies at suitable UDC sites within Saffron Walden, to review UDC fleet procurement and implement changes were identified as practicable and likely emission reductions justify the capital expenditure.

## 2.6 Bus services

- 2.6.1** Public transport has the potential to replace a significant number of car journeys, but can be regarded as slow, inconvenient and unreliable, and the vehicles used for some routes are old, with subsequent higher emissions. A convenient service needs to be maintained to amenities within or close to the town, and to connect to nearby towns and villages. A small number of services in Saffron Walden are operated independently of ECC, and the majority are operated under contracts held by ECC. ECC can influence the convenience and experience of bus travel through the tendering criteria for contracts. Good information on services, easily accessible, good quality vehicles, and responsive timetables can improve the image and experience of bus use.

- 2.6.2** Where appropriate to do so, infrastructure for bus services will be required at new residential development to enhance the service provided in the town.

- 2.6.3** A significant increase in the use of public transport would assist in reducing congestion in Saffron Walden, and improvements to the stock would assist in reducing emissions. Action to improve bus services was the most popular measure identified under the public consultation. Suggestions included facilitating co-operation between providers to produce a coherent service and the provision of cycle racks next to key bus stops serving villages.

**Proposed action 13:** to encourage ECC to procure integrated bus services with high quality facilities, and a frequent and reliable service linked to the rail service at Audley End. Information on public transport services will be made readily available in UDC buildings and via the website.

## 2.7 Raising awareness

- 2.7.1** Inclusion of air quality by the Department of Health as an indicator for public health (**see section 6.1**) is intended to encourage action to improve air quality nationally and to raise awareness of its effects on how well people live at all stages of life. Effective measures for tackling emissions depend on the impact from air quality on public health being understood by the public and all stakeholders, and accepting that individual action matters. UDC will continue

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to proactively communicate on air quality in a clear and understandable way, with the aim of enabling individuals to make informed choices to reduce their own exposure to emissions and to reduce their contribution to emissions, whether by choice of vehicle or mode of travel. A switch from diesel fuel to petrol would have a negative impact on greenhouse gas emissions, and no benefit to physical well-being, and the aim would be to encourage travel by means other than a private vehicle.

**2.7.2** Information and education will be provided to the public through UDC community events and publications, focussing on:

- a) The health impacts of emissions and relationship to reduction in respiratory conditions such as asthma from improved air quality.
- b) Promotion of health and financial benefits of sustainable travel to businesses and individuals.
- c) Encouraging a reduction in short journeys by car within the town.
- d) Promote use of low emission vehicles wherever possible.
- e) Choices for sustainable transport and reduced car travel.

**2.7.3** Comprehensive information on air quality and monitoring carried out by UDC is provided on the UDC website, with a link to the national real time air pollution levels and forecasting service provided by Defra:

<https://uk-air.defra.gov.uk> The link allows those individuals most at risk to the effects of poor air quality to check the national forecast and take action to reduce the effects where required. UDC web pages will be updated and reviewed as necessary.

**2.7.4** Whilst many new cars are fitted with automatic switch off in queues, buses, HGV's and taxis may be a significant source of emissions from idling vehicles. Anti-idling measures as part of licence conditions can be considered to encourage drivers to switch off engines in queues in the most congested streets where receptors are close to the road, to prevent wasted fuel use and unnecessary emissions. Appropriate signage within the town centre may be needed to support the measures. The public consultation included support for anti-idling measures, also targeting traffic at school set down and pick up times. In June 2017, UDC took part in the National Clean Air Day, which focussed on a local anti-idling campaign, and will be repeated to coincide with future national action days. Other initiative which UDC is supporting is the Essex wide park and stride scheme for local schools.

**2.7.5** The Roadside Vehicle Emissions (Fixed Penalty) Regulations 2002 permit Local Authorities to take action against drivers who leave their vehicle engines running unnecessarily when parked, which would be more applicable in streets where loading, unloading or waiting is taking place.

**Proposed action 14:** To identify opportunities to raise public awareness of air quality issues through education initiatives and publicity campaigns

## 2.8 Car sharing

**2.8.1** A reduction in car use can be achieved through car sharing, where a passenger usually makes a contribution towards fuel costs. It is often promoted within residential and business travel plans; however there are opportunities for the extent of sharing to be increased. It allows people to benefit from the convenience of car travel, whilst alleviating the associated problems of congestion and parking, and reduces costs of travel for individuals who participate. It also retains the usefulness of car travel for those for whom walking, cycling or public transport may not be an appropriate or viable option. Use of car sharing on just one day per week would contribute to the overall reduction of vehicle usage. UDC already operates a scheme for sharing travel by car, and is in a position to encourage other employers within the town to develop their own car sharing schemes for journeys to and at the workplace.

**Proposed action 15:** To provide advice and raise awareness of car sharing and associated database software available to employers

## 2.9 Low emission vehicles (LEVs)

**2.9.1** Increasing the proportion of vehicles on the town's road network which are considered to have low emissions is central to improving local air quality. Individuals and fleet operators making the choice to switch from diesel to petrol vehicles will assist in reducing emissions. Electric, hybrid when operated in electric mode and hydrogen fuel cell and LPG powered vehicles produce no or low emissions at point of use. Standards for what constitutes a LEV will evolve as technology develops.

**2.9.2** In addition to the development control policy provisions related to LEV's, other measures are likely to be needed to implement greater uptake, aimed at convenience and cost benefits. The current government has committed to an "Automated and Electric Vehicles Bill" which will require the installation of charge points at existing motorway services and fuel stations.

**2.9.3 Car parking incentives:** The provision of priority spaces or lower parking fees for LEVs at UDC car parks should be evaluated, with those spaces located at the areas closest to the town centre, and for residential parking permits where these are available. Provision would require enforcement and clear signage, and the reduced revenue would need to be balanced against the need to protect public health.

**Proposed action 16:** To consider the provision of preferential charging for UDC controlled parking spaces for vehicles meeting low emission standards. To utilise legislative provisions to provide LEV infrastructure

**2.9.4 Taxi fleet:** Taxis provide an important flexible means of transport within the town, with a central rank located inside the AQMA. The majority are diesel engine vehicles, and the relatively large proportion of short journeys over a small area of the town makes taxis well suited to use of low emission vehicles

as an alternative, such as full plug in electric, plug in hybrid or hybrid vehicles. With the high mileage covered, reduced fuel costs combined with income tax and vehicle tax incentives, the potential running cost savings could be significant. Taxis are also well placed to increase awareness amongst the public of this type of vehicle.

**2.9.5** A range of options to improve taxi emissions will be explored, including amending the taxi licensing policy to require any new or upgraded taxi to meet set emission standards, combined with fiscal incentives in the interim to encourage a switch to LEVs. The feasibility of providing a charging point at the town centre rank will also be assessed.

**2.9.6** Approximately 2000 vehicles are licensed by UDC, only a small portion of which will operate in Saffron Walden on a regular basis. Data on the fleet will need to be evaluated to assist in assessing whether controls should be applied to the full fleet or limited to those accessing the town centre. Liaison with the taxi operators will form an important part of the decision making process, and awareness of air quality issues will be communicated through the regular taxi chat bulletins issued by UDC.

**Proposed action 17:** To engage with the Uttlesford licensed operators' forum with the aim of introducing emission controls for licensed taxis

**2.9.7 Bus fleet:** Emissions from buses are estimated to be contributing 12% of NO<sub>2</sub> emissions in the town and there is evidence of vehicle drivers and passengers on older buses being exposed to as high or higher level of emissions inside the vehicle than outside. Measures to ensure emissions are as low as possible from the existing fleet should be considered. Standards can be set for minimum Euro engine designation (Euro V) for existing and newly introduced vehicles accessing the town centre. Buses operated under contracts procured by ECC should be included. Support for retrofit projects and bids through cleaner bus funding should be considered.

**Proposed action 18:** To encourage ECC to set emission standards for new and existing buses under contract operating within the town.

**2.9.8 Fleet LEVs:** Aside from the UDC fleet, support will be made available to businesses and other public authorities to switch to LE fleet vehicles in terms of signposting and provision of information on available models and financial incentives.

**Proposed action 19:** To work with operators of fleet vehicles within the town to facilitate the introduction of low emission vehicles.

**2.9.9 Infrastructure:** Convenience of use of LEVs can be facilitated through provision of charging facilities at UDC owned car parking spaces including UDC workplaces, and UDC owned leisure facilities, to supplement provision on new developments through the planning regime. Currently there are two fast charge points at the UDC owned Lord Butler Leisure centre on Peaslands

Road. Options to encourage the single fuel service station within the town and others within the district, and larger employment sites, to provide a charging point can be explored.

**Proposed action 20:** Provide electric charging facilities on UDC owned parking spaces in the town where practical and economically feasible to do so, and encourage the provision of facilities at suitable privately owned sites

## 2.10 Heavy goods vehicles

**2.10.1** HGVs have been estimated to be contributing 24% of NO<sub>2</sub> emissions in the town, and measures to control movements through the town in peak periods would be beneficial in reducing emissions and congestion. The contribution is likely to reduce due to a reduction in local HGV traffic as a result of development changes, and vehicle renewal. The transport assessment submitted with the consented planning application to redevelop Ashdon Road Industrial Estate predicted a reduction in HGV movements of up to 10% at the four junctions under consideration due to closure of premises. Opportunities exist when consent is granted for commercial development to require associated fleet and freight vehicles to be ultra-low emission. Aside from the impact of HGV's travelling through the town, parking of HGVs on the both approaches to the High Street junction for deliveries can be a cause of obstruction and congestion, notably in peak periods. Parking on the southern approach is addressed in measure 8. Consideration should be given to timing commercial deliveries to High Street premises on the northern approach, and restricting HGV passage through the town centre to outside of peak travel times. The measure will require working with local businesses, and enforcement of restrictions with the help of conventional signage. A useful forum to evaluate controls would be a regional freight transport group.

**Proposed action 21:** To use planning policies to set emission controls from heavy goods fleet operating at or from a development, to work with ECC to introduce delivery time restrictions to High Street north Saffron Walden and evaluate the potential for town centre HGV time restrictions.

## 2.11 Monitoring

**2.11.1** Good quality monitoring data at relevant locations is essential for determining when the AQMA can be revised or revoked, which can usually be considered following three years of concentrations below the objective. It will also assist with assessing progress of approved action measures, and monitoring at additional sites to existing will inform the need to define further action. At present monitoring by use of diffusion tubes is carried out on the northern section of the High Street where receptors are generally closer to the kerbside. Further diffusion tube monitoring may be needed close to properties on the southern approach of the junction, to provide a better picture of levels associated with the junction, and at other locations where properties are close to the kerbside such as East Street on the approach to the junction with

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Thaxted Road and Radwinter Road. A review of the sites will be carried out in the autumn of 2017 to allow monitoring to commence in January 2018.

- 2.11.2** An automatic monitoring station will be sited at the Thaxted Rd /Radwinter Rd junction during 2017 to further inform conditions at the junction and support data collected at Hill Street station.
- 2.11.3** Currently national real time information is available on the UK-Air website provided by Defra, to assist those most at risk from the effects of poor air quality, along with health advice.
- 2.11.4** Monitoring results will be assessed during the 5 year life of the plan to determine whether levels will remain compliant in the long term and as a result UDC can consider revocation of the AQMA.

**Proposed action 22:** To review the need for additional diffusion tube monitoring of NO<sub>2</sub> within the town, and install a further automatic station to inform basis for decision making.

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### 3. Outcomes and timescales

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- 3.1** The proposed measures are set out in **Table 2**, detailing the action required, EU categories as required by TG (16), responsible authority, timescale for implementation, how outcomes will be measured, an estimation of the likely contribution towards reduction of annual mean nitrogen dioxide levels, and other comments including cost estimates where available. Emission reduction estimations that may be achieved by implementing any single measure or combination of measures are based on professional judgement. Projected quantified emission reductions determined through detailed emission dispersion modelling are not available prior to adoption of the emerging Local Plan. Defra guidance confirms that detailed cost benefit analysis is not necessary for most measures, and an indication is adequate. The proposed alterations to traffic flow (based around London Road, Borough lane and Debden Road) are subject to further evaluation by ECC following completed development, and confirmation of housing allocations in the Local Plan.

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**Table 2: Summary of proposed measures**

No	Measure	EU category	EU classification	Lead authority	Planning Phase	Implementation phase	Outcome Indicator	Target emissions impact	Comments
1	To adopt revised planning policies which will ensure the impact on air quality in the AQMA is given adequate consideration and weight in the decision making process.	Policy Guidance and Development Control	Air Quality Policies	UDC	2017	Concurrent with adoption of Local Plan	Policies contained in the Local Plan once adopted. Use of sec 106 funds to implement action plan	Low, but potential to mitigate against emission increases associated with future growth.	Policies have been drafted and will be contained within the Local Plan Pre- submission consultation, with outcomes subject to Local Plan adoption. As the local plan can be challenged, timescale is to be confirmed. Cost: within existing resources.
2	To produce a planning Technical Guidance document for air quality, to ensure the impacts of new development on the AQMA, the impact of siting new receptors in the AQMA, and the level of mitigation to be provided, are fully considered in all applications.	Policy Guidance and Development Control	Air Quality Technical Guidance	UDC	Early 2017	Mid 2017	Publicly available by December 2017	Low, but potential to mitigate against emission increases associated with future growth.	Technical Guidance document has been completed and is subject to planning policy adoption. See measure 1 for timescale.  Cost: within existing resources
3	To work with ECC to facilitate the provision of new cycle/pedestrian routes and cycle storage, and promote the routes available.	Transport Planning and Infrastructure	Cycle Network	ECC & UDC	2017	2017-2022	Number of new routes provided, increase in no of storage facilities per annum and users of facilities year on year	Low, dependant on reduction in number of vehicles on road network	Outcomes dependent on priorities & developer contributions, which the plan cannot timescale. ECC obliged to respond to AQAP following adoption. UDC to engage with ECC at this time to review existing provisions and work with ECC on an on-going basis to achieve outcomes.
4	UDC to increase cycle storage on Council owned sites in Saffron Walden where practical to do so.	Transport Planning and Infrastructure	Cycle Network	UDC	2017	2018	Increase in no of storage facilities, target one stand per year, and users of facilities from baseline	Low, dependant on reduction in number of vehicles on road network	To link in with the Travel plan. Engage with property services & apply for funding where appropriate where need has been identified. Each stand costed at £1500. Feasibility study by March 2019.
5	To assist ECC in working with local schools and businesses in the	Promoting Travel	School and workplace	ECC & UDC	Engage with ECC	2018-2022	Number of new or upgraded TPs, target 2	Low, dependant	Reliance on joint working with ECC and other stakeholders to develop new travel plans.

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	review and upgrading of existing travel plans and to assist individual schools or businesses to develop and promote plans	Alternatives	travel planning	UDC	and other stakeholders by end 2017		per year. Increase in walking or cycling to school or workplace from baseline	on reduction in number of vehicles on road network	Cost :within existing resources
6	To support the provision of superfast broadband service to all parts of the district.	Infrastructure	Facilitating home working	ECC & UDC	2017	To be confirmed	Number of businesses and homes enabled to access superfast broadband by 2019. Increase in no of people regularly working from home.	Low, dependant on reduction in number of vehicles on road network	UDC investment of £500k towards inclusion in Superfast Essex broadband procurement to be implemented by end of 2019.
7	To work with ECC Highways to develop a scheme of measures aimed at improving junction capacity within the AQMA identified to be necessary as part of the emerging Local Plan once adopted.	Traffic Management	Congestion management	ECC	2019	To be confirmed	Junction capacity improvements at the three key junctions identified in the action plan. Reduction in queue lengths from baseline.	Medium, dependant on reduced congestion	Reliant on ECC work programme following approval of the Local Plan and developer contributions once commenced. Timescale beyond control of UDC. Some funding available from sec 106 agreements.
8	To work with ECC to implement parking measures on main routes through the town and access to the centre by HGVs, which will demonstrably reduce congestion	Traffic Management	Congestion management	ECC	2017-18	To be confirmed	Improvements to junctions carried out, improved parking on main routes, restrictions to HGVs. Reduction in queue lengths	Medium, dependant on reduced congestion	Reliant on ECC and North Essex Parking Partnership (NEPP). No realistic target date can be applied
9	To support targeted enforcement of parking restrictions where identified to be an issue, on main routes through the town	Traffic Management	Parking enforcement on highway	UDC	2018	2019	No of parking penalty notices issued on main routes	Low, dependant on reduced congestion	To survey compliance with parking restrictions using data collected by North Essex Parking Partnership (NEPP) by October 2018. Cost: within existing resources.
10	To provide clear informative signage to Swan Meadow car park, new amenities, leisure centre, food stores, Audley End.	Transport Planning and Infrastructure	Other	UDC	2017	ongoing	No of new signs provided	Low, dependant on reduced congestion	To liaise with ECC highways to design and provide appropriate signage on approaches to facilities, by December 2018 and thereafter
11	To continue to review UDC travel plan and review opportunities for a shared travel plan with partner organisations using UDC facilities	Promoting Travel Alternatives	Workplace Travel Plans	UDC	2017	2019	Revised UDC TP by end of 2017. Reduction in car travel to work as measured by survey & occupied car spaces,	Low, dependant on reduced congestion	Conduct a UDC workplace travel survey – July 2018 Measure outcome of travel plan (July 2019) Cost : within existing resources

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	within the town						reduction in business mileage of 5% pa		
12	To pursue options to install renewable energy technologies at suitable UDC sites within Saffron Walden, to review UDC fleet procurement and implement changes were identified as practicable, and likely emission reductions justify the capital expenditure	Promoting Low Emission Plant and transport	Low emission fuels for stationary sources, company vehicle procurement , prioritising uptake of low emission fuels	UDC	2018	2018-2022	Size of kW renewable energy installations within SW, review of fuel usage and type, no of UDC fleet LEVs	Medium	To develop working group by December 2018 to consider options for replacement energy provision, fleet procurement and conversion of existing fleet to low emission fuel, and cost benefit. Cost : capital investment and staff time
13	To encourage ECC to procure bus services with integrated timetables, high quality facilities, and a frequent and reliable service linked to the rail service at Audley End. Information on Public Transport services to be readily available in UDC buildings and via the website.	Transport Planning and Infrastructure	Public transport service improvements	ECC & UDC	2018	2018-19	No of new or improved services available, information available in UDC buildings. Increase in bus usage of 5%	Low	Engage with ECC procurement services by Sept 2018. Engage with in house communications team to promote and provide effective information on public transport services at UDC access points and website, linked to ECC information, by March 2018
14	To identify opportunities to raise public awareness of air quality issues through education initiatives and publicity campaigns	Public Information	Via leaflets Via the internet	UDC	2017-2022	2017-2022	No of campaigns, target one per annum.	Low, dependant on behavioural changes	To deliver a targeted campaign to schools & the general public to coincide with National Clean Air Days and at other opportunities as they arise. To liaise with health improvement team on linked initiatives. Cost : within existing resources
15	To provide advice and raise awareness of car sharing and associated database software available to employers	Alternatives to private vehicle use	Car and lift sharing schemes	UDC	2018	2019	No of new car sharing schemes set up, target one per annum. Reduction of 1-5% of private car commuter journeys	Low dependant on reduced congestion	Scheme uptake outside control of UDC. However, district wide promotion of schemes to take place on an annual basis as part of other awareness linked to measure 14. Cost :within existing resources
16	To consider the provision of preferential charging for UDC controlled parking spaces for vehicles meeting low emission standards. To utilise legislative provisions to provide LEV	Traffic Management	Emission based parking or permit schemes	UDC	2019	2020	Review of charging policy	Low, dependant on raised uptake of LEVs	To carry out a feasibility study of permit style scheme by March 2020 incorporating capital costs and take up of LEV's

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	infrastructure								
17	To engage with the Uttlesford licensed operators forum with the aim of introducing emission controls for licensed taxis	Promoting low emission transport	Taxi licence conditions	UDC	2018	2019	Review of licensing policy	Low	To be linked to annual review of taxi licensing policy. Feasibility determined by March 2018
18	To encourage ECC to set emission standards for new and existing buses under contract operating within the town	Vehicle fleet efficiency	Promoting low emission public transport	ECC	2017-18	To be confirmed	Review of contractual arrangements	Low	Discussions with ECC to achieve outcome by December 2018
19	To work with the operators of fleet vehicles within the town to facilitate the introduction of LEV's	Promoting low emission transport	Company Vehicle Procurement -Prioritising uptake of low emission vehicles	UDC	2018	To be confirmed	No of LEV fleet vehicles on town road network.	Potentially medium, dependant on uptake of vehicles.	Reliance on engagement with fleet operators to achieve outcome. Discussions with largest fleet operators by December 2018
20	Provide electric charging points on UDC owned parking spaces in the town where practical and economically feasible to do so, and encourage the provision of points at suitable privately owned sites	Promoting low emission transport	Procuring alternative refuelling infrastructure to promote Low Emission Vehicles, EV recharging	UDC	2018	2019-2022	No of points installed per annum, target 4	Potentially medium, dependant on uptake of vehicles.	Existing provision two points on UDC sites. Feasibility study of increasing provision to be carried out in conjunction with point operators, by March 2019. Each point costs approximately £3000 plus electrical connection. Funding from central government has been made available.
21	To use planning policies to set emission controls from heavy goods fleet operating at or from a development, to work with ECC to introduce delivery time restrictions to High Street north SW and evaluate the potential for town centre HGV time restrictions.	Freight and delivery management	Off peak hours deliveries	ECC	2017	To be confirmed	Restrictions in place, reductions in HGV parking	Low	Planning controls ongoing, reliance on ECC to deliver outcome, discussions to be held by December 2018
22	To review the need for additional diffusion tube monitoring and install a further automatic station to inform basis for decision making.	Public Information	Other	UDC	2017	2017-2022	Provision of localised data for incorporation into air quality modelling	Low, provides evidence base for actions	Funding procured for new automatic monitoring station at Thaxted Rd/Radwinter Rd junction, to be commissioned 2017. Review of diffusion tube locations to be carried out in Autumn 2017 to start any revisions in January 2018.

- 3.2** Some actions will be long term and ongoing, others can be carried out more quickly, and milestones set for each will enable progress to be monitored and assessed. Some will be more challenging than others to implement either due to resource issues or support from outside organisations. In most cases further work is needed to determine the feasibility and likely impact of the proposed measures. Whilst UDC is the authority ultimately responsible for managing air quality, it will not always be the organisation holding the resources or having legislative power to directly implement the action. Where measures are the responsibility of UDC, funding will be from existing resources, whilst exploring opportunities to access central government grant funding as and when it becomes available.
- 3.3** With regard to alterations to the local highway network, ECC are the key resource holders and decision makers, supported by UDC decisions through the planning process and secured developer contributions. Costs, timescales and air quality benefit will be specific to the local circumstances and final scheme design to be implemented.
- 3.4** It is unlikely that adopting a single particular action will result in the desired reductions in NO<sub>2</sub> levels in the AQMA and a range of options will be required to effect measurable air quality improvements.
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## 4. Consultation & key priorities

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- 4.1** The consultation process with all interested parties and agencies ran for 12 weeks to ensure the proposed actions set out in the draft plan are supported by all who responded. A report on the outcome of the consultation is appended to this report: see **Appendix 4 “Report on public consultation carried out on Draft Air Quality Action Plan”**
- 4.2** The following stakeholders were consulted on the draft plan:
- Secretary of State (Defra)
  - Essex County Council Highways and Transportation Dept.
  - Environment Agency
  - Uttlesford Transport Forum
  - Essex Health & Well Being board
  - Public Health Essex
  - LSP (Uttlesford Futures)
  - Saffron Walden Town Team
  - Saffron Walden Town Council
  - Residents within or affected by the AQMA
  - Uttlesford Licensed Vehicle Operators Forum
  - Local schools
  - Neighbouring local authorities
  - Citizens Panel
  - Access Walden
- 4.3** The measures receiving the most support from respondents were those which provided opportunities to work collaboratively with Essex Highways and other transport providers, namely improving bus services (measure 13), improving bus emission standards (measure 18) and facilitating the use of low emission vehicles by fleet providers (measure 19).
- 4.4** A large number of responses were submitted as a standardised response provided by a local residents group. Whilst offering comment on a number of areas covered by the consultation, the response also referred to measures not included in the draft plan. Some suggestions for further measures referred to measures already identified by the draft plan, for example improving cycle facilities and public transport. Many referred to the need to restrict housing development on the east side of the town, which is a function of the considerations for the emerging Local Plan.

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- 4.5** Taking account of the responses and the indicative cost benefit analysis of each proposed measure, the five measures for priority will be:
- a) Working with ECC Highways to develop a scheme of measures aimed at improving junction capacity within the AQMA identified to be necessary as part of the emerging Local Plan once adopted (measure 7)
  - b) Working with ECC to facilitate the procurement of bus services with integrated timetables, high quality facilities, providing information on public transport through available media and securing improvements to emissions from the bus fleet (measures 13 and 18 combined).
  - c) Working with operators of fleet vehicles within the town, including UDC, to facilitate the introduction of low emission vehicles (measures 12 and 19).
  - d) To assist ECC in working with local schools and businesses in the review and upgrading of existing travel plans or to assist individual schools or businesses develop plans and to promote those plans (measure 5).
  - e) Working with ECC to facilitate the provision of well-designed new cycle and pedestrian routes and review existing footpaths for safety (measure 3).
- 4.6** The relative priority of measures may alter as part of the review process during the life of the plan
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## 5. Progress monitoring and review

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- 5.1** A programme of monitoring to assess the effectiveness of the measures will be undertaken once the action plan has been adopted. The programme will include the outcome indicators set out in **Table 2**. There is also scope to extend the assessment by examining health improvement outcomes through engagement with the health authorities to measure reductions in diagnosis and medication for respiratory conditions.
- 5.2** External factors will affect the delivery and resulting impact of the measures proposed, and new technology to tackle air quality will become available. Provision is made in the plan to continue working with ECC as highway authority on traffic management measures.
- 5.3** Specific highway based proposals can be subject to dispersion modelling and the outcomes assessed in terms of the impact on air quality once the emerging Local Plan allocations are confirmed. Until this is known, it is beyond the scope of this plan.
- 5.4** It is recognised that all actions will change and evolve, and the plan will be updated and reviewed on an annual basis or as necessary.
- 5.5** Once the final plan Action Plan is adopted, opportunities to secure external funding to support the measures within the plan will be sought.
- 5.6** The expectation is that the air quality objective for nitrogen dioxide will be met within the five year life of the plan. Compliance with the objective for three consecutive years will support a revocation of the AQMA.

**End of Part 1**

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## Part 2 Supporting Information

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### 6. Importance of air quality

#### 6.1 Public Health context

- 6.1.1** It is recognised that exposure to pollutants in the air we breathe can have a negative impact on human health and our environment, and impacts in Uttlesford will not be confined to the AQMA. More evidence on the extent of the impact has come to light from research which has estimated the life years lost as a result of the long term effects of exposure to fine particulate matter and nitrogen dioxide.
- 6.1.2** In 2010 a report published by COMEAP [11] estimated the mortality burden in the UK of exposure to man made very fine particulate matter (PM<sub>2.5</sub>) alone in the atmosphere as:
- a) an effect equivalent to 29,000 equivalent deaths in the UK each year
  - b) the life expectancy of every person reduced by an average of 7-8 months from birth
- 6.1.3** The evidence associating exposure to NO<sub>2</sub> with health effects has strengthened substantially in recent years, with only a small fraction related to exposure at concentrations of emissions in excess of the legal limits. In 2015 a study by Kings College London [12] assessed the effects on mortality of ambient nitrogen dioxide levels in London independently of particulate matter, to be proportionately higher than for particulate matter alone. There is likely to be an overlap in the health burden associated with the combined effects of both pollutants, and has been estimated to be in the region of 40,000 per year.
- 6.1.4** Equivalent costs to the NHS of air pollution have been placed at up to £20 billion each year [13].
- 6.1.5** Local authorities are not required to carry out any additional local review and assessment (including monitoring) of PM<sub>2.5</sub>, however guidance issued by Defra in 2016 [1] states that local authorities are expected to work towards reducing PM<sub>2.5</sub> in their local area.
- 6.1.6** Public health authorities now have indicators for air quality and public health, set by Dept. of Health, based on the impact of PM<sub>2.5</sub> on mortality. Public Health England has published mortality data for each local authority area [14]. In Uttlesford, the fraction of all cause adult deaths attributable to long term exposure to current levels of human made particulate air pollution was estimated at 5.4%, comparable to the east of England as a whole. Due to uncertainty in the modelling, the actual burden could range from one sixth to about double this figure.

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- 6.17** The pollutant significant to the declaration of the Saffron Walden AQMA is NO<sub>2</sub>, a large proportion of which is locally produced as a result of road traffic. Exposure to the pollutant is dependent on the time spent at locations close to the source of emissions, and residents close to the junctions where the highest levels have been observed are at the greatest risk. No incidents of the hourly mean objective being exceeded have been observed in recent years.
- 6.1.8** Levels of PM<sub>2.5</sub> are also monitored in Saffron Walden, and the annual mean levels have been below objective levels. The UK has a target to reduce average concentrations at urban background locations by 2ug/m<sup>3</sup> by 2020.
- 6.1.9** Following a review of studies in 2013, the World Health Organization (WHO) concluded there is no evidence of a safe exposure level to very fine particles or a threshold below which no adverse health effects occur. Negative health impacts have been found well below current EU & UK limits. NO<sub>2</sub> also was associated with adverse health effects at concentrations that were at or below the current EU limit values **[15]**
- 6.1.10** It is difficult for local action to impact significantly on PM<sub>2.5</sub> pollution, as a smaller proportion than other pollutants is locally derived. Control is a regional rather than local concern due to the ability of very fine particles to be carried from source over long ranges in the atmosphere. 50-55% of average levels have been found to be due to UK emissions, the remainder originating largely from NW Europe carried on easterly winds **[16]**. As a consequence, proportionately higher levels are found in south east England than other areas of the UK. Defra estimate 35% of PM<sub>2.5</sub> at urban background locations is locally derived **[17]**.
- 6.1.11** Whilst the action plan measures are primarily aimed at reducing the exposure of residents within the AQMA to NO<sub>2</sub>, the initiatives within it will contribute to a reduction of particulates, and other air pollutants such as ozone, which will have wider benefits for public health. The initiatives will also help to reduce the exposure of drivers to air pollutants. Studies have shown that some drivers, depending on the vehicle, are exposed to twice the level of NO<sub>2</sub> and four times the level of particulates than pedestrians at a given location, placing professional road users at greater risk of health effects than those working outdoors but away from busy roads.
- 6.1.12** The specific health effects depend on the pollutant and vary between individuals and groups of the population. At sufficiently high concentrations, short-term exposure to NO<sub>2</sub> can cause irritation and inflammation of the airways, leading to breathing difficulties. Children, older people and those with heart conditions or respiratory conditions such as asthma and bronchitis are more likely to experience symptoms. NO<sub>2</sub> also contributes to the formation of secondary particles and ground level ozone, both of which are associated with health effects. Fine particles (PM<sub>10</sub>) are small enough to enter the deepest part of the lungs, without being visible or smelt and the very finest (PM<sub>2.5</sub>) can migrate from the lungs into the bloodstream. Fine particulate matter from diesel engines has been listed by 'WHO' as a Class 1 carcinogen and has been found to contain carbon with a polycyclic aromatic hydrocarbon coating,

which triggers nerve damage in the lungs. There is also evidence of an impact on the development of children's lungs, effects on the unborn child, a link to the incidence of dementia and type 2 Diabetes.

**6.1.13** In addition to human health effects, air pollution has a detrimental effect on our biodiversity, crops and water quality. Above average content of nitrogen in soil has been demonstrated in areas of poor air quality, impacting on plant growth.

## **6.2 Sources of air pollutants**

**6.2.1** The term nitrogen oxide (NO<sub>x</sub>) is used to describe a mixture of compounds including nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>). These oxidised nitrogen compounds are primarily formed from atmospheric and fuel based nitrogen as a result of combustion processes. In the absence of significant industrial sources, the prime source of NO<sub>x</sub> in the town centre is traffic emissions, mostly in the form of NO, a colourless and tasteless gas not considered to be harmful to health. However, once released to the atmosphere, NO is rapidly oxidized, by ozone (O<sub>3</sub>) and other gases in the atmosphere, to NO<sub>2</sub>, which can be harmful to health. A proportion of NO<sub>2</sub> in the air is emitted directly from vehicle exhaust. The proportion depends on a number of factors including the composition of road traffic, the extent of oxidation in the atmosphere, engine changes and driving conditions.

**6.2.2** Fine particle air pollutants consist of solid particles and liquid droplets, both, man- made and naturally occurring. Traffic related particles consist of compounds formed by exhaust gases, proportionately higher from diesel, reacting with other pollutants in the atmosphere, plus part burned fuel, compounds from mechanical wear of engine components, friction of tyres on the road, and from wear of brake discs and pads. Non traffic sources include construction and industrial processes, combustion processes such as power stations and heating installations, and agriculture.

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## 7. Emissions within the AQMA

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### 7.1 Level of reduction needed

- 7.1.1** Monitoring sites do not always correspond to receptor or relevant locations due to practical difficulties. The receptor is taken as the façade of a sensitive property, normally residential where people spend long periods of time.
- 7.1.2** As can be seen from the monitoring results in **Appendix 3**, the highest result from monitoring in the town during 2016 was at UT005 Thaxted Rd/Radwinter Rd junction was (47.52µg/m<sup>3</sup>), which corresponded with an estimated concentration at the nearest relevant location from calculating reduction with distance of 37.92µg/m<sup>3</sup>. The highest estimated concentration at a relevant location was 42.55µg/m<sup>3</sup> at London Rd, which is 6% above the objective. The only other sensitive location where a level above the objective is estimated to have occurred was at the Bridge St/Castle St junction (UT004 YHA), at 41.24µg/m<sup>3</sup> which is 3% above the objective.
- 7.1.3** In 2015, two monitoring sites recorded levels above the objective, Thaxted Road and YHA. When reductions with distance at relevant locations were estimated, there were no exceedances. The estimates have been carried out in accordance with Defra technical guidance; however it is acknowledged that there is a degree of uncertainty associated with these estimates.
- 7.1.4** Defra guidance is provided to enable an estimation of the level of emission reductions in terms of a percentage to meet the NO<sub>2</sub> objective to be made, based on levels of NO<sub>x</sub> due to local road traffic alone and excluding other sources.
- 7.1.5** In view of the variation in monitored levels over recent years, the required reduction in emissions has not been calculated, as to do so could be misleading. The aim of the measures in this plan is to ensure that levels of NO<sub>2</sub> at relevant locations will remain below the annual mean objective for the duration of the plan. In combination with the continued incorporation into the vehicle fleet of all types of new vehicles with lower emissions, it is anticipated that concentrations will reduce from 2017 onwards.

### 7.2 Source apportionment

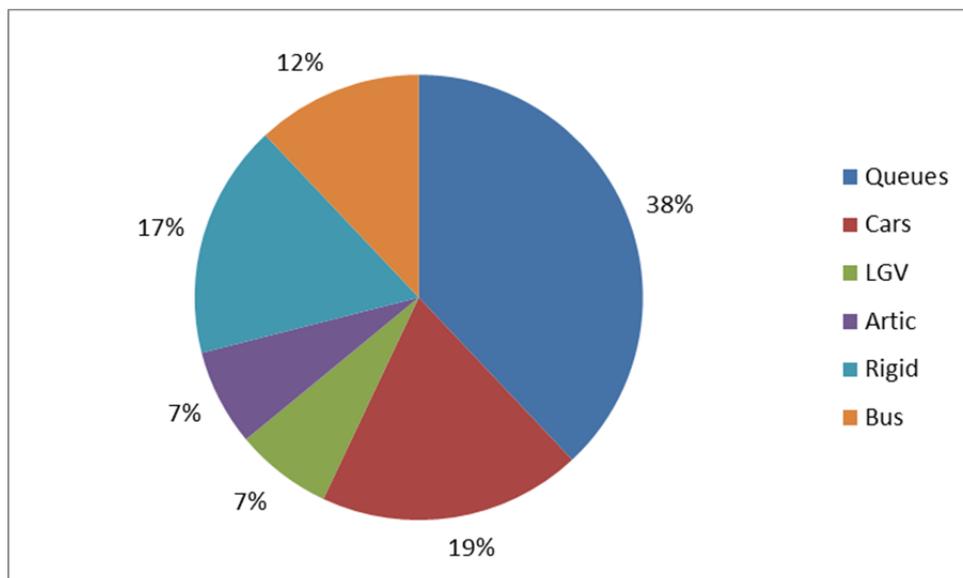
- 7.2.1** Apportionment of the contribution from various sources of NO<sub>2</sub> can be indicative only, as concentrations include contributions from both directly emitted NO<sub>2</sub> and secondary NO<sub>2</sub> formed in the atmosphere by oxidation of NO. The relationship is not linear and is complicated by variations from one location to another and background levels at the location.
- 7.2.2** Primary emissions are influenced by the local fleet composition including fuel type and age of vehicle, and traffic conditions at each junction. However, following on from the UDC Action Plan of 2009, ECC commissioned Mouchel

Ltd [18] to investigate air quality in baseline conditions and possible transport improvements required in Saffron Walden as part of future action planning.

**7.2.3** The report included source apportionment work which had been undertaken at the High Street junction with George Street, and the outcome is provided in **Figure 5**. The results were considered to be illustrative of a wider area and determined that NO<sub>2</sub> emissions from HGVs contribute 24%, light goods vehicles 7%, buses 12% and cars 19%. 38% of emissions were found to be due to stationary or stop start vehicles at the junction. The figures indicate the disproportionate impact of buses and HGV's on emissions. From traffic surveys submitted with planning applications, buses and HGV's make up just 3% of the fleet on main routes through the town. In 2016 ECC found that light, medium and heavy goods vehicles made up 7% of traffic in Thaxted Road. An increase in these types of vehicles would have a more significant impact on emissions than an increase in cars on the roads.

**7.2.4** The level of HGV's travelling through the town from the west will have reduced slightly following closure of commercial development off Ashdon Road, as set out in sec 2.9. This, combined with relatively high rates of replacing older HGV's with newer, cleaner vehicles, will reduce the importance of HGV's as a source, but may be compensated to an extent by the national trend for a rise in the number of light duty diesel powered delivery vehicles.

**Figure 5: Source apportionment**



## Appendices

### Appendix 1 Action Plan 2009

The following measures were approved by UDC to address exceedances of the NO<sub>2</sub> objective in the three small AQMAs which have subsequently been revoked:

- School travel plans
- Business travel plans
- Improving public transport
- Junction improvements at the three junctions on which the AQMAs were centred
- Signage to car parks
- Development of a Sustainable Distribution Strategy to address movements of HGVs

**Table 3: 2009 Actions**

2009 Measure	Progress 2011	Progress 2013
School travel plans	School travel team at ECC disbanded	
Business travel plans	UDC travel plan being developed	UDC travel plan implemented, additional cycle storage
Improving public transport and non-car travel	Improvements at Audley End Station to enhance bus service. Proposal for cycle path to station.	Cycle/pedestrian path under design by ECC
Junction improvements to ease congestion	Air quality model commissioned by ECC, sec 106 funding secured for congestion reducing schemes	Highway impact assessment of draft Local Plan proposals, outcome dependant on adoption of LP
Signage to car parks	No progress	New signage provided, further signage as new developments completed
Sustainable distribution strategy to address movements of HGVs	No progress	Vehicle activated sign on weight limit road entry to town from north

## Appendix 2 Legislative Framework

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1. The Environment Act (1995) requires UK government to produce a National Air Quality Strategy (AQS) [19] the most recent of which was published in 2007. This contains standards to comply with EU Framework Directive 96/62 which aim to protect human health, vegetation and ecosystems by avoiding, reducing or preventing harmful concentrations of air pollutants.
2. The standards are the subject of regulations [20] which set out Air Quality Objectives (AQOs), effectively policy targets of maximum ambient pollutant concentrations that are not to be exceeded either without exception or with a permitted number of exceedances over a specified timescale, and a date by which they should be achieved and maintained thereafter. EU Directive 2008/50 introduced an exposure reduction obligation and target values for pm2.5, as a result of strong evidence of the health impacts.
3. Local Authorities (LAs) have a duty under the Environment Act 1995 to periodically review and assess air quality within their area of jurisdiction under a system of Local Air Quality Management (LAQM). This process involves considering present and likely future air quality against the objectives. If it is predicted that levels at sensitive locations where members of the public are regularly present for the relevant averaging period are likely to be exceeded, the LA is required to declare an AQMA and develop an action plan to tackle the problems.
4. The review and assessment requires the production of an annual report on the status of air quality in each district, including progress with reduction measures. The pollutant types and thresholds are identified in Table 6. It is the exceedances of the annual mean UK objective for NO<sub>2</sub> close to some junctions which has led to the Saffron Walden AQMA being declared.
5. The objectives only apply where members of the public are likely to be regularly present for the averaging time of the objective. The annual mean objectives apply to all locations where the public may be regularly exposed including the building facades of residential properties. The 1 hour mean objective applies to all locations where the public may be likely to stay for 1 hour or more such as a shopping street, and measurements have shown that it is unlikely to be exceeded unless the annual mean NO<sub>2</sub> concentration is greater than 60 µg/m<sup>3</sup>

**Table 4: National Air Quality objectives for the purpose of  
Local Air Quality Management in England**

Pollutant	Objective	Averaging period	Date to be achieved by and maintained thereafter
<b>Benzene</b>	5.00 $\mu\text{g}/\text{m}^3$	Running annual mean	01.01.2005
<b>Carbon monoxide</b>	10.0 $\text{mg}/\text{m}^3$	Running 8-hour mean	01.01.2005
<b>Lead</b>	0.5 $\mu\text{g}/\text{m}^3$	Annual mean	01.01.2005
<b>Nitrogen Dioxide</b>	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year	1-hour mean	01.01.2010
	40 $\mu\text{g}/\text{m}^3$	Annual mean	01.01.2010
<b>Particles (PM<sub>10</sub>) (gravimetric)</b>	50 $\mu\text{g}/\text{m}^3$ , not to be exceeded more than 35 times a year	24-hour mean	01.01.2005
	40 $\mu\text{g}/\text{m}^3$	Annual mean	01.01.2005
<b>Sulphur dioxide</b>	350 $\mu\text{g}/\text{m}^3$ , not to be exceeded more than 24 times a year	1-hour mean	01.01.2005
	125 $\mu\text{g}/\text{m}^3$ , not to be exceeded more than 3 times a year	24-hour mean	01.01.2005

### Other objectives

Pollutant	Objective	Measured as
<b>Particles (PM<sub>2.5</sub>)</b>	25 $\mu\text{g}/\text{m}^3$ to be achieved by 2020	Annual mean
<b>Ozone</b>	100 $\mu\text{g}/\text{m}^3$ not more than 10 annual exceedances	Daily 8hr mean

$\mu\text{g}/\text{m}^3$  = microgram per cubic metre

UK Government obtained an extension for meeting the EU legally binding air quality limit value for NO<sub>2</sub>, the same value as the objective, to 2015, and has found meeting the limit challenging in most regions of the UK, as the largest source of this pollutant is road transport. The European Commission has formally launched infringement proceedings with a requirement to produce a new national action plan. Defra views the role of local authorities central to achieving the objectives. It should be noted that discretionary power in Part 2 of the Localism Act 2011 enables the Government to require responsible authorities to pay all or part of an infringement fine.

Uttlesford District Council  
AQMA Draft Action Plan

### Appendix 3 Saffron Walden Nitrogen Dioxide Diffusion Tube & automatic monitor data 2008-2016

Site ID	Location	Annual Mean Concentrations ( $\mu\text{g m}^{-3}$ ) Tubes data adjusted for Bias								
		2008 (BA Factor 1.36)	2009 (BA Factor 0.92)	2010 (BA Factor 0.95)	2011 (BA Factor 0.80)	2012 (BA Factor 0.90)	2013 (BA Factor 0.97)	2014 (BA Factor 0.87)	2015 (BA Factor 0.81)	2016 (BA Factor 0.94)
UT001	PO High Street	<b>42.9</b>	<b>40</b>	<b>47.22</b>	36.6	38.67	38.9	33.1	36.35	<b>40.04</b>
UT003	Gibson Gardens (BG)	17.9	18	20.29	14.1	15.74	16	13.7	12.26	16.22
UT004	YHA Bridge St	<b>45.2</b>	<b>44</b>	<b>48.61</b>	38.4	<b>47.51</b>	<b>42.7</b>	37.3	<b>42.17</b>	<b>46.90</b>
UT005	Thaxted Road/East St	<b>53.4</b>	<b>50</b>	<b>57.66</b>	<b>43.1</b>	<b>46.08</b>	36.2	38.6	<b>41.17</b>	<b>47.52</b>
UT011	33 High Street	37.1	37	<b>41.53</b>	30.7	33.57	34.4	30.6	32.9	38.57
UT012	Town Hall Market Sq.	25.0	22	25.41	18.2	21.14	21	19	18.52	20.48
UT013,14/ 27 Co-loc	Fire Station Hill Street	-	25	29.10	21.2	22.68	25	22.1	21.44	25.84
UT028	London Road	<b>47.7</b>	<b>43</b>	<b>50.00</b>	<b>40.7</b>	<b>45.87</b>	<b>41.3</b>	35	37.96	<b>44.76</b>
UT029	Debden Road	-	-	32.75	23.0	30.02	27.3	25	21.58	26.5
UT030	Friends School	-	-	36.95	25.3	26.91	30.7	27.2	29.01	35.27
UT031	Peaslands Rd	-	-	-	-	-	23.8	22	22	26.22
UT032	Borough Lane	-					19.5	16.9	16.79	19.71
UT036	Church Street	-						20.8	21.63	27.09
UT037	Castle Street	-						24.1	24.19	29.08
Auto - matic	Fire station Hill Street	27.7	24.7	30	22.3	22.9	23.7	22.9	22.13	25.66
Auto-matic	London Rd	-	-	-	-	-	-	-	-	23.95

NB. Exceedances are shown in bold

## References

Reference	
1	Local Air Quality Management Policy Guidance, Defra 2016
2	Emission standards defined in a series of EU directives
3	Census 2011
4	Local Air Quality Management Technical Guidance, Defra 2009/2016
5	National Planning Policy Framework (2012), DCLG.
6	National Planning Practice Guidance DCLG
7	Essex Transport Strategy, Essex County Council, June 2011
8	Essex Highways, Uttlesford Cycle Strategy, October 2014
9	Assessment of Uttlesford District's Local Plan on Air Quality in Saffron Walden Nitrogen dioxide dispersion modelling report, Jacobs Oct 2013
10	Uttlesford Draft Local Plan: Highway Impact Assessment of Draft Local Plan to 2031 Essex Highways March 2014
11	Committee on the Medical Effects of Air Pollution : The mortality effects on long term exposure to particulate air pollution in the United Kingdom 2010, Statement on average concentrations of nitrogen dioxide 2015
12	Understanding the health impacts for air pollution in London Kings College 2015
13	House of Commons Environmental Audit Committee Action on AQ 2014
14	Public Health Outcomes Framework data tool 2013
15	Estimating Local Mortality Burdens associated with particulate air pollution Public Health England, April 2014
16	Air Quality Expert Group: mitigation of UK pm 2.5 concentrations 2013
17	Public Health Impacts and Local Action, Defra 2013
18	AQ Dispersion Modelling of Saffron Walden AQMAs, Mouchel 2011
19	Air Quality Strategy for England, Scotland, Wales and NI, Defra 2007
20	Air Quality Standards Regulations (2002&2010) HMSO

## Glossary of abbreviations

<b>Abbreviation</b>	<b>Description</b>
<b>AQAP</b>	Air Quality Action Plan - A detailed description of measures, outcomes, achievement dates and implementation methods, showing how the local authority intends to achieve air quality limit values'
<b>AQMA</b>	Air Quality Management Area – An area where air pollutant concentrations exceed / are likely to exceed the relevant air quality objectives. AQMAs are declared for specific pollutants and objectives
<b>AQO</b>	Air Quality Objective: targets set by Government as minimum acceptable standards of air quality
<b>ASR</b>	Air quality Annual Status Report : required under LAQM
<b>COMEAP</b>	Committee on the Medical Effects of Air Pollution
<b>Defra</b>	Department for Environment, Food and Rural Affairs, responsible for air quality policy and supervision of LAQM
<b>ECC</b>	Essex County Council
<b>EU</b>	European Union
<b>LAQM</b>	Local Air Quality Management : system for local assessment
<b>LEV</b>	Low Emission Vehicle
<b>NO<sub>2</sub></b>	Nitrogen Dioxide
<b>NO<sub>x</sub></b>	Oxides of nitrogen which include NO <sub>2</sub> emitted directly and formed by the oxidation of nitrogen oxide (NO) after emission.
<b>PM<sub>10</sub></b>	Airborne particulate matter with an aerodynamic diameter of 10µm (micrometres or microns) or less
<b>PM<sub>2.5</sub></b>	Airborne particulate matter with an aerodynamic diameter of 2.5µm or less
<b>PG(16)</b>	Local Air Quality Management Policy Guidance, Defra 2016
<b>TG(09 &amp;16)</b>	LAQM Technical Guidance, Defra 2009 & 2016

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**Committee:** Cabinet

**Agenda Item**

**Date:** 18<sup>th</sup> July 2017

**10**

**Title:** Article 4 Direction for Local Heritage List

**Portfolio Holder:** Cllr Susan Barker, Cabinet Member for Environmental Services

Key decision: **No**

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## Summary

1. This report serves to introduce and seek agreement from Cabinet for the principle of serving an Article 4(1)(b) Direction (hereafter referred to as Article 4 Direction) on selected properties identified and included on the forthcoming Local Heritage List (due to be published following a public consultation later in the year), covering the whole district
2. The Article 4 Direction would remove permitted development rights to those properties identified, both within existing conservation areas and outside, where it is felt that the public amenity and character of the locality would otherwise be compromised.
3. The Article 4 Direction would serve to manage alterations to these buildings, which have been identified as being of local historic significance. This would include, but is not limited to, the removal and alteration of windows and doors, removal of chimneys, installation of solar panels, rooflights and dormer windows and boundary treatments for example, to ensure that future development and alterations continue to preserve and enhance the character of the district.

## Recommendations

4. That Cabinet support the principle of issuing an Article 4 Direction for selected buildings included on the Local Heritage List.
5. That Cabinet supports the cancellation of the existing four Article 4 Directions, namely Great Chesterford, Newport, Stansted Mountfitchet and Great Dunmow, upon service of the proposed order, which will supersede the existing Article 4 Directions.

## Financial Implications

6. The process will be facilitated and progressed internally by Conservation Officers primarily and will form part of their role, as proactive conservation work.
7. The process will involve a public consultation period and it is proposed to undertake several public exhibitions, held across the District in the principle towns. There will be a modest cost associated with booking the venues.

8. It is desirable for the Authority to contact each property owner affected by the Article 4 Direction, by writing to them individually (see paragraph 21 below). To achieve this, the Authority would be required to carry out a number of Land Registry searches. This would involve an associated cost for each search and officer time to carry out each search.
9. There may be associated printing and stationary costs, as well as costs associated with posting the letters to owners, as per the requirement above.
10. Once the order is in place, property owners affected by the Article 4 Direction order will be required to apply for Planning Permission for particular works. They would not be required to pay an application fee for this service. This is likely to impact on Development Management and Conservation staff resources, in processing and determining these applications. It is anticipated that this need would be met by existing resources, but this would require further discussion and review.

### Background Papers

11. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1, 2016
  - The Town and Country Planning (General Permitted Development) Order 2015 (GPDO)

### Impact

12.

Communication/Consultation	A public consultation would be required.
Community Safety	None
Equalities	None
Health and Safety	Health and Safety procedures should be observed during site visits to collect data and administer public exhibitions as necessary.
Human Rights/Legal Implications	Legal advice will be sought internally with regards to service of the Article 4(1) Direction Order.
Sustainability	None
Ward-specific impacts	None

Workforce/Workplace	Compiling the Article 4(1) Direction Order and publishing the order. Administering the public consultation process and associated exhibition meetings. Advertising the former and contacting relevant property owners, requiring resources from GIS officer, Council Tax/ Land Registry team, Communications team and the Post Room. Resources also required in Development Management, and DM Support in registering, processing and determining applications.
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## Situation

13. An Article 4 Direction Order is served by the Local Authority to remove selected permitted development rights. This may extend to individual properties only, a group of assets or a defined area. It is proposed to issue the order under paragraph 4(1)(b) which relates to '*any particular development, falling within that Park, Class or paragraph, which is specified in [that] direction*'. (GPDO 2015).
14. Each of the district's 37 Conservation Area appraisals identifies buildings that make a positive contribution to the historic and architectural character of the Conservation Area. These are referred to commonly as 'non-designated heritage assets'. The appraisals often recommend that these would be worthy candidates for an Article 4 Direction.
15. At present, without the benefit of an Article 4 Direction, a variety of alterations could be carried out to these non-designated heritage assets, without the need for any consent; some of which can result in a highly detrimental impact to the character of the building itself and the wider area. Such works include the replacement of historic or original windows and doors, demolition of historic boundary walls and introduction of solar panels to a principal roof slope. At present, the Authority has no means to monitor such works, even within the Conservation Area. Whilst such alterations may seem minor in nature, the cumulative impact over time can be significant.
16. There are currently four Article 4 Direction orders in force in Uttlesford District. These control development to non-listed buildings within four of the Conservation Areas; Great Chesterford, Newport, Stansted Mountfitchet and Great Dunmow. These were introduced between 2011 and 2012. Properties in these areas, included in the order, are already required to apply for consent for alterations to their property, as per the requirements of the order under paragraph 4(1).
17. It would be prudent to review the existing Article 4 Directions to ensure they continue to be suitably robust and relevant moving forward.

18. It is now proposed to introduce a single Article 4 Direction to those buildings included on the Local Heritage List, where the Local Authority is satisfied that it is expedient that permitted development rights 'should not be carried out unless permission is granted for it on an application'. In doing so, the Authority would be able to serve a single order to cover all non-designated heritage assets identified across all Conservation Areas in one process, rather than serving up to 37 separate orders. This would ensure that assets are afforded a consistent level of protection, at the earliest opportunity, resulting in a greater level of consistency across the district.
19. The order would also supersede the existing four Article 4 Directions, which would be cancelled in line with Schedule 3 of the GPDO, which would address the need to review these existing Article 4 Directions.
20. In accordance with Schedule 3, The authority would be required to provide notice of the Article 4 Direction as soon as practicable after the direction has been made by a) a local advertisement, b) a site display at no fewer than 2 locations within the area to which the direction relates for a period of no less than 6 weeks and c) a notice on the owner and occupier of the of every part of land to which the direction applies.(GPDO)
21. In relation to c) above, Paragraph 2 of Schedule 3 states that the '*local planning authority need not serve notice on an owner or occupier . . . if they consider that b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable*'. (GPDO)
22. It is understood that there is no right of appeal against service of an Article 4(1)(b) Direction. However, should an application be refused by the Local Authority, the applicant will have the right to appeal the refusal decision within a set period.
23. In serving the Article 4 Direction Order on the Local Heritage List, the Authority is also able to ensure that non-designated heritage assets which fall outside of the conservation area boundary, but are equally significant and worthy of preservation, can also benefit from this level of protection.
24. Where it is felt that structures identified on the Local Heritage List do not warrant protection of an Article 4 Direction, these would be individually detailed as being excluded from the order.
25. The service of the Article 4 Direction order would be subject to further member agreement, following publication of the Local Heritage List, scheduled for early 2018) and a full public consultation.
26. The proposed Article 4 Direction would apply to some or all of the following Parts, Classes and schedules:

Schedule 2

Part 1 Class A – enlargement, improvement or other alteration of a dwellinghouse

- Part 1 Class B – additions etc to the roof of a dwellinghouse
- Part 1 Class C – other alteration to the roof of a dwellinghouse
- Part 1 Class D – porches
- Part 1 Class H – microwave antenna on a dwellinghouse
- Part 2 Class A – Gates, fences, walls etc
- Part 2 Class C – Exterior painting
- Part 2 Class D – electrical outlet for recharging vehicles
- Part 2 Class E – electrical upstand for recharging vehicles
- Part 3 Class A to V – change of use
- Part 11 Class B – demolition of buildings
- Part 11 Class C – demolition of gates, fences, walls etc
- Part 14 Class A to O – Renewable Energy

**Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Inability to monitor effectively alterations and works within the Conservation Area and to other non-designated heritage assets outside of the conservation area boundary resulting in loss of character, appearance and significance of the asset and/or locality.	3/4	3/4	Service of an Article 4(1) Direction to non-designated heritage assets to preserve the character and appearance of the Conservation Area and wider locality and minimise risk of harmful development within the district.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Committee:** Cabinet

**Agenda Item**

**Date:** 18 October 2017

**11**

**Title:** Review of Enforcement

**Portfolio Holder:** Cllr Simon Howell, Cabinet Member of Finance & Administration

Key decision: Yes

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## Summary

1. A member Enforcement Task Force was established to review the Council's approach to enforcement. It presented its findings and recommendations to Scrutiny Committee on 6 September 2016 and the Scrutiny Committee passed it to Cabinet for consideration.
2. At its meeting on 26 October, the Cabinet "thanked the Scrutiny Committee for this work and welcomed the report. This would form the basis of the strategy that would be considered further by officers and presented to Cabinet at a future meeting."
3. The Cabinet resolved "that a report on the council's enforcement service be considered at a future Cabinet meeting, with the report to reflect on some of the recommendations in the Scrutiny Review of Enforcement".
4. The Scrutiny Committee considered the draft enforcement policies on 18 September and they received a positive response. In order to give more time for Scrutiny members to review the policies, they were invited to provide further comments to the Interim Head of Legal Services before the Cabinet meeting. Any comments received will be reported to the Cabinet. NB: The policies need some further work to ensure consistency of presentation and layout.
5. The report to Scrutiny Committee, and this report, summarises progress generally on addressing the Task Force's recommendations.

## Recommendation

6. That members approve the draft enforcement policies annexed to this report, subject to authorising officers to carry out further work to ensure consistent presentation and layout.

## Financial Implications

7. None directly.

## Background Papers

8. None.

## Impact

9.

Communication/Consultation	The enforcement policies are intended, amongst other things, to promote effective communication and consultation with regulated bodies or persons.
Community Safety	Effective enforcement policies aim to promote community safety in an effective and proportionate manner.
Equalities	Equalities issues are addressed in the policies.
Health and Safety	None direct, other than that the corporate enforcement policy is relevant to the Council's approach to enforcing health and safety laws.
Human Rights/Legal Implications	The policies are designed to ensure that the Council carries out its enforcement role lawfully and proportionately having regard, amongst other things, to human rights.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

9. The Task Force report called for a new corporate enforcement policy and for service enforcement policies for the following areas of work:

- Fly Tipping
- Littering
- Unauthorised Waste Carriers/Transfer of Waste
- Lack of trade waste agreements
- Dog Fouling
- Smoking in Public Buildings/Vehicles
- Failure to display no smoking signs in smoke free premises or vehicle
- Untaxed and abandoned vehicles
- Graffiti
- Licensed Vehicles

- Licensed Premises
- Gambling
- Planning
- Housing Tenancy Fraud
- Fly Posting
- Scrap Metal.

10. A draft corporate enforcement policy is attached. This is compliant with the Regulators' Code promoted by the Department for Business, Innovation and Skills.

11. Draft service enforcement policies are also attached, covering the following areas:

- Planning Enforcement
- Fixed penalty enforcement, covering:
  - Fly Tipping
  - Littering
  - Unauthorised Waste Carriers/Transfer of Waste
  - Lack of trade waste agreements
  - Dog Fouling (PSPOs)
  - Smoking in Public Buildings/Vehicles
  - Failure to display no smoking signs in smoke free premises or vehicle
  - Untaxed and abandoned vehicles
  - Graffiti
  - Fly Posting
- Premises licensing
- Council tax, business rates and local council tax support anti-fraud policy. (Not identified by Scrutiny as an area for consideration.)
- More work will be carried out on the format of the individual policies with a view to a more consistent style and presentation.

12. This leaves the following areas to be developed:

- Licensed Vehicles  
In relation to licensed vehicles, a peer review is being carried out, which is likely to result in proposals to make changes to licensing requirements. The intention is to draw up a revised enforcement policy in the light of the peer review.
- Housing Tenancy Fraud  
Work is still needed on this.
- Scrap Metal.  
A review of the Council's approach to scrap metal licensing is currently under way and an enforcement policy will be drafted as part of this.
- Other areas of work

We are also looking to develop service standards/enforcement policy for private sector housing enforcement. This requires further work, not least to consider how to use extra enforcement powers recently made available in this area. Work is also needed in respect of Environmental Health enforcement activities; food safety, health and safety etc.

Policies for these areas will be drafted in a manner that complies with the approach taken in the corporate enforcement policy.

13. A summary of the recommendations endorsed by the Scrutiny Committee is attached with a note of progress.

### Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
That the Council's approach to enforcement is unfair or disproportionate.	2	3	The adoption of clear enforcement policies reflecting the principles contained in the Regulators' Code promoted by the Department for Business, Innovation and Skills.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## Enforcement Task Group Review: Recommendations – Summary of Current Status

Recommendation	Lead Officer(s) Current Status and Action Needed
<p><b>A. Following the re-engineering of the Council’s IDOX Software System, from 1 April 2017; the Corporate Enforcement Team introduce monthly Parish/Town Council and District Council updates on Planning Enforcement Cases (including status and numbers); and introduce a Quarterly report to Planning Committee.</b></p>	
<p>A.1 It is considered that a better management of the Council’s IDOX system will improve the ability to interrogate the system, filter information; and report Planning Enforcement caseloads and their status to Town/Parish Councils, District Councillors and Regulatory Committees.</p>	<p>The team have received training on how to utilise the IDOX system to be more efficient which has allowed for the caseloads to be reported to the Town/Parish Councillors and the Ward Members</p>
<p>A2. In order to achieve this some consideration of re-engineering of the IDOX system will be required, and it is recommended that this is put in place before 1 April 2017.</p>	<p>The training was in January 2017 and the reports have been forwarded onto the Parish Council’s to include the figures from March 2017. There is still more re-engineering to allow for smarter working within the team.</p>
<p><b>B. Introduction of Customer Charter with standards for updating complainants on the progress of all enforcement activities in all areas of activity before 1 April 2017.</b></p>	
<p>B.1 Through activities above regarding the re-engineering of the IDOX system there will be a better opportunity to update complainants on the status and timeframes of Planning Enforcement Cases.</p>	<p>The resolutions of cases can now be measured through the new reporting system which shows that there is a good resolution of cases within a timely fashion.</p>
<p>B.2 The introduction of specific customer standards for all the enforcement activities within the Enforcement Team.</p>	<p>Contained within enforcement policies/service standards for areas of work. Progress made. Work still needed on enforcement for vehicle licensing, scrap metal and housing tenancy fraud.</p>

Recommendation	Lead Officer(s) Current Status and Action Needed
<p><b>C. Review the Council's Enforcement Strategy; and the Review/Introduction of Enforcement Policies for all principal enforcement areas before 1 April 2017.</b></p>	<p>Policy for Street Scene Offences &amp; Premises licensing drafted. The Environmental Health Policy originally drafted in 2008 is under review and will be presented to Cabinet later in the year. The same will apply to taxi licensing.</p>
<p>C.1 The Council's Enforcement Strategy dated June 2011; is required to be reviewed, and updated to provide a better emphasis upon customer service and education/prevention on all areas.</p>	<p>Draft to be presented to Scrutiny Committee and Cabinet in September/October 2017</p>
<p>C.2 The Council's Licensing Policy (Related to taxis) needs to be reviewed in consultation with service users and providers.</p>	<p>Will initially form part of a peer review undertaken by head of licensing at East Herts Council. Scheduled to commence summer 2017. Recommendations will be considered and adopted as applicable.</p>
<p>C.3 Enforcement Policies need to be introduced for all principal enforcement activity areas namely Planning and Licensed Premises.</p>	<p>Enforcement policies for most enforcement areas have been drafted and will be considered by Scrutiny and Cabinet in September/October, including Planning and Licensed Premises.</p>
<p><b>D. Introduction of Memorandum of Understanding between Essex Highways and Uttlesford District Council on Highway Enforcement Matters.</b></p>	
<p>D.1 The Council can demonstrate a good working relationship with some agencies. UDC's relationships with Place Services (ECC), The North Essex Parking Partnership and the Essex County Travellers Unit have been</p>	<p>There is successful working relationship between UDC and ECTU.</p>

Recommendation	Lead Officer(s) Current Status and Action Needed
successful based upon a working Service Level Agreement and/or Partnership Agreements.	
D.2 Other cross agency working with other parties such as the police and County Planning have been successful based upon mutual exchange of information. These relationships do not need to be formalised.	There have been successful results due to good working relationships through cross agency working.
D.3 The Council has a particularly poor relationship with Essex Highways on enforcement activities. It is recommended that a formalised relationship with Essex Highways be established on enforcement activities.	This still needs improvement. Involvement from CMT is likely to be the best way forward.
<b>E. Relaunch Forums for Taxi Drivers/Operators and other Non-Planning Enforcement Areas where appropriate before 1 April 2017.</b>	
E.1 The priority on non-enforcement issues such as licensing and trade waste must be on education and prevention rather than defaulting to enforcement.	Education and prevention will always be preferable to enforcement. Advice will always be offered both in the form of issued guidance or upon request. However responsibility for complying with legislative requirements must rest with the trade. The primary purpose of any licensing regime is to protect public safety and while clearly there is advantage in working together in achieving these aims the educative approach must never compromise this.
E.2 Whilst still retaining enforcement focus where required, it is essential that more emphasis be given to prevention through specific forum and education events aimed at the prevention of enforcement issues.	Mechanisms for achieving such aims will form part of the current review.
E.3 It is recommended that the forum for Taxi Drivers/Operators and other non-planning enforcement areas be relaunched.	Taxi forum has been addressed by the incorporated into taxi chat which will be issued initially three times a year. This will be reviewed and extended to quarterly if sufficient demand. Driver / operators will be invited to submit questions or points for discussion which will depending on the particular issue be addressed by UDC officers, legal representation or peer to peer discussion. Senior members of the Trade will still be able to contact officers

Recommendation	Lead Officer(s) Current Status and Action Needed
	to discuss significant matters of interest directly.



**UTTLESFORD DISTRICT COUNCIL**  
**CORPORATE ENFORCEMENT POLICY**

DRAFT

## Uttlesford District Council Corporate Enforcement Policy

### 1. Introduction

- 1.1. This policy sets out UDC's policy for how it approaches its enforcement responsibilities. It will be supplemented by documents setting out service standards and strategies for specific areas of Council enforcement, including planning, licensing, environmental health, housing standards environmental crimes such as fly-tipping and abandoned vehicles.
- 1.2. The policy is designed to be a single policy for all enforcement services and to be compliant with the Regulators' Code, legislative requirements and codes of practice governing enforcement. It should be read in conjunction with the Council's published service standards.
- 1.3. The Council is committed to avoiding imposing unnecessary regulatory burdens, and to assessing whether similar social, environmental and economic outcomes could be achieved by less burdensome means.
- 1.4. This policy can be downloaded at [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk) [insert web address] or can be obtained from the Council's main offices – Council Offices, London Road, Saffron Walden, CB 11 4ER. The Council's published service standards can found at [insert web address].
- 1.5. This policy was approved by Uttlesford District Council on [date].

### 2. The Legislative Framework

#### 2.1. Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. For local authorities, the specified functions include those carried out by our environmental health, licensing, waste, and private sector housing services.

The Council will exercise its regulatory activities in a way which is:

*Proportionate* – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,

*Accountable* – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,

*Consistent* – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,

*Transparent* – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and

*Targeted* – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

## **2.2. Regulators' Code**

The Regulators' Code came into statutory force in April 2014 and provides a clear framework for transparent, open and accountable regulatory delivery. A copy can be found at [www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)

The Council has had regard to the Regulators' Code in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

## **2.3. Human Rights Act 1998**

The Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

## **2.4. Data Protection Act 1998**

Where there is a need for the Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1988.

## **2.5. The Code for Crown Prosecutors**

When deciding whether to prosecute the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test'.

### **Evidential Test - is there enough evidence against the defendant?**

When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court and is reliable. We must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender.

### **Public Interest Test - is it in the public interest for the case to be brought to court?**

The Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that we will take into account are detailed under the enforcement options available to us in Section 6.1.

## **2.6. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')**

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a Primary Authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

### **3. What is this policy for?**

- 3.1. This policy explains to anyone affected by the Council's regulatory activities what to expect in respect to its approach to dealing with non-compliance. This includes individuals and businesses who are subject to regulation by the Council and members of the public, businesses and organisations with an interest in the Council pursuing sound enforcement principles.
- 3.2. Authorised officers will act in accordance with the policy. All services are subject to internal audit to ensure actions are appropriate to the policy and performance data will be published on the Council's website.

### **4. To what does this policy apply?**

- 4.1. This policy applies to the following regulatory services which are the responsibility of Uttlesford District Council
  - Fly Tipping
  - Littering
  - Unauthorised Waste Carriers/Transfer of Waste
  - Lack of trade waste agreements
  - Dog Fouling
  - Smoking in Public Buildings/Vehicles
  - Failure to display no smoking signs in smoke free premises or vehicle
  - Untaxed and abandoned vehicles
  - Graffiti
  - Licensed Vehicles
  - Licensed Premises
  - Gambling
  - Planning
  - Housing Tenancy Fraud
  - Fly Posting
  - Scrap Metal.

Service-specific policies which sit under this generic policy can be found at [\[web address\]](#).

### **5. Our approach to dealing with non-compliance**

### **5.1. Explanation of our approach to dealing with non-compliance**

Our preferred approach will be through negotiation, education and support to ensure maximum benefit from minimum resource input, aiming to avoid imposing unnecessary regulatory burdens. Enforcement procedures will always follow statutory requirements and guidance but prosecution will generally be a last option unless the situation presents little or no option.

We will clearly explain the non-compliance and any advice being given, actions required or decisions taken, with reasons for these.

We will provide an opportunity for dialogue in relation to advice given, actions required or decisions taken in relation to non-compliance.

Dialogue with the business or regulated person is available through all communication channels (face-to-face, telephone, letter, email).

The Council's Scheme of Delegation gives the relevant Head of Service responsibility for managing investigations and making decisions on enforcement action. The Head of Service may delegate in writing other officers to act on his/her behalf.

Where it shares or has a complementary role with other agencies, the Council will consult those agencies, including Primary Authorities, before taking any formal enforcement action.

The Council will manage enforcement in relation to its own establishments and activities to ensure that enforcement officers can act independent of any apparent conflict of interest. For example, environmental health practitioners are free to investigate noise nuisance arising from a Council activity under the same protocols as any other investigation.

All staff must demonstrate commitment to equality in the performance of their regulatory duties and in their professional relationships with regulated persons to ensure fair and objective enforcement. The Council's Equalities and Diversity Framework can be downloaded at [\[web address\]](#).

The Council will aim to publicise successful convictions to enhance awareness of regulatory requirements and the potential consequences of non-compliance.

### **5.2. The action that the Council chooses to take will depend upon the particular circumstances and the approach of the business or regulated person to dealing with the breach**

Enforcement action will always be proportionate and follow statutory guidance with prosecution generally being the last resort. However the Council will deal firmly with those that deliberately or persistently fail to comply, or who deliberately seek personal gain through non-compliance.

Those regulated by the Council are able to request advice on non-compliance without directly triggering enforcement action, where they show a willingness to resolve the non-compliance.

### **5.3. The factors that will influence the Councils response to breaches of the rules**

The Council fully supports the principles in the Regulators' Compliance Code which sets out obligations in relation to enforcement. It sets out the need to consider a range of matters including economic impact, encouraging and promoting compliance, and a risk based approach.

Where applicable, the Council will take note of the Primary Authority on responses to breaches.

The Council's approach to checking that non-compliances which were dealt with by providing advice or guidance have been rectified will generally be through the next scheduled visit.

Where the Council considers that breaches should be investigated by another enforcement body, the details will be shared with that organisation.

In giving priority to its enforcement activities, the Council will take account of its corporate objectives, which are to:

- Promote thriving, safe and healthy communities
- Protect and enhance heritage and character
- Support sustainable business growth
- Maintain a financially sound and effective Council.

#### ***5.4. The Council's approach to complaints of non-compliance***

The Council will consider and, where appropriate, investigate all complaints of non-compliance (unless anonymous, vexatious or trivial) and take action as appropriate. Any follow-up on anonymous complaints will be dependent on the circumstances of each report. The Council will keep complainants informed of action taken in response and let them know the outcome.

## **6. Conduct of investigations**

### ***6.1. The processes for investigating alleged breaches***

All investigations will be carried out in compliance with the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to the Council:

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice. Most of this legislation provides the officers with powers of entry at all reasonable times with the associated offence of obstruction if entry is refused.

Where a business is allegedly in breach of relevant legislation and has a partnership agreement with a Primary Authority, early communication will take place with that authority.

When exercising its statutory power to seize items during an investigation, the Council will follow the relevant legal process. If there is reason to believe access will be denied, the Council will apply to the Magistrates' Court for a warrant to execute this process.

Any person suspected of committing an offence will be invited in writing to an interview under caution in accordance with the Police and Criminal Evidence Act at the Council offices and will be given the opportunity to be legally represented at the interview.

The Council will always endeavour to expedite investigations into non-compliance and in any case ensure that statutory time limits for investigations are achieved.

If the investigating officer prepares a case file for prosecution, the case file and decision will be reviewed by both the team leader and head of service before being referred to the Council's solicitor.

## **6.2. A commitment to keep all parties informed on progress**

The Council will aim to keep complainants, alleged offenders and witnesses informed of the progress of investigations.

## **7. Decisions on enforcement action**

7.1. The range of actions that are available to the Council are set out in legislation and include:

### ***Compliance Advice, Guidance and Support***

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal caution') will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council recognises that where a business has entered into a partnership with a Primary Authority, the Primary Authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the Primary Authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

### ***Voluntary Undertakings***

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

### ***Statutory (Legal) Notices***

In respect of many breaches the Council has powers to issue statutory notices. These include: 'Abatement Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

### ***Works in Default***

Where statutory provision exists, the Council will consider carrying out works in default to remedy non-compliance. In such cases, the Council's reasonable costs are recoverable from the offender.

### ***Financial Penalties***

The Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

### ***Injunctive Actions, Enforcement Orders etc.***

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also

direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

### ***Simple Caution***

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council is likely to consider prosecution.

A simple caution will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

### ***Prosecution***

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- a) how serious is the offence committed?
- b) what are the circumstances of and the harm caused to the victim?
- c) is prosecution a proportionate response?

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted

from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

### ***Refusal/Suspension/Revocation of Licences***

The Council issues a number of licences and permits. The Council also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account. A person convicted of a relevant offence may be judged to be no longer a 'fit and proper person' and their application refused.

## ***7.2. The principles on which decisions are made on enforcement action***

The Council follows the principles set out in the Macrory Review, for policies to:

- a) aim to change the behaviour of the offender;
- b) aim to eliminate any financial gain or benefit from non-compliance;
- c) be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- d) be proportionate to the nature of the offence and the harm caused;
- e) aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
- f) aim to deter future non-compliance.

The Council will consider risk at every stage of their decision-making progress, choosing the most appropriate type of enforcement action including taking note of the compliance record of those being regulated.

The Council recognises the statutory requirement under Primary Authority to notify proposed enforcement action.

The Council will keep under review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

## ***7.3. How decisions are communicated to those affected***

Where a right of appeal exists to any regulatory action, the Council will include full details of the appeal process at the time of taking the action. Regulated persons will be advised of their rights to representation at the time of being invited to any formal interview or hearing.

## **8. Review of this policy**

This policy will be reviewed following any new Government guidance or as a result of feedback received from local businesses or regulated persons as appropriate. It will also be refreshed every two years.

## **9. Comments and Complaints**

### ***9.1. Contact details for complaints and appeals***

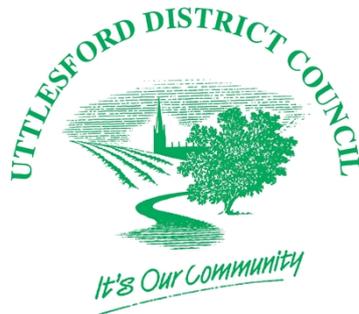
A request for reconsideration of a regulatory decision can in the first instance be directed to the relevant Head of Service. If the action is subject to a formal appeal process (e.g. through the Magistrates' Court), the appellant should be aware of the statutory deadlines and may wish to proceed immediately with this approach.

Complaints about the conduct of local authority staff can be made through [\[details of how to make complaints\]](#).

### ***9.2. Contact details for comments or complaints about the policy***

Any comments or complaints about this policy should be sent to [Head of Legal? Someone else?]

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# **UTTLESFORD DISTRICT COUNCIL PLANNING SERVICES**

## **Enforcement Policy**

## **1.0 INTRODUCTION**

- 1.01 This document sets out the Planning Enforcement Policy of the Council. It should be read in conjunction with the Council's Enforcement Policy, National Planning Policy Framework and the National Planning Policy Guidance.
- 1.02 The Council is firmly committed to effective, appropriate and proportionate enforcement of planning control and monitoring of development.
- 1.03 The enforcement team works closely with planning officers, building control officers and the specialist team of officers dealing with conservation of the natural and built environment, and landscape and tree matters.
- 1.04 There is also close coordination and assistance from other council services, such as legal, environmental health, housing, finance, council tax and business rates as well as from officers working for organisations such as the Environment Agency and Essex County Council etc.
- 1.05 The aims of the Council's Planning Enforcement Team are:
- To be effective and responsive in the prevention, intervention and control of unauthorised development to maintain the credibility of the planning system
  - To correct the undesirable effects of unauthorised development
  - To ensure development is carried out in accordance with planning approvals where possible and appropriate
  - To promote a service which is fair, responsive, helpful and consistent in its approach
- 1.06 When considering what enforcement action to take it is important to note that planning authorities have powers, but in most cases, other than very specialist areas, there is no statutory duty to enforce planning legislation. The planning enforcement system is not designed to seek retribution but is instead intended to mitigate harm. Thus, in all cases, regard must be paid to whether it is expedient to take action and to then reach a balanced view on what action it is appropriate

to take. In some cases the complaint will be passed to another authority (e.g. Essex County Council) for them to take appropriate action. Therefore, in responding to any breach of planning control made the strategy will generally be to take one of the following courses of action:

- i. Establish that the complaint is not a breach, and that no action can be taken.
- ii. Take no further action in cases where the planning breach is of a minor or technical nature, or where the works or use, are acceptable without the need to impose any conditions.
- iii. Seek to rectify any breach through negotiation.
- iv. Inviting a listed building consent application or retrospective planning or advert consent application, if the breach that has occurred could be regularised. The legislation specifically provides that such retrospective applications can be made to regularise development already carried out. Alternatively, the owner may be invited to apply for a Certificate of Lawful Use or Lawful Development Certificate. If such applications are refused or not received within a reasonable timescale, the expedience for taking formal action (including issuing an Enforcement Notice, Breach of Condition Notice etc) will be considered.
- v. Immediate enforcement action to resolve breaches of planning control which require very urgent action and are causing significant damage to interests of acknowledged importance (this can include issuing a summons for a prosecution, a stop notice or an injunction).

1.07 This enforcement policy is based not only on the Council's Corporate Enforcement Policy but specifically on Central Government Guidance in the following documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Best Practice Guidance – Section 215 Notices. ODPM January 2005.

- Best Practice Guidance – Listed Building Prosecutions. Department for Communities and Local Government December 2006.

All decisions on whether it is expedient to take enforcement action will have regard to the policies of:

- Central Government Guidance.
- Planning Policy Guidance Notes/Planning Policy Statements.
- Uttlesford District Council Local Plan/Local Development Framework.
- All other saved Supplementary Planning Guidance and draft or adopted Supplementary Documents (SPD's) and other Development Plan Documents (DPD's).

## **2.0 WHAT IS A BREACH OF PLANNING CONTROL?**

2.01 A breach of planning control is defined in the Town and Country Planning Act as:

“the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted” (Section 171A).

2.02 In addition to the above and for the purposes of this policy the Council considers that breaches of planning control can include:

- Building work, engineering operations and material changes of use carried out without planning permission.
- Development that has planning permission but is not carried out in accordance with the approved plans.
- Non-compliance with conditions or the terms of planning obligations (Section 106 obligations) attached to permissions.
- Works carried out to a listed building, which affect its special architectural or historic character, without listed building consent being granted.

- Removal of, or works carried out, to protected trees and hedgerows without consent being granted or proper notification given.
- Display of advertisements (including fly posters) which need express consent, under the Advertisements Regulations and are displayed without consent being granted.
- The state of land or a building adversely affecting the amenity of the neighbourhood under (Section 215 of the Town and Country Planning Act).

2.03 The Council does not have the remit to investigate civil matters such as breaches of the Party Wall Act, trespass or land grabbing, breaches of covenants, or activities that are occurring on the public highway.

### **3.0 PROCEDURES FOR DEALING WITH PLANNING ENFORCEMENT CASES**

3.01 Most investigations result from complaints from the public, councillors or parish and town councils. All these individuals and groups have a role to play in planning enforcement, as they are the local 'eyes and ears' of the Council in the community. Their contribution towards planning enforcement is greatly appreciated by the Council.

3.02 The enforcement team can be contacted by letter, telephone, website or e-mail. Written enquiries are preferred and in all cases we need the following information:

- The precise location of the site or property to which the complaint relates.
- The exact nature of concern, i.e. the potential breach of planning control.
- The date the unauthorised development or works began and a note of whether and when they continue.
- An indication of any harm caused.

- Where it is known, details of the identity of the person / organisation responsible.
- 3.03 Unless the complainant has a reason for not giving their details, and explains this, anonymous complaints will not be investigated, unless there is justification for this and it will be considered on a case by case basis. Anonymous evidence usually carries little weight in Court, and without robust, reliable evidence, most formal enforcement action is likely to fail. If the person still wishes to remain anonymous they will be referred to their Ward Member or the Parish Council who can submit the complaint on their behalf. Therefore the complainant should give details of name, address, email address and telephone number.
- 3.04 All investigations are carried out on a strictly confidential basis and complainant details will not be revealed by the enforcement team. However, there may be occasions where it is not possible to proceed without disclosing a complainant's identity. We will always seek a complainant's permission before making his/her details available to anyone else to give the complainant an opportunity to consider his/her position.
- 3.05 All complaints will be acknowledged within 5 working days in writing from the date the referral is received. All enquiries about possible breaches of planning controls including breaches of planning conditions will be entered on the database upon receipt, and a unique reference number will be created so that the progress of each complaint received can be monitored. If the complaint leads to formal action then it will form part of the Council's online enforcement register.
- 3.06 Due to the level and nature of cases being investigated by the Planning Enforcement Team it is necessary for all workloads to be prioritised. In nearly all cases a site visit will be carried out by a Planning Enforcement Officer in order to establish what development if any is occurring, the level of activity and if the works constitute a breach of planning regulations. It is not normal

practice for the case officer to attend the complainants property unless it is absolutely necessary and this will be at the discretion of the case officer.

- 3.07 Site visits and action will be prioritised according to the harm to amenity likely to be caused and to the degree of departure from development plan policies represented by the alleged breach. Regard will be had for the fact that enforcement action is discretionary, and formal action will only be taken where the breach would warrant a refusal of permission that could be supported on appeal.
- 3.08 The Council has thus adopted the following standard for prioritising response to complaints:

### **Planning Enforcement Priorities and Targets**

#### **Top Priority - A**

Unauthorised work causing significant damage to listed buildings, felling of protected trees/hedgerows, works to ancient monuments/site of special scientific interest (SSSI) likely to cause irreversible harm to the natural or historic environment. Developments affecting the highway to the extent that it causes immediate danger to life.

**Target:** Initial investigation and site visit to control the situation carried out within one working day.

#### **High Priority - B**

Unauthorised developments causing significant harm to the quality of life of local residents, causing or potentially causing significant harm to the landscape or the quality of conservation areas etc, or harm to listed buildings causing lesser harm than top priority cases.

**Target:** Initial investigation and site visit will be carried out within five working days of the complaint being lodged.

#### **Medium Priority - C**

Unauthorised developments which cause limited harm (e.g. *works not in general public view, advertisements*). Minor householder developments, minor works (e.g. sheds, fences, extensions), satellite dishes which appear to cause no harm to interest of planning importance.

**Target:** Initial investigation and site visit will be carried out within 10 working days of the complaint being lodged.

#### **Other Priority - D**

Complaints with limited or vague information but which warrant an investigation by an officer.

**Target:** Initial investigation and site visit will be carried out as resources allow.

- 3.09 In individual cases officers exercise their professional judgement in assessing the levels of priority.
- 3.10 When Enforcement and other Officers visit a site they will identify themselves and explain the reason for their visit.
- 3.11 The owner/occupier or people working on site may be interviewed to obtain factual information, and photographs and measurements may be taken if required. A detailed note will be made on the investigation file, which is used to record all visits and discussions at meetings or over the phone. If necessary the owner/occupier or people working on the site may be cautioned by the officer if it appears to him or her that a criminal offence is taking place.
- 3.12 It should be noted that under the various Planning Acts, enforcement and planning officers have the right of entry onto all non-residential land and buildings. They have further powers to enter residential property, and can apply for a warrant from the Magistrates' Court to gain access if initial attempts to gain entry (on the giving of twenty-four hours notice) are unsuccessful. Warrants can also be obtained where it might be necessary to

not alert the owner/occupier that a site visit is going to occur in order to avoid developments being concealed to officers.

- 3.13 In more complex or controversial cases or where it has not been possible to establish the facts through normal investigation, or where co-operation from the owner/occupier is not forthcoming, a formal planning contravention notice (under Section 171C of the Act), can be served relating to any breach of planning control alleged by the Council. This requires the recipient to provide specific information. Failure to respond satisfactorily to a notice within the required timescale is a criminal offence.
- 3.14 Once the initial site visit report is written by the enforcement officer, a decision will be made by the appropriate delegated officer about which of the five courses of action to pursue (see paragraph 1.06 above). This may involve consultation with other specialist officers such as in listed building, landscape or tree matters. The Council will then aim to keep complainants, local ward members and parish and town council's informed of progress at the following key stages:
- When any enforcement or other notice is issued.
  - When any appeal has been lodged with the Planning Inspectorate.
  - When the matter is to proceed to the Magistrates Court or High Court.
  - On the final closure of the matter.
- 3.15 It must be noted that the vast majority of breaches of planning control are resolved informally by negotiation with the owner/occupier or by the submission of a retrospective application for consideration. Legislation and central government guidance requires that all formal action must be commensurate with the risk or harm associated with the breach, and formal action is not always appropriate. The Council will, however, take effective enforcement action when it is essential to protect the amenity of the area, public, and to maintain the integrity of the development control process within the district.

- 3.16 With respect to monitored sites officers will make visits at appropriate intervals with particular attention being given to setting out, site levels, submission of details required by condition and compliance with the relevant conditions. Any oral agreement made with the site operators / developer regarding compliance will be followed up in writing and will set out agreed actions and an appropriate timescale.
- 3.17 Decisions about the issue of any enforcement or other notice or the pursuit of other legal actions will generally be taken by the Development Manager, and where necessary in consultation with the Council's legal department, the Chairman of Planning Committee or the Vice Chairman in the case of an emergency, in accordance with the Council's constitution scheme of delegation. Local district councillors will be informed where such action is authorised. More complex or controversial cases may be referred to the Planning Committee.
- 3.18 If an enforcement or stop notice is issued the Council must be able to justify such action in the event of an appeal to the Planning Inspectorate. Appeals need to be made before the date on which the notice takes effect; this date must be at least 28 days from the date on which the notice is served. Appeals can be lodged on a number of grounds and the appellant can request that his/her appeal is dealt with by a written procedure, or ask for an informal hearing or public inquiry, although the decision as to which procedure is followed is made by the planning inspectorate, it should be noted that the appellants preferred option may not be followed.
- 3.19 A criminal offence occurs where an owner/occupier fails to comply with the requirements of a valid notice. The Council will usually seek to bring the matter to a successful conclusion as quickly as possible through the pursuit of action in the Courts. The investigation into non-compliance with the requirements of any enforcement notice will be carried out having regard to the Codes of Practice to the Police and Criminal Investigation Act 1984, the Criminal Procedure and Investigation Act 1996, the Human Rights Act 1998,

the Codes of Practice to the Regulation of Investigatory Powers Act 2000 and the Home Office Guide to Prosecution.

- 3.20 The Council will also consider taking direct or default action to remedy a breach of planning control when it has been established that the requirements of an enforcement notice or a S215 notice have not been complied with. This may involve the use of contractors to enter a site and physically remove or put right unauthorised building work.
- 3.21 In such cases the Council will seek to recover its costs, possibly in a form of a charge on the land which may be enforced by an application to the court for an Order for Sale.
- 3.22 The options of compulsory purchase or the service of a discontinuance notice will also be considered if all other remedies fail to remedy a breach causing serious harm to an area.
- 3.23 The Council, when prosecuting for an offence can consider making a confiscation order to recoup money that has been gained from a criminal lifestyle under the Proceeds of Crime Act 2002.

3.24 **Enforcement Notices**

It should be noted that in the majority of cases it is not an offence to carry out development without planning permission. An offence in law only occurs if the Council has taken formal civil action (e.g., by serving a notice) and the recipients have failed to comply. It is thus necessary for the Council to first issue a formal enforcement notice. The recipient of a notice has a right of appeal to the Secretary of State against the issue of the Notice or its terms, and to make an application for costs in the course of doing so. An appellant who acts unreasonably may have a costs order made against them; the Council can also be subject to a costs award. It must be appreciated that if an appeal is made, this inevitably leads to delays in bringing a matter to Court.

If someone is found guilty of failing to comply with the terms of an enforcement notice a maximum fine of £20,000 may be imposed by the Magistrates' Court and an unlimited fine can be imposed if the matter goes to the Crown Court.

### **3.25 Stop Notices**

A stop notice can be served at the same time as an enforcement notice in appropriate cases as explained in the chapter "Ensuring effective enforcement" in the NPPG. In particular a cost/benefit assessment needs to be carried out to ensure that the requirements do not prohibit anything more than is essential to safeguard amenity or public safety in the neighbourhood or prevent serious or irreversible harm to the environment in the surrounding area and to mitigate against any possible compensation claim.

### **3.26 Temporary Stop Notices**

In exceptional cases where an enforcement notice has not been or cannot be served immediately a temporary stop notice can be served which can prohibit any activity, which is in breach of planning control for a period for up to 28 days. This provides an opportunity for the Council to serve an enforcement notice before the 28 days or the specified time has lapsed.

### **3.27 Injunctions**

In certain exceptional cases the Council will seek to obtain an injunction using powers laid out in Section 187B of the Town and Country Planning Act 1990.

Such applications are made to the county or high court, and it is for the court to decide what is appropriate to restrain any breach of planning controls.

Failure to comply with such an Injunction can result in an unlimited fine or imprisonment. An Injunction can be issued against a person whose identity is unknown.

In the case of unauthorised advertisements, works to protected trees, hedgerows or listed buildings it is possible to proceed directly to the Courts with a prosecution case. Specific details are set out below:

### **3.28 Untidy land**

If the state of land or a building is harming the amenity of the surrounding area the Council can take action under S215 of the Town and Country Planning Act 1990 to make the person with a legal interest in the land bring it up to a level where the harm has been remedied. Works can involve clearing the land or carrying out works to the exterior of a building. The Council will only serve a S215 notice as a last resort and will encourage the land owners to carry out the works without the need for issuing the notice. There is a right of appeal under several grounds to the Magistrates Court.

It is an offence under S216 of the Town and Country Planning Act 1990 not to comply with the requirements of the notice within the time frame. The person with a legal interest in the land “shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale”. Pursuant to S219 the Council can also carry out default action and put a charge on the land to re-coup the costs of the default action.

### **3.29 Breach of condition notices**

Where a breach of a planning condition(s) attached to an approved planning permission has occurred the Council can issue a breach of condition notice. The notice will require the person with a legal interest in the land to ensure the condition(s) is complied with. It is an offence not to comply with the requirements of the notice and the person that commits the offence “shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”. The only way to challenge a Breach of Condition Notice is to judicially review it in the High Court.

### **3.30 High Hedges**

The planning service is responsible for dealing with complaints under the Anti-Social Behaviour Act 2003 regarding high hedges. Where appropriate, remedial notices can be issued, requiring a hedge to be reduced in height or to be managed in accordance with a long term maintenance plan. The Council will obtain specialist arboricultural advice before issuing any remedial notice.

## **Development that constitutes a Criminal Offence**

### **(a) Listed Buildings**

A person is guilty of an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 if unauthorised works to a listed building which would affect the character of the listed building as a building of special architectural or historic interest are carried out without the Council's consent or if works are carried out without complying with a condition attached to a consent. There is no time limit on bringing a prosecution, although this would only be against those who carried out the work or who caused it to be carried out.

Thus those who have a legal interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether listed building consent is later obtained or the unauthorised works are later made satisfactory. The current owner of a listed building may be served with a listed building enforcement notice even if they were not responsible for the works being carried out. A person found guilty of an offence may be liable to a fine of up to £20,000 or six months imprisonment, or both, for each separate offence. On indictment the potential penalties are an unlimited fine, imprisonment of up to two years or both.

In addition, the Council may consider it expedient to issue a listed building enforcement notice, to require remedial works to be carried out. The decision whether to prosecute and or issue an enforcement notice will be based on guidance in the government's document "Best Practice Guidance – Listed Buildings Prosecutions" December 2006.

**(b) Advertisements**

Anyone who displays an advertisement without the appropriate consent is open to a prosecution in the magistrates' court for an offence under Section 224(3) of the Town and Country Planning Act 1990. Unless the offence is particularly flagrant or repeated, the Council may not initially consider it necessary to prosecute for an advertisement offence. The maximum fine on conviction is currently £2,500 with an additional daily fine of one-tenth of the maximum penalty if the offence continues after conviction.

Any form of fly posting (that is, displaying an advertisement on land without the consent of the owner) is an offence. The Council has powers to remove such advertisements, but if the advertisement identifies the advertiser, the Council must give 2 days notice before removal.

In addition to those powers above, in certain circumstances, advertisement discontinuance notices can be issued against advertisements that are being displayed with the benefit of express or deemed consent and which are considered to now have a detrimental impact on the amenity of the area in which they are displayed. These notices can be the subject of appeal and compensation claims.

**(c) Trees and Hedgerows**

The enforcement team works closely with the Council's specialist tree officer on all arboricultural matters. The tree officer should be consulted for advice before any works are carried out to all protected trees, hedgerows and to all trees in a conservation area.

Unauthorised works to trees protected by a tree preservation order can result in fines up to £20,000. Notices can also be served by the Council requiring the replacement of protected trees that have been felled.

Formal notice must be given to the Council before works are carried out to most trees in a conservation area, and before any works are carried out to the majority of hedgerows in the countryside. In these cases the Council has powers to serve notices requiring replacement trees or hedgerows. In particular, the Council has power to issue a hedgerow retention notice. The Council can prosecute persons who remove hedgerows or in any other way fail to comply with any retention notice.

**(d) Other Matters**

As noted above, the Authority will work with the Police and other agencies such as Essex County Council, English Heritage, the “Environment Agency” and “Natural England”, where for example there is damage to wildlife and habitats protected by the Wildlife and Countryside Act 1981, as amended; works to protected Ancient Monuments or offences under the Dealing in Cultural Objects (Offences) Act 2003.

**4.0 SPECIFIC PRIORITIES**

- 4.01 Airport related parking – Due to the location of London Stansted airport within the District there is considerable pressure for well located and convenient parking. This has led to a number of unauthorised sites being developed in the vicinity of the airport. These sites range in size from a few cars to hundreds of cars and can have a serious impact on the appearance and quality of the landscape, the condition of the rural roads and general character of the area. The Council will consider complaints regarding such breaches of planning control in accordance with the priorities listed above depending on the size, scale and harm caused by the parking.
- 4.02 Harm to heritage assets- The district has a significant number of heritage assets including listed buildings, ancient monuments and landscapes. Unauthorised and harmful development can have a detrimental impact on the

character and setting of these assets. The Council will consider using a range of tools to ensure suitable restoration of the buildings. This will include advice and guidance, support for grants, repairs notices and direct action as appropriate.

## **5.0 REVIEW AND AUDIT**

- 5.01 It is anticipated that this policy will be reviewed on an annual basis or sooner if there is a significant change in legislation, national or local policy. At appropriate intervals during the year reports will also be made to the Planning Committee. The status of this policy is guidance and if there is a conflict between this policy and national legislation or policy, then the national legislation or policy will prevail.

## **6.0 EQUAL OPPORTUNITIES**

- 6.01 The Council will ensure that all persons involved in enforcement and compliance matters, including both formal and informal action and advisory visits, whether as complainants, witnesses, developers or landowners, receive fair and equitable treatment irrespective of their race, ethnicity, gender, sexuality, religious beliefs or any disability.

## **7.0 CONTACT DETAILS**

- 7.01 If you need this document in large print, braille, audiotape or other format please contact us. Copies of this document can be obtained from the Councils website.

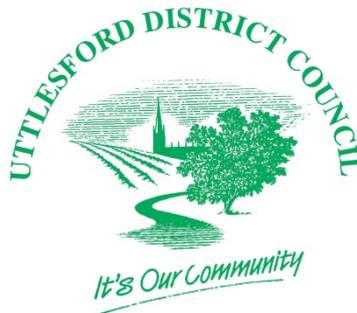
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# **UTTLESFORD DISTRICT COUNCIL**

## **ENVIRONMENTAL HEALTH SERVICES**

### **Enforcement Policy & Operational Procedures for Offences subject to Fixed Penalty Notices**

**Draft Version 1.0**

*Key information on this document*

Purpose: This policy is a general statement of the approaches to be taken regarding specific enforcement activities concerning waste, littering and other environmental offences. It regards to Corporate Enforcement Policy & associated Service Standards.

## Contents

**Part I Overview**

**Part II Fixed Penalty Notices**

**Part III Operational Procedures**

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## Part 1 Overview

### 1. Introduction

- 1.1 Uttlesford District Council's (UDC) Environmental Health Service is responsible for the enforcement of a wide range of law (or statutory provisions) which is centred mostly on securing public health and safety, the regulation of the trading environment and the protection of the environment.
- 1.2 This Policy outlines the service's approach for dealing specifically with waste and street scene legislation and links with the Council's corporate vision to protect and enhance the unique character of the district
- 1.3 This enforcement policy contributes to a number of the key actions to improve the local environment and enhance the street scene by:
- I. Conducting education and enforcement operations to reduce fly-tipping, fouling and littering offences*
  - II. Issuing fixed penalty notices for waste-related offences and prosecuting those where it is in the public's interest to do so.*
  - III. Working with different agencies to reduce the number of illegal waste carriers that operate in the district.*
  - IV. Using CCTV monitoring equipment (both overt and covert) to identify littering and fly-tipping offences.*
- 1.4 This document has regard to UDC's Corporate Enforcement Policy and complies with the Principles of Good Enforcement as laid out within the Regulatory Reform Act 2006. The Policies and operational procedures outlined within this document relate specifically to the following offences
- Littering
  - Fly-tipping (depositing controlled waste on land without the authority of an environmental permit
  - Unauthorised waste carriers/transfers of waste
  - Failure to comply with a notice relating to a waste receptacle
  - Failure to furnish documents ( waste transfer documents) agreements
  - Failing to produce authority to transport controlled waste
  - Dog fouling
  - Smoking in public buildings/vehicles
  - Failure to display no smoking signs in smoke free premises or vehicles
  - Untaxed and abandoned vehicles
  - Graffiti
  - Unauthorised distribution of fliers
  - Flyposting

- Failure to comply with a Community Protection Notice (Low level ASB)
- Failure to comply with Offences under the Council’s Dog Control Order / Public Spaces Protection Order

1.5 In general, the Environmental Health Service aims to educate local residents, businesses and visitors to UDC about how to manage their refuse and recycling properly. This includes advice to commercial and industrial waste producers about how to comply with their “*Duty of Care*” to manage their refuse responsibly under section 34 of the Environmental Protection Act 1990. It also involves encouraging them to use the guidance available from the Government and the Council.

1.6 In general, where education has been provided, offenders claiming ignorance of the law should not expect to be given a second chance before enforcement action is taken. The Council will normally take enforcement action if it is supported by an assessment of the factors listed within section 7 of the Council’s Corporate Enforcement Policy and there is no general requirement to have first provided education.

1.7 Where an offence has been committed, but it is not been possible to identify the perpetrator, the Council will organise a leaflet drop or write to premises within the vicinity to ensure that businesses and residents are aware of the problem and their duty of care responsibilities.

## **2. Partnership Working**

2.1 It is acknowledged that environmental crime, particularly fly tipping, does not recognise administrative boundaries and that for authorities to deal with it effectively co-operation is necessary with other agencies and neighbouring authorities. Where possible the service will take a multi- agency approach for dealing with environmental related policy

## **3. Authorisation and delegation**

3.1 In relation to the legislation, part 3 of the Council’s constitution sets out the delegated authority to:

- commence a prosecution
- authorise named officers for enforcement

#### **4. Training**

4.1 The Council will provide appropriate initial and updated training to all Enforcement Officers and others authorised to undertake environmental enforcement as is deemed necessary to enable them to carry out their duties efficiently and effectively. This will include the following:

- (a) Minimum update training of 5 hours per year for continual professional training.
- (b) Minimum of 10 hours revision training for authorised officers returning to environmental enforcement.
- (c) Minimum of three months monitoring of newly qualified or appointed Officers or Officers returning to environmental enforcement duties after an absence of more than 3 years.

#### **5. Types of Enforcement Action**

5.1 The law allows for different types of enforcement action dependant on the nature and severity of the offence and the quality of the evidence available. Details of the various enforcement options are given within UDCs Corporate Enforcement Policy.

## **Part II Fixed Penalty Notices**

### **1. Introduction**

- 1.1 Notices of opportunity to pay a fixed penalty / fixed penalty notices (referred to as FPNs) can be issued by local authority officers, police officers and police community support officers for certain offences where the legislation permits and where the officer is authorised to do so. These notices provide a quick, visible and effective way of dealing with low-level straightforward offences, and an alternative to prosecution.
- 1.2 A fixed penalty is not a fine. Payment of the penalty by the recipient discharges their liability to conviction for the offence for which the FPN was issued. It does not constitute an admission of guilt, but removes the possibility of the creation of a record of criminal conviction.

### **2. Grounds for Issuing a FPN**

- 2.1 A FPN may only be issued where an officer has reason to believe a person has committed a penalty offence and there is sufficient evidence to support a successful prosecution.
- 2.2 An officer may issue a FPN where the offence is of a nature suitable for being dealt with by a FPN. FPNs are designed to deal with low-level offending. When considering a case, officers should consider the nature and seriousness of the offence. For example, the use of a FPN is appropriate for most types of littering offences, but, in the case of graffiti and fly-posting, a FPN is only going to be appropriate for offences at the minor end of the scale. The specific offences and the circumstances in which an FPN is appropriate are discussed at Section 9 of this document.
- 2.3 Normally offences resulting in a FPN will be witnessed directly by the officer. However, an officer may consider it appropriate to issue a FPN to a suspect if they have not directly witnessed the offence, but have reliable witness testimony.
- 2.4 Any interview and questioning must be consistent with the practice and procedures established by the Police and Criminal Evidence Act 1984, Code C.

### **3. The Offender**

#### **3.1 A FPN should be issued only where,**

- the alleged offender is compliant and able to understand what is going on, and
- there is sufficient evidence as to his/her identity and place of residence.

- 3.2 A FPN will be appropriate for first-time offenders and ‘one-off’ incidents as it is a low-level disposal and the recipient can avoid obtaining a conviction. Issuing a FPN will also be appropriate because of the extreme improbability that a person once seen committing an offence would be seen on a subsequent occasion, and in such an event, that there would be any accessible record of a previous warning which may have been given by another agency.
- 3.3 A FPN is a means of changing offending behaviour and may be an appropriate response where a warning or a caution might have been considered.
- 3.4 Where a suspect is not co-operative, consideration should be given to an alternative disposal (e.g. prosecution and/or police involvement). FPNs must be issued to *and* received by the suspect. If an intended recipient of a FPN refuses, after being warned, to give a correct name and address, and identity can be established through other means, i.e. by the police, he/she should be reported for prosecution, rather than given a FPN. It is a specific offence for a person to whom an officer proposes to issue a litter or fly-posting FPN, to fail to provide the officer with their name and address, or to give false details.
- 3.5 A FPN *will not* be appropriate:
- Where a penalty offence is known to have been committed in association with another non-fixed penalty offence. Both offences should be charged together.
  - Where an offender is **threatening, abusive or violent** to the officer. Where an alleged offender becomes aggressive or violent, the officer should ensure their own safety and seek help from the police. The offender would be dealt with by way of prosecution, either by the police or the Authority.
- 3.6 FPN *may not* be appropriate:
- Where a suspect appears to be unable to understand what is being offered to them (for example, where the suspect is deaf), or there is doubt about their ability to understand English. Where such circumstances arise every effort should be made to solicit/impart the required information.
  - Where the officer has reason to believe that the person is impaired by the influence of drugs or alcohol. If the officer is satisfied as to a person’s identity and place of residence, it may be appropriate to consider giving FPN at a later time. (Police should consider the appropriateness of exercising powers under section 24 of the Police and Criminal Evidence Act 1984).
  - Where no satisfactory address exists for enforcement purposes. This may be where the officer has reason to believe that the suspect is homeless or sleeping rough, or where the suspect is a non-resident foreign national (i.e. not British or Northern Irish).

- Where the suspect's behaviour suggests they have learning disabilities or mental disorder. The officer should question whether issuing a FPN and (as it will probably go unpaid) prosecution is in the public interest. (Note the effect of section 77 of the Police and Criminal Evidence Act 1984).
  - Where it is known that the suspect has a previous relevant conviction or caution, or has previously been issued with an FPN (for the offence), particularly if they have not paid. The officer should inform the offender that (s)he will be reported with a view to prosecution.
- 3.7 Where possible, FPNs should be issued on the spot, however, they can be issued by post where it is appropriate to do so.

#### **4. Issuing the FPN**

- 4.1 The officer will approach the alleged offender, identify him/herself and tell the person, in simple terms that they have been seen committing an offence. The person will then be spoken with to obtain their name, address and date of birth. These details will be verified as far as practicable, and the FPN will then be issued. Documentary evidence of identity and place of residence will be requested, but not demanded, and will be preferable to non-physical checks such as the electoral register. Failure to identify a suspect prior to issue could invalidate enforcement. Police assistance will be sought where necessary. The officer must record the suspect's forename, surname, address, post-code and date of birth on the FPN. These are required for processing purposes.
- 4.2 Prior to issuing, the Officer of the Council must have all information available in the form of PACE notes, statements, images and any other supporting evidence to justify service as this information may be called upon and be subject to scrutiny should the matter progress to court
- 4.3 It is anticipated to avoid confrontation that the FPN will be posted to the offender. When the FPN is issued, the officer should explain that it provides an opportunity to avoid liability to prosecution, and will draw the person's attention to the relevant points about making payment. The officer will advise the recipient of the FPN that in the event of non-payment, they will be prosecuted for the offence.
- 4.4 A person who refuses to accept a FPN from the officer must be informed that (s)he will be reported for the offence in question and may be prosecuted.
- 4.5 Officers will not accept payment of a fixed penalty anywhere other than at the offices of Uttlesford District Council in Saffron Walden.

## **5. Disputes about Enforcement**

- 5.1 Once a FPN has been issued the recipient may decide to phone or write in pleading mitigation or contesting the fact that a FPN was issued. An alleged offender contesting a FPN should be advised that there is no obligation to pay a fixed penalty and there is no formal appeal procedure. A FPN is an invitation for someone to cancel their liability to prosecution by paying a fixed penalty within the suspended enforcement period.
- 5.2 Whilst the Authority should review the facts of a particular case when invited, the opportunity to challenge the allegation and plead not guilty to the alleged offence at an independent hearing is open to the recipient of the FPN. This will be by way of prosecution and trial in a magistrates' court.
- 5.3 Any person wishing to complain about the FPN must do so in writing. Such letters may help identify any issues that need resolving or investigating before a case comes to court. Arguments over the law, the amount of the fixed penalty, etc. will not be relevant, but claims that a defence applies will.
- 5.4 Only in occasional circumstances will it be appropriate to withdraw a FPN or not proceed to summons on non-payment. This may be when information that was not available at the time the FPN was issued becomes available and it is determined that the offence to which the notice relates was not committed, that it would not be in the public interest to prosecute, or that the notice should not have been issued to the person who is named in the notice.
- 5.5 Payment of a fixed penalty by instalments will not be accepted. In cases of demonstrable hardship, consideration may be given by a senior officer to extending the suspended enforcement period and delaying the issue of summons, although there is no legal basis for this.

## **6. Issuing Fixed Penalty Notices to Young Persons Aged 10 – 17**

- 6.1 A local authority FPN can be issued to anyone over the age of 10. Parents and guardians are not responsible in law for paying fixed penalties issued to young offenders (in this respect FPNs differ from police issued penalty notices for disorder (PNDs)). However, a court before which a young person appears can order the parent/guardian to pay any fine it may impose.
- 6.2 Children's service authorities, including local authorities and police, are under a duty under the Children Act 2004 to discharge their functions having regard to the need to safeguard and uphold the welfare of children. In the youth justice system, prosecution is a measure of last resort, and usually follows a reprimand and final warning.

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### DRAFT Environmental Health – Policy & Procedures for offences subject to FPNs

- 6.3 A FPN *will not* be appropriate where a young person's behaviour suggests they have learning disabilities, or they suffer from a vulnerability that impairs his or her understanding of what goes on. In such cases the matter should be referred to the Youth Offending Team and Children's Services. Any action in respect of the alleged offence can be decided on later.
- 6.4 The following guidance (6.5 to 6.10) does not extend to criminal damage offences committed by young persons or any indictable offences. The disposal in those cases should be determined in conjunction with the police. The following paragraphs do apply to littering, fly-posting and offences under public space protection orders (including dog fouling).
- 6.5 The officer will establish the identity of the alleged offender and details of the offender's home and parents or legal guardians.. On further enquiry it will be decided whether to issue a FPN or refer the youth to a Youth Offending Team (YOT) diversion programme. The latter may be suitable where the youth and his family have limited means of income and the youth is at risk of getting involved in further anti-social behaviour. A FPN **must not** be issued to anyone who is under 10 years of age as they are below the age of criminal responsibility.
- 6.6 Subject to paragraph 6.7 below, if the 10 to 17 year old is a first-time offender a warning letter will be sent to him/her and his/her parent/guardian. If the offence is the youth's second offence, a FPN will be issued.
- 6.7 Sometimes the behaviour of someone under 18 years of age may warrant more than a mere warning. Examples may include being abusive or antagonistic behaviour to the authorised officer. Alternatively, the alleged offender may be known (for example following an address check by police) to be involved in other criminal activity and a letter would not effectively challenge their conduct. A FPN, or with police involvement, a Police Reprimand or Final Warning, should be considered instead. Where a FPN is issued and the matter is not referred to the police, the officer should complete a confidential report to be attached to the FPN explaining why he/she came to the decision to issue a FPN. This may include details based on local knowledge or aggravating factors, or knowledge of previous offending by an individual
- 6.8 In the case of a 16 or 17 year old, the FPN may be issued at the scene where it would be in accordance with this policy. The officer or administration will notify the offender's parent or legal guardian by letter.
- 6.9 FPNs issued to under 16s will be either issued in person with a parent or legal guardian present, or sent to the alleged offender under cover of a letter, which will also be copied to the parent/guardian. FPNs for under 16s will not be issued on the spot.
- 6.10 Only on non-payment of a FPN, on a further occasion being caught littering, or where paragraph 6.7 above applies, would prosecution of a youth under 18 years of age be considered.

6.11 The YOT will be informed of all FPNs and warning letters issued to under 18s. Officers will inform the offender that information will be shared with their local YOT.

## **7. Unpaid or Challenge Fixed Penalty Notices**

- 7.1 If the person either refuses to accept a FPN or, having accepted such a notice, does not pay before the end of suspended enforcement period (14 days), a final reminder letter will be issued giving a further seven days' notice. If the fixed penalty remains unpaid, the matter will result in prosecution (unless there is good reason otherwise). To ensure the credibility of a FPN scheme, the assumption will be that all cases involving non-payment will be referred to court.
- 7.2 Where a fixed penalty is refused, not paid, or challenged, the process defaults to a standard prosecution and the officer who issued the FPN will be notified.
- 7.3 It is the responsibility of the officer who issued the FPN to ensure that all witness statements and exhibits, including any record of interview, are sent to the relevant administration officer. This should be done within two weeks of notification.
- 7.4 Each case will be reviewed by senior officers, and if necessary solicitors, applying the evidential and public interest tests before a prosecution is commenced.

## **8. Dealing with the non-cooperative, aggressive or violent persons**

### **8.1 The non-cooperative**

If someone is non-cooperative, for example is unwilling to give their details, they should be reminded that failing to do so constitutes a further offence and could be prosecuted in the magistrates' court for the offence that they are alleged to have committed, along with the further offence of failing to provide their details.

### **8.2 The aggressive**

Those who are aggressive, use offensive or threatening language or behaviour should not be offered a FPN. If their identity can be secured, without the enforcing officer putting themselves at risk, this should be obtained.

The details of the offence, along with a full account of the exchange that took place when challenged, should be recorded in the officer's notebook (as well as any incident form) and prosecution pursued in the magistrates' court where the events of the 'confrontation' should be put before the court so that the magistrates are aware of the aggravating circumstances.

### **8.3 The violent**

An alleged offender who is violent towards an officer will not be offered a FPN. The officer should secure their own safety, and police should be involved. Prosecution will follow for charges that suitably reflect the offense.

## **9. Dealing with offenders who refuse to give details or who give false details**

Offences involving obstruction of officers are normally dealt with by way of prosecution. In terms of fixed penalty offences, officers should note the following guidance:

- I. Offender refuses to give details or gives false details, but provides correct details after being warned, or before police arrive – it is considered appropriate to offer and issue an FPN.
- II. Offender gives correct details only after being required to do so by a police officer – report for summons for the original offence and for the offence of failing to give details or giving false details.
- III. Offender gives false/inaccurate details, FPN is issued at time, and is subsequently paid – no further action.
- IV. Offender gives false/inaccurate details, FPN is issued at time and not paid, and enquiries identify the offender – report for summons for the original offence and for the offence of giving false details.

## Part III                      Operational Procedures

### 1. Introduction

1.1 The following outlined operational procedures / strategies will be employed to tackle the environmental issues identified within the district. These will be updated on a regular basis to ensure we are up to date with the best practice and are in line with national campaigns and guidance. In line with the corporate enforcement policy a graduated approach to enforcement will be adopted and each case will be considered on its own merits.

### 2. Littering Offences

2.1 Tackling littering and dog fouling is a priority for the Council. In line with the Litter Strategy for England, the Council wants to create a culture where it is totally unacceptable to drop litter and allow dogs to foul without cleaning up the mess. The following approach will typically be used for dealing with these complaints

2.2 The offence under s.87 of the Environmental Protection Act 1990, as amended in 2005, applies to all places that are open to the air, including private open land, and land covered by water.

2.3 A person does not commit a littering offence if they leave litter on their own land or if they have the permission of the landowner to leave litter.

2.4 **Litter** is not defined, but **includes** cans, bottles, confectionary wrappers, food and drink containers, chewing gum, plastic bags, till receipts, leftover food, cigarette and cigar ends and flyers.

2.5 The authorised officer must be satisfied that the two elements of the offence have been committed, namely that a person has thrown down, dropped or otherwise deposited any litter, and left it. The offence is made out when a person intentionally discards something and walks away.

2.6 Hot spots will be identified through complaints received from residents, feedback from surveys and officer inspections.

2.7 Officers will inspect to ensure that adequate signage is provided and fouling bins are in the vicinity. Appropriate additional or temporary signage may be sought

2.8 Where appropriate “report it” cards will be delivered to local residents asking for their co-operation in bringing about a reduction in fouling. This will include the collection of intelligence from local residents to identify perpetrators.

- 2.9 Where justified and subject to resource being made available, overt surveillance may be adopted. This may be in the form of deployed mobile cameras and / or officer patrols.
- 2.10 When appropriate, PACE interviews will be conducted from evidence received from a third party, FPNs will be issued for first offences where the witness statement and evidence is robust and conviction would be likely should prosecution prove necessary.
- 2.11 When an incident of dog fouling or littering is observed in the course of normal duties, for first offences a FPN will be issued.
- 2.12 Where complaints are received relating private land / property, the use of community Protection Warnings and Notices will be pursued under the Anti-Social Behaviour Crime & Policing Act 2014.
- 2.13 Offenders who litter from vehicles often do so in a neighbourhood which is not their own. Registration details will be taken and driver details will be established. Action will be pursued where possible.

### **3. Fly Tipping and Duty of Care**

- 3.1 Section 33(1)(a) of the Environmental Protection Act 1990 prohibits a person from depositing controlled waste or extractive waste in or on any land unless in accordance with an environmental permit.
- 3.2 As per guidance from the Department of Environment, Food and Rural Affairs, a FPN is not appropriate for operators in the waste management industry, repeat offenders, or those responsible for large-scale fly-tipping or the fly-tipping of hazardous waste.
- 3.3 A FPN may be appropriate where the offence is one involving low ‘criminality’ and very limited adverse effects on the local environment and on amenity value. Officers will therefore consider culpability and harm and make a determination on whether a FPN, caution or prosecution is appropriate in all the circumstances. A FPN is most likely to be offered for offences committed negligently or recklessly and not where someone has deliberately driven somewhere to fly-tip. The decision will be made in conjunction with the investigating officers’ supervision.
- 3.4 A FPN may therefore be appropriate in the following circumstances:
- Household waste deposited on the highway outside the property, and the origin is easily identified;
    - Domestic DIY waste or items of furniture where no ‘special’ collection has been arranged and no skip is in use;

- Small quantities of trade waste from a micro-enterprise (i.e. four bags or less) where there is no trade waste agreement in place or where the waste collection contract is insufficient and accordingly the waste is not collected by the contractor;
- Small quantities of waste (i.e. four bags or less of domestic waste) deposited in, for example the grounds of a void property, near to the place of production;
- Small quantities of un-bagged garden waste deposited on, for example, a railway embankment, adjoining the place of production;
- Waste deposited in someone else's skip on the highway without the hirer's permission.
- Garden waste deposited onto land adjoining the garden;
- Deposits at household waste recycling sites that would be in contravention of the conditions of the site's authorisation (environmental permit)

3.5 A FPN will not (normally) be considered where:

- the person has a relevant conviction or caution;
- the person is a holder of an environmental permit or registration or is otherwise purporting to be operating a business handling waste, whether authorised or not;
- a person has fly-tipped waste from a vehicle;
- the waste in question is liquid, hazardous or clinical waste;
- waste has entered a watercourse;
- waste has affected land with value in terms of recreational or agricultural use, or of historical, landscape or nature conservation interest

3.6 All fly tips will be investigated to try to establish the source. Where any evidence is found, it will be fully investigated and where appropriate the offender will be issued with a FPN or prosecuted.

3.7 In most cases suspected persons or those considered responsible will be invited in for a PACE interview as part of the investigation.

3.8 Signs will be placed at hot spots to inform residents / visitors that offenders will be prosecuted

3.10 Following exercises to educate businesses, Duty of Care inspections will be made to establish premises have correct procedures for dealing with trade waste.

3.11 Officers will target premises for duty of care inspections where a particular type of waste is fly tipped. Waste transfer notes will be requested and FPN's may be issued if records are not accurate or businesses have failed to take responsibility for the correct disposal of their trade waste.

3.12 Where appropriate Officers will participate in joint investigations and exercises with other appropriate agencies such as the Police & Environment Agency to target suspected offenders or high priority premises. This could include stop and search measures, vehicle seizures etc. by the appropriate authority

#### **4. Community Protection Notice**

4.1 The Anti-social Behaviour, Crime and Policing Act 2014 (ASBCPA) consolidates and simplifies a number of tools available to the Police and Councils to counter anti-social behaviour. Part 4 allows the Council or Police to stop a person or body to stop conduct which unacceptably affects the community.

4.2 If the Council concludes that an issue is persistent, unreasonable and has a detrimental effect on the quality of life of those in the locality a Community Protection Warning (CPW), followed by a Community Protection Notice (CPN) can be served. The Notice can require them to

- Stop doing specific things and/or
- To do specific things and/or
- To take reasonable steps to achieve a specified result

4.3 Failure to comply with a CPN can result in a FPN or prosecution

4.4 Some issues which may fall under this behaviour may include

- Untidy land
- Rubbish and other waste related matters
- Anti-social behaviour
- On-going issues with stray dogs.
- Graffiti
- Noise

4.5 The investigating officer must first establish that it meets the criteria above; this could be by way of receiving a complaint from a member of the public.

4.6 When reasonably satisfied that the behaviour is unreasonable and is having a detrimental effect on the quality of life of those in the locality a CPW would be sent to the person/persons causing the unreasonable behaviour. The warning notice would set out clear guidance on what changes needed to be made and, depending on the issue, would allow a reasonable amount of time to complete the request

4.7 If the warning notice period ends and the actions haven't been completed the officer would then obtain the relevant evidence to establish that the issue is still meets the tests of a CPN. Suitable evidence will be sought to justify service based on balance of possibilities. Once satisfied that this is the case they would then serve a CPN. The notice allows a further reasonable time frame to

complete the requested work and clearly sets out what the next action would be.

- 4.8 For non-compliance, the default position would be to issue an FPN unless there are good reasons to prosecute.
- 4.9 Officers shall have reference to the ASBCPA 2014 statutory guidance at all times.

## **5. Public Space Protection Order / Dog Control Orders**

- 5.1 Dog Control Orders were made under the Clean Neighbourhoods and Environment Act 2005 that has now been repealed and replaced by the Anti-social Behaviour, Crime and Policing Act 2014. Dog Control Orders will automatically become PSPOs in October 2017.
- 5.2 Currently, UDC has no designated PSPOs but the Council does have the following orders in place under the Dog Control Order Regulations
1. Removal of Dog Faeces from land forthwith
  2. Keeping of Dogs on leads by directions
  3. Exclusion of Dogs from Land
- 5.3 Points 1 and 2 apply to all land within the district of Uttlesford, which is open to the air and to which the public are entitled or permitted to have access. Point 3, in the main, applies to recreational and children's play areas.
- 5.4 In general the approach to tackle breaches of PSPOs & Dog Control Orders is outlined below.
- 5.5 Complaints shall be responded to within 3 working days.
- 5.6 Signage will be checked and if necessary additional signage put up highlighting restrictions.
- 5.7 Where appropriate "Report it\*" cards will be delivered to local residents asking for their co-operation. This will include the collection of intelligence from local residents to identify perpetrators
- 5.8 Where resources allow, Officers will monitor activity at the site.
- 5.9 If problems continue and where resources allow, the use of surveillance cameras will be considered to catch offenders. More prolonged and sustained monitoring of the site will also be conducted.
- 5.10 PACE interviews will be conducted using evidence received from a third party, for first offences FPN's will be issued where the evidence is robust and conviction would be likely should prosecution prove necessary.

- 5.11 When a breach of the Order is observed in the course of normal duties then a FPN will be issued for the first occasion. For repeat offences, consideration will be given to prosecute, should it meet the public's interest tests.
- 5.12 If the recipient of the FPN is non co-operative and unlikely to be deterred and/or who has been issued with a FPN in the past, a prosecution may be appropriate.
- 5.13 If a person decides to clear up the dog faeces after the intervention of an officer, it will not be sufficient for an FPN not to be issued. Such action would be recorded and noted in the event of a subsequent prosecution. The requirement is to remove the faeces forthwith, i.e. immediately. The offence does not apply to persons who are registered blind or to a person who has a disability which affects his/her mobility, manual dexterity, physical co-ordination or ability to lift, carry or move everyday objects, in respect of a dog trained by a prescribed charity and upon which (s)he relies for assistance.
- 5.14 It should be noted that a person who habitually has a dog in his/her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog. Therefore a FPN may be issued to the head of the house in the case of a stray.

## **6. Graffiti**

- 6.1 UDC does not have a significant problem with incidents of graffiti, however, graffiti is considered to be criminal damage and the Council will take robust action where perpetrators are identified.
- 6.2 Where non offensive graffiti is on private land or property, a 28 day notice (to remove graffiti will be issued to the person responsible for the property. This notice is given under the Anti-Social Behaviour Act 2003.
- 6.3 Graffiti will be photographed and frequently seen tags will be referred to the Community Safety Team who will work with local schools and the police to identify offenders.
- 6.4 FPN's may be issues in accordance with the guidelines provided within Part II.
- 6.5 Where an officer has reason to suspect a person of causing graffiti, but has no direct evidence a warning notice will be issued under Part 4 of the Anti-social behaviour, Crime and Policing Act 2014.

## **7. Abandoned Vehicles & Untaxed Vehicles**

- 7.1 To develop a more effective service UDC Enforcement Officers have been authorised by the DVLA to identify and take action to remove abandoned and untaxed vehicles from the highway and council owned public car parks.
- 7.2 Reports of abandoned vehicles will be investigated within 5 working days. Officers will determine if the vehicle is abandoned through DVLA registration checks, locality of keeper relative to vehicle, state of vehicle, length of time in place.
- 7.3 Burnt out and dangerous vehicles will be removed within 24 hours
- 7.4 If the vehicle appears to be abandoned, a notice of the council's intention to remove is attached to each vehicle. This notice will usually require removal within 15 days. A letter will be sent to the registered keeper of the vehicle informing him/her of the notice.
- 7.5 Failure to remove the vehicle will result in the council removing the vehicle.
- 7.6 Officers will investigate who has abandoned the vehicle and where appropriate (first offence only) issue a FPN on the registered keeper.
- 7.7 Where appropriate, registered keeper of the vehicle will be invited in for an interview under caution
- 7.8 If the vehicle has not been claimed by the registered keeper or his/her representative then the vehicle will be scrapped after 7days.
- 7.9 If a vehicle is reported as untaxed, the officer will follow the rules set out by the DVLA to establish how and when it will be removed.

## **8 Fly Posting**

- 8.1 Random and unauthorised advertising on lamp posts, highway infrastructure such as traffic lights, telecoms cabinets is known as 'flyposting'. Flyposting is illegal, unsightly and can make areas look unsafe and uncared for. A-boards and signage installed into highway verges are enforced by Essex County Council who are the Highway Authority.
- 8.2 Therefore the following approach will be used in relation to reducing incidents of fly posting.
- 8.3 All fly posters will be removed immediately when they are seen or within five working days of being reported. This will not include charitable events or signage which has been granted permission to be installed by Essex County Council.

- 8.4 All fly posting will be investigated, warning letters will be issued where possible advising offenders of further action, which could include a FPN being issued for each fly posting incident (i.e. for each poster).
- 8.5 Where offenders are witnessed installing a fly poster, officers will have discretion over the appropriateness and level of enforcement action impact on the offence. The default position will be to issue a FPN for first offences. A statement will be required if the offence is witnessed by a third party. This could then lead to a FPN being issued.
- 8.6 Where signs are fixed to private property the owner will be consulted /asked to remove them.

## **9 Unauthorised distribution of printed matter**

- 9.1 Examples would include leaflets handed out on the street or placed under car windscreen wipers.
- 9.2 All first occasion offences witnessed shall be followed up with a Community Protection Warning and consideration will be given to issuing a FPN under schedule 3A of the EPA 90, depending on the response of the alleged offender and severity of the offence.
- 9.3 Community Protection Warning notices will be issued where an offence has been committed but not witnessed.
- 9.4 Where printed matter continues to be distributed an FPN & Community Protection Warning notice may be issued for first offences even if the distribution has not been witnessed.

## **10. Nuisance Vehicles**

- 10.1 It is illegal to sell two or more vehicles on the road within 500 metres of each other as part of a business. These are considered to be nuisance vehicles. Repairing vehicles on the highway can also be deemed to be a nuisance. Therefore the following approach will be used:
- 10.2 At the initial visit, where appropriate owners will be educated on the law. A letter and Community Protection Warning Notice may be issued.
- 10.3 If the request has not been complied with then a FPN under .6(1) Clean Neighbourhoods and Environment Act 2005 may be issued for first offence. Aa Community Protection Notice shall also be issued.

## **11. Failing to produce authority -**

- 11.1 Under the Control of Pollution (Amendment) Act 1989, section 5B it is an offence to carry waste without the necessary authority for transporting waste. Anyone that transfers waste for business purposes must have a waste carrier's licence. The licence holder will issue a waste transfer note to anyone that instructs them to take away controlled waste
- 11.2 A FPN will be the normal disposal for an offence of failing to produce an authority (certificate of registration) to transport controlled waste.
- 11.3 If a person fails to produce an authority because he is not registered as a carrier of controlled waste (and is neither exempt nor excluded from the need to be so registered), the Authority will, subject to below, consider prosecution of that person.
- 11.4 A caution will be offered where:
- The person genuinely appears to be unaware of the requirement to register, and
  - After being advised that he or she was required to be registered as a carrier of controlled waste, makes an application to the Environment Agency to become registered within the 7-day period provided by the section 5 'producer' notice.
- 11.5 A FPN may be offered where there has been no communication from the carrier within the 7-day period.
- 11.6 A FPN or caution will not be considered where:
- the person has a relevant conviction or caution;
  - the person has had their registration revoked or refused;
  - the waste being carried is liquid, hazardous or clinical waste;
  - the person has previously been issued with an FPN for this offence;
  - there is concern over where the waste was disposed of.

## **12. Failing to produce transfer notes**

- 12.1 Under section 34(6) of Environmental Protection Act 1990, it is an offence to fail to produce waste transfer notes – An FPN will be the normal disposal route for a first-time offence of failing to produce documents (waste transfer notes) as required by a notice under the Waste (England and Wales) Regulations 2011.
- 12.2 A FPN *will not* be appropriate in cases where the offence is symptomatic of repeated regulatory breaches or part of a series of offences. In cases where this offence is associated with another offence for which prosecution would normally be considered, both offences should be charged together. For example where waste is found fly-tipped by unknown persons and on enquiry the producer is identified and subsequently fails to produce transfer notes.

12.3 A FPN or caution will not be issued where:

- the person has a relevant conviction or caution, or has previously been issued with an FPN for this offence;
- the waste produced is hazardous or clinical waste;
- over a long time, large amounts of waste are involved from a medium to large enterprise

### **13. Failing to comply with notice relating to waste receptacle (S.46 & S.47**

13.1 Under s.46 or 47 of the Environmental Protection Act 1990 concerning the presentation of waste for collection.

13.2 Under S.47 This offence only applies to an occupier of a premise who produces commercial or industrial waste and is subject to a notice under section 47 of the EPA. Section 46 relates to the displaying of waste for domestic households.

13.3 If it appears to a waste collection authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or to be detrimental to the amenities of the locality, the authority may, by notice served on him, require the occupier of the premises to provide at the premises receptacles for the storage of such waste of a kind and number specified

13.4 Section 46 provides that, where a waste collection authority has a duty by virtue of section 45(1)(a) to arrange for the collection of household waste the authority may require the occupier to place the waste for collection in receptacles of a kind and number specified. This applies to all household waste where there is a collection duty, not just domestic waste.

13.5 Section 46 is an administrative rather than enforcement provision. Accordingly, an authority can serve a notice specifying how waste has to be contained in i.e. bins or bags and when to display waste.. There does not have to have been a problem with waste at the premises.

### **14. Smoke free**

14.1 Provisions under the Health Act 2006, to seek to protect people working in or visiting enclosed or substantial enclosed workplaces and public places from exposure to second hand smoke.

14.2 FPNs can be issued for the following offences under the provisions of the Health Act 2006, namely:

- Failure to display no-smoking sign in a smoke free premise or vehicle (to be issued to the occupier or manager)

**Uttlesford District Council**

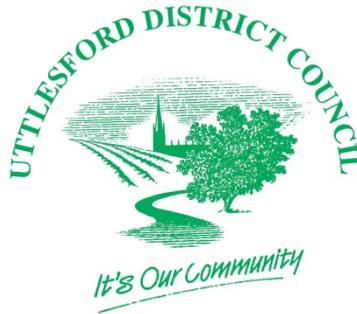
**DRAFT Environmental Health – Policy & Procedures for offences subject to FPNs**

- A person who smokes in a smoke free place or vehicle
- A person having management control of a smoke free premises or vehicle who fails to stop a person from smoking there ( manager or person in control)

14.3 FPNs will be issue, unless the person charged could show that (s)he did not know and could not reasonably have expected to know that the premises/place/vehicle were smoke free. In the case of failure to display no smoking signs, that they did not know and could not reasonably have been expected to know, that no smoking signs were complying with the requirements were not being displayed in accordance with the requirements. For the management offence that they took reasonable steps to cause that person in question to stop smoking.

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# **UTTLESFORD DISTRICT COUNCIL ENVIRONMENTAL HEALTH SERVICES**

## **Enforcement Policy – Premises Licensing**

**Draft Version 1.0**

*Key information on this document*

Purpose: This policy is a general statement of the approaches to be taken regarding specific enforcement activities concerning waste, littering and other environmental offences. It regards to Corporate Enforcement Policy & associated Service Standards.

## **Introduction**

Uttlesford District Councils Environmental Health & Licensing Service is responsible for the enforcement of a wide range of law (or statutory provisions) which is centred mostly on securing public health and safety, the regulation of the trading environment and the protection of the environment.

This document has regards to UDC's Corporate Enforcement Policy and complies with the Principles of Good Enforcement as laid out within the Regulatory Reform Act 2006. This policy explains our approach to regulatory activity, how we expect to deal with businesses, societies, clubs, charities and individuals and what happens when we find infringements of the law. For enforcement to be fair it is important that we are open and clear about the basis on which we take action.

UDC is committed to protecting the public, particularly those who may be especially vulnerable, promoting safety and welfare and enhancing the quality of life of all residents, workers and visitors to the district.

Our licensing service covers the following areas of law:

- Licensing Act 2003
- Gambling Act 2005
- Street Trading
- Taxi Legislation (Enforcement under separate review)
- Scrap Metal licensing
- Tables and Chairs licensing
- Sex licensing

### **1. Service Standards**

When we receive an enquiry we aim to respond within three working days to phone messages and five working days to emails. Letters and complex matters may take longer and we will aim to give a full reply or progress report within 10 working days.

### **2. Licensed Premises**

Licensing Act 2003: The Licensing Authority is required to promote the following objectives in relation to premises and people licensed under the Act:

- preventing crime and disorder
- protecting public safety
- preventing nuisance
- protecting children from harm

The Licensing Authority recognises the interests of both residents and businesses and will work closely, with partner agencies, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

The Licensing Authority will establish an enforcement protocol with Essex Police, HM Border Force, Essex County Fire and Rescue Service, Essex County Licensing Authority Trading

Standards, Environmental Health and the council's Enforcement Team on enforcement issues. This protocol will provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated. A draft of the protocol can be viewed on the Licensing Authority's website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). Hard copies are available on request

### **3. Compliance and Enforcement Actions**

The Environmental Health & Licensing Service will where possible adopt positive incentives. Action will be taken where appropriate but there will be discussion with the business first unless immediate action is warranted or delay would defeat the object of the enforcement action. Targeted inspection programmes mean that effort is focussed in the worst performing businesses and that those which remain broadly compliant already receive a lighter touch.

The Council will base any enforcement action on the principles that businesses should:

- Be clear about the issues that have made enforcement action necessary
- Receive clear explanations from Officers of what they need to do and by when;
- Have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
- Receive an explanation of their rights of appeal

The decision to take enforcement action by authorised officers must be made on a case by case basis. Officers are faced with many variables when making decisions, such as the severity of the risk/hazard, the attitude and competence of management, the licensees/permit holders compliance history. Decisions on enforcement action are discretionary, involving careful judgment by the officer. To ensure consistency, a case review system is in place so enforcement action should rarely be taken without a decision being discussed, reviewed and documented.

The decision whether to prosecute is delegated to the Environmental Health Manager in consultation with Legal Services. Certain types of formal enforcement action, excluding prosecution, are delegated to the Enforcement Officer.

In accordance with UDCs Corporate Enforcement Policy all regulatory activities will be carried out in a way which is transparent, accountable, proportionate and consistent. Activities will, so far as possible, be targeted only at cases in which action is needed.

### **4. Supporting Business**

Our regulatory activities are focussed upon public safety but also allowing and encouraging economic progress and supporting businesses, individuals and voluntary and community organisations to meet their legal obligations. As part of that we will:

- Keep our regulatory activities and interventions under review to reduce their burden on businesses, clubs and individuals, as much as possible
- Risk assess our regulatory activities so as to target our resources where they will have greatest effect
- Carry out inspections only where there is a reason for doing so, for example, as a response to intelligence or as part of our risk assessment process
- Provide advice when it is requested and to do so pro-actively where this is practicable

- Only require data and information when it is strictly necessary for us in carrying out our regulatory activities

When we find a breach of the law, in the majority of cases we deal with the matter by advice. However, there will always be more serious cases that can only be effectively dealt with in a more formal manner.

Dependent upon the provisions of the particular legislation, we are able to take a variety of actions as outlined in more detail within UDCs Corporate Enforcement Policy; namely

- verbal or written warnings
- indirect action, including referral to another organisation for action
- suspension or revocation of licences or permits
- simple cautions
- prosecution

## **5. Enforcement Decisions**

The Council will expect relevant good practice to be followed. Enforcement decisions will be based on:

- the severity and scale of the actual or potential harm arising from an incident
- the seriousness of any potential breach of the law
- the age and vulnerability of those affected
- the effect of the legislative breach upon the potential persons affected
- the future consequences of failing to address the breach at the present time
- the track record of the licence holder or the business
- the enforcement priorities with both local and national authorities
- the practicality of achieving results
- Any statutory defence
- Any explanation offered & attitude of the alleged offender
- the wider relevance of the incident including serious public concern
- any concurrent or potential action by other services and agencies and the suitability and effect of our action as opposed to combined with theirs in addressing the issues.

The Environmental Health & Licensing Service will have due regard to the advice given in statutory Codes of Practice, strategic plans, statutory & professional guidelines when delivering its service

## **6. Transparency**

Transparency means helping licence/permit holders and prospective licence/permit holders to understand what is expected of them and what they should expect from regulators. It also means making clear to licence/permit holders not only what they have to do but, where this is relevant, what they do not. Officers will always distinguish between statutory requirements and advice or guidance about what is desirable but not compulsory.

Where English is not the first language of those being investigated we may be able to provide translations of our documents or translation services. In some instances we share an enforcement role with other agencies, for example police and trading standards e.g. for

under-age sales of alcohol and in such situations we will share information on our activities with our partner organisations.

## **7. Risk Assessment**

Legislation makes some duties specific and absolute, others require action so far as is reasonably practicable. Deciding what is reasonably practicable to control risks involves the exercise of Officer's judgment. In the final analysis, it is the Courts that determine what is reasonably practicable in a particular case. Where licensees/permit holders must control risks so far as reasonably practicable, the Council will, when considering protective measures taken by them, take account of the degree of risk on the one hand, and on the other the cost, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is a gross disproportion between these factors and that the risk is insignificant in relation to the cost, the licensee/permit holder must take measures and incur costs to reduce the risk.

The Environmental Health & Licensing Service has a system for prioritising inspections according to the risks posed by a licensee/permit holder's operations, which takes account of the hazards and the nature and extent of the risks that arise. We will ensure that our efforts are targeted on businesses where they are most needed and will apply a risk-based approach across all licensing functions.

## **8. Advice and Guidance**

The Environmental Health & Licensing Service will help and encourage businesses to understand and meet regulatory requirements more easily but this does not relieve regulated entities of their responsibility to comply with their obligations under the law.

The Licensing Section is committed to providing general advice for businesses and individuals in an effort to bring about improved standards and places great emphasis on providing clear guidance, information and advice so as to encourage compliance with the legislation. The Council's web site is employed extensively to disseminate up to date information.

## **9. Inspections**

It is neither possible nor necessary for the Council to investigate all issues of non-compliance with the law that are uncovered in the course of planned inspections or reported events.

The Environmental Health & Licensing Service will ensure that regulatory effort is focussed on those businesses where non-compliance is likely and impact is high.

Whenever an enforcement decision needs to be made fair regard shall be given to the normal hours of trading of any business under investigation. When necessary, inspections and investigations will be carried out in the early morning, in the evening and at weekends, in order to obtain fair and representative evidence pertaining to the alleged breach(s).

Prior notification of an impending enforcement inspection will not be made where such notification would defeat the purpose for which the inspection was being undertaken.

In conducting investigations the Council will take account of any likely complimentary or shared enforcement roles. We will also refer relevant information to other Regulators where there is a wider regulatory interest.

### **10. Accountability**

The Council also provides an effective corporate complaints procedure. However, periodically, the Environmental Health & Licensing Service will provide consultation opportunities for businesses to provide feedback on business satisfaction matters.

### **11. Referral to another Agency**

Where any matter is found to fall more appropriately under the enforcement regime of another regulatory body or agency, e.g. the Police Authority, the case will be referred to that agency by the Council. In all cases of referred enforcement the person(s) under investigation will be notified in writing by either letter or email by the Council of the reasons for referral.

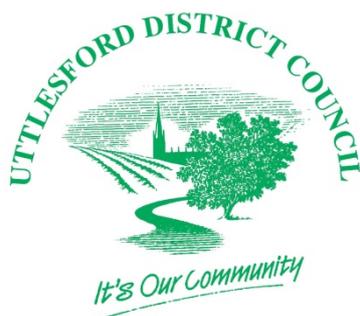
The main enforcement and compliance role of the Licensing Authority in terms of the Act/s will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

### **12. Revisits to Premises**

Following service of a Statutory Notice or a written informal warning and/or advice, officers will revisit the premises, etc to check that compliance has been achieved. For very minor contraventions officers may advise that a check will be carried out at the next routine inspection. The decision on whether a follow-up visit is necessary will be based upon the seriousness of the non-compliance and the likelihood that further formal action will be taken as a direct result of the visit. Where practicable, the officer who undertook the original visit or inspection will carry out the revisit if there are significant breaches of legislation.

### **13. Equal Opportunities**

Full regard will be taken of the Council's Equality and Diversity policies when applying the Licensing Enforcement Policy.



**UTTLESFORD DISTRICT COUNCIL**  
**COUNCIL TAX, BUSINESS RATES AND**  
**LOCAL COUNCIL TAX SUPPORT**

**Anti-Fraud Enforcement Policy**

## **COUNCIL TAX, BUSINESS RATES AND LOCAL COUNCIL TAX SUPPORT ANTI FRAUD POLICY**

### **1. Introduction**

#### 1.1

Uttlesford District Council is committed to protecting the public funds through its action against Local Taxation fraud. This document sets out the Council's policy towards prosecution and other sanctions available for Council Tax, Local Council Tax Support and Business Rates fraud offences. The policy forms an integral part of the Council's overall strategy to prevent, detect and deter fraud promoting high standards of governance and accountability.

#### 1.2

The decision to prosecute is a serious step. Fair and effective prosecution is essential to the maintenance of law and order. This document serves as a policy statement for Members of the Council, and as an operational guide for those involved in the decision making process.

### **2. Policy Statement**

#### 2.1

The Council will not tolerate abuse of the Council Tax/Business Rates & Local Council Tax Support discounts, exemptions or reliefs schemes by council tax payers, business rate payers or internally by staff. The Council will take an active stance against those that abuse the Local Taxation system as this abuse directly increases local taxation for people in the fraudsters own communities and neighbourhoods any reasonable allegations of fraud will be vigorously investigated.

#### 2.2

The Council will seek full redress through the law of any internal or external fraudulent activity perpetrated against it. This redress may be actioned through either the Criminal and/or Civil Courts as deemed appropriate.

## 2.3

Where suspected cases of fraud have been investigated, and sufficient evidence has been obtained to sustain a prosecution, the Council will seek to impose one of the following sanctions:

- LGFA 1992 Sch3 penalty
- Welfare Reforms Act 2012 Section 116 Civil Penalty
- An Administrative Penalty
- A Prosecution (*The Fraud Act 2006 or The Council Tax reduction schemes (Detection of Fraud and Enforcement) (England) regulations 2013.*)

The Council may also decide to issue a Caution letter in some circumstances where further sanctions are not deemed necessary. This letter explains why the case was considered by the Compliance Team and why a caution was given. It clarifies that any future changes in circumstance must be notified within the prescribed timeframe.

## 2.4

The Council will continue to work in partnership with other Local Authorities and other agencies to reduce and prevent the incidence of fraud.

Since October 2014 onwards a Single Fraud Investigation Service (SFIS) has taken over the responsibility for the investigation of Housing Benefit fraud. Therefore the Compliance and Fraud Team liaise closely with SFIS regarding the referral. Investigation, and prosecution of fraud cases.

## **3. General Principles**

### 3.1

Each case must be considered on its own facts and merits. However, there are general principles that must be applied in all cases.

### 3.2

Officers tasked with undertaking investigations into allegations of fraud must be Accredited Counter Fraud Specialists (ACFS) and have regard to

all legislation and statutory guidance relating to criminal investigations, including the Police and Criminal Evidence Act 1984, the Code of Practice for Crown Prosecutors and the Criminal Procedure and Investigations Act 1996. **Note:** Relevant legislation and guidance can be found on the [Home Office website](#)

### 3.3

For the purposes of the Human Rights Act 1998 Uttlesford District Council is a public authority. Therefore officers must apply the principles of the European Convention on Human Rights in accordance with the Act. **Note:** Relevant legislation and guidance can be found on the [Home Office website](#)

### 3.4

Officers must not allow any personal views about ethnic or national origin, disability, sex, religious beliefs, age, political views or the sexual orientation of the alleged offender to influence their decisions.

## 4. The Decision Making Process

### 4.1

Where an offence has been committed the Council can consider administering a caution, applying a civil penalty, an administrative penalty or instigating a prosecution. In considering a case for prosecution the Council must be satisfied that the case would qualify for court action on the strength of evidence and the public interest factors. When considering the next step the following guidelines are applied for consideration.

<b>Council Tax &amp; Business Rates cases</b>	
<b>Value of Fraud</b>	<b>Action to be taken</b>
Under £200	No punitive action is taken, A caution is likely to be given in these circumstances
£200 - £1000	A £70 civil penalty is imposed for failure to inform the Council of a change within the 28 day

	timeframe prescribed (Council Tax)
Over £1000	Prosecution will be considered
<b>Local Council Tax Support Cases</b>	
<b>Value of Fraud</b>	<b>Action to be taken</b>
Under £200	No punitive action is taken, A caution is likely to be given in these circumstances
£201 - £500	A £70 civil penalty for Council Tax or £50.00 for Housing Benefit is imposed for failure to inform the Council of a change within the 28 day time frame prescribed
£501 - £1000	Case will be considered for administrative penalty
Over £1000	Prosecution will be considered

The above tables represent guidelines only. Where the Council is considering a prosecution, other factors are also taken into consideration.

Every case is considered individually and on its own merits and circumstance.

## 5. Decision to Prosecute

### 5.1

As a general rule, the Council will consider a case for prosecution if one or more of the following criteria are met.

- the person/company concerned occupies a position of trust
- the person/company has demonstrated a clear intention to defraud
- the person has already received a schedule 3 or Welfare reform Act penalty.
- there is evidence of premeditation or organised fraud
- the person/company has assisted or encouraged others to commit offences
- the person has declined an administrative penalty (Local Council Tax Support)

## 5.2

In all cases the Council must be satisfied that there is a realistic prospect of conviction. Therefore, it is essential that there is sufficient admissible evidence so that a court, properly directed in accordance with the law, is more likely than not to convict the defendant of the alleged offence.

## 5.3

When deciding whether there is enough evidence to prosecute, the Council must consider whether the evidence can be used and is reliable. This is known as the evidential stage.

### **The Evidential Stage**

## 5.4

There must be sufficient evidence to provide a realistic prospect of conviction against each defendant on each recommended charge. The Council needs to prove beyond reasonable doubt that an offence has been committed. In considering the evidence the following factors should be considered:

- (i) Any evidence held should be admissible, reliable and sufficient so that a court properly directed in accordance with the law is more likely to convict than dismiss the case against the defendant.
- (ii) Any circumstances and/or evidence made available to the defence, which could cause a doubt in the prosecution's case.

## 5.5

In deciding the strength of the prosecution case the following factors should be considered:

- (i) The reliability of any admission taking into account the defendant's understanding or lack of understanding of all the circumstances.

(ii) The strength of the evidence of witnesses. The case may be weakened if the defence questions their reliability because of their motive, background, or previous convictions.

(iii) The evidence of the defendant's identity should be strong enough to withstand any questioning by the defence.

## 5.6

If the case does not pass the evidential stage it is unsuitable for prosecution, no matter how serious the allegations are. If the evidential stage has been satisfied, a decision will be made as to whether or not it would be in the public interest to prosecute. Cases that pass the evidential test will not automatically be prosecuted and various factors should be borne in mind when considering whether or not it is in the public interest to do so.

### **Public Interest Factors**

## 5.7

The Public Interest factors can increase the need to prosecute or may suggest an alternative course of action. These factors will vary from case to case and not all the factors will apply to each case. It is a matter of common sense which factors are relevant and which does not apply. In making the decision to prosecute all available information must be carefully and fairly considered.

## 5.8

The Code for Crown Prosecutors should be used as a guide in determining whether or not prosecution is in the Public Interest. The latest copy of the code can be found at [www.cps.gov.uk](http://www.cps.gov.uk). All cases where the evidential and public interest factors have been satisfied should be considered for prosecution if the relevant criterion is met.

## 5.9

Failure to consider Evidential and Public Interest factors when reaching a decision on prosecution can have serious consequences. The laying of criminal information when there is insufficient evidence to do so can

amount to an abuse of the process leaving the prosecutor open to legal action by the intended defendant.

## **6. Alternatives to Prosecution**

### 6.1

#### **Civil Penalty –Council Tax & Housing Benefit**

Schedule 3 of the LGFA 1992 & Welfare Reforms Act 2012 Section 116 provides for a system of civil penalties, which can be imposed by the billing authority where a person fails to comply with certain requirements as to the supply of information; including the notification of information relating to entitlement to discounts, exemptions or Housing Benefit Claims. This will be payable in addition to any adjusted liability or via an invoice.

Further information can be found in the separate Council Tax and Housing Benefit Civil Penalties Policy

#### **The Administrative Penalty – Local Council Tax Support**

### 6.2

Regulation 11 of Council Tax Reduction Scheme (Detection of Fraud & Enforcement) (England) Regulations 2013) (ref: [www.legislation.gov.uk/uksi/2013/501/regulation/11/made](http://www.legislation.gov.uk/uksi/2013/501/regulation/11/made)) allows Local Authorities to issue an administrative penalty as an alternative to prosecution where:

- (i) Grounds exist for instituting proceedings
- (ii) Prosecution is possible but not the preferred option
- (iii) The case is not so serious that prosecution should be considered from the outset and:-
- (iv) The offer of an administrative penalty would not cause severe financial hardship placing vulnerable family members at risk

### 6.3

Administrative Penalties can be issued to:

- (i) Local Council Tax Support Scheme customers who are believed to have committed an offence
- (ii) Employers of Local Council Tax Support claimants who are believed to have committed an offence and where the employer has condoned, hidden or assisted the alleged offender in committing an offence.

## 6.4

### Local Council Tax Support Scheme - Administrative Penalty

This is a financial penalty and can be offered if the following conditions are met:

- (i) A reduction has been given to council tax liability under the Local Council Tax Support Scheme which is greater than that which the customer was entitled, Regulation 11, Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013)
- (ii) The making of the overpayment / excess support was attributable to an act or omission on the part of the defendant.
- (iii) There are grounds for instituting criminal proceedings for an offence relating to the overpayment upon which a penalty is based.
- (iv) It is a first offence where the overpayment is generally below £1000

6.5 If a person declines to agree to pay a penalty, or subsequently changes their mind, the case must then be considered for criminal proceedings unless exceptional circumstances apply.

## **7. Authority to prosecute**

### 7.1

Where a case has been investigated and the investigator believes the case has been proven, the investigator will make recommendation on the appropriate action to be taken. The subsequent recommendation will be reviewed and either approved or rejected by the Revenues Manager.

## 7.2

The Head of Legal Services acting for the Council will make the final decision as to whether a case is suitable for criminal proceedings after taking into consideration the Code of Conduct for Crown Prosecutors and this policy.

## 7.3

The Council will publish details of successful prosecutions on the Council's website.

## 8. Other methods of redress

### 8.1

The Council will refer all suitable cases for financial investigation with a view to applying to the courts for restraint and/or confiscation of identified assets under the Proceeds of Crime Act 2002. (for offences prior to 23/03/03 CJA 1998). **Note:** Relevant legislation and guidance can be found on the [Home Office website](#) a restraint order will prevent a person from dealing with specific assets. A confiscation order will enable the Council to recover its losses from assets which are found to be from the proceeds of crime.

8.2 Where an overpayment arising from fraud is identified the Council will take steps to recover the resultant debt, including taking action in the Civil Courts if necessary, this will be in addition to any sanction it or the Criminal Courts may impose in respect of that fraud.

## 9. Disciplinary

Where a member of staff has received a formal caution, an administrative penalty or has been found guilty by the Court of a benefit fraud offence, the Head of Service will report the matter to Human Resources for consideration of disciplinary action.

**Committee:** Cabinet

**Agenda Item**

**Date:** 18 October 2017

# 12

**Title:** Street Name and Numbering Policy

**Portfolio Holder:** Cllr Susan Barker Cabinet Member for Environmental Services

Key decision: No

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## Summary

1. The Council under the Public Health Act 1925 controls the naming of streets and numbering of buildings in Uttlesford. The purpose of this control is to make sure that any new street names and building names and numbers are allocated logically with a view to ensuring, amongst other things, that emergency service vehicles (ambulances and fire appliances) are able to speedily locate any address to which they may be summoned; and the effective delivery of mail. The Council adopted its current policy in January
2. A proposed revised policy updated to take into account good practice was approved by Cabinet on 26 May 2016. However, it was then called in by Scrutiny Committee which expressed a number of concerns. In the light of these, the previous draft policy has been extensively revised and a further draft is attached to this report.
3. The Scrutiny Committee reviewed this further draft at its meeting on 25 September and welcomed then changes. The proposed policy is now recommended for approval as a consultation draft. The consultation will include town and parish councils. It will be for a period of six weeks commencing 30 October. Representations will be reported back to Cabinet before a final decision is made on adoption of a new policy.

## Recommendations

4. The proposed policy as attached to this report be approved as a consultation draft.

## Financial Implications

5. There are no financial implications arising from this decision. The fees for this service in 2017-18 were approved by the Council as part of the budget setting process.

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

7.

Communication/Consultation	Documents will be made available on the website
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	When the policy is adopted following consultation and review of responses, Cabinet should reaffirm that the Public Health Act 1925 powers in Sections 17 to 19 have been adopted
Sustainability	None
Ward-specific impacts	All
Workforce/Workplace	None

## Situation

8. The Council adopted its current policy in January 2013. The proposed policy updates the current procedure and takes into account good practice. It also responds to feedback that the policy was too prescriptive and that it should identify the statutory basis of requirements. The revised policy now indicates the relevant statutory functions and is less prescriptive. The policy also makes changes relating to the process for renaming streets, in particular removing the previous suggestion that town and parish councils should be responsible for carrying out a ballot.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
If naming conventions are unclear, this can lead to disputes between parties, requiring significant officer time in	1 – there has never been an appeal against the council's decision to the magistrates court	2 – should it happen, officer time would be taken away from other work	Ensure that the policy is fit for purpose and meets the requirements of specific legislation.

negotiations within a tight statutory timeframe			
Whilst acknowledging the concerns of external agencies such as the Royal Mail and the emergency services need to be heeded, local councils may feel that the policy unduly prescribes their ability to ensure that new development reflects the sense of place within a community	3 – this is an issue that town and parish councils feel strongly about	2 – disputes between parties could lead to significant officer time being used as per the above risk	Consider consultation responses from town and parish councils before adopting the new policy

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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# Uttlesford District Council

## STREET NAMING & NUMBERING POLICY

August  
2017

## Contents

1. Introduction
2. Purpose of Policy
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14. Policy Review
15. Contact Details

### Appendices

A: Legislation

B: Consultees and Notifications

## **1. Introduction**

- 1.1 Uttlesford District Council (UDC) is the Authority responsible for the administration of the street naming and numbering process, to ensure that all properties in the district are officially addressed. The address of a property is becoming a very important issue. Organisations such as the Royal Mail, Emergency Services, delivery companies as well as the general public need an efficient and accurate means of locating and referencing properties.
- 1.2 New street names supplied will need to be acceptable to the Local Authority and will be subject to a consultation process with the appropriate Town or Parish Council. Notification will be sent to Ward Councillors, Emergency Services and Royal Mail.
- 1.3 Applications to rename existing streets – Uttlesford as the street naming and numbering authority decide, in principle, whether to support a change in the name of a street. However, consultation with the relevant town or parish council will be undertaken alongside notification to Ward members.
- 1.4 New addresses and amendments to existing addresses are registered by Royal Mail when notified by the Local Authority as the responsible body. Postcodes are allocated by Royal Mail and allocation is made in conjunction with the official addresses initiated by the Local Authority.

## **2. Purpose of Policy**

- 2.1 This policy provides a framework for Uttlesford District Council to operate its street naming and numbering function effectively and efficiently for the benefit of Uttlesford residents, businesses and visitors. It will also act as a guide for developers when considering new names for streets and give assistance to Town or Parish Councils as to material grounds for objecting to proposed names for streets suggested by the developers in the event of disagreement.
- 2.2 This Policy defines:-
  - (i) Legal framework for operation of the Street Naming and numbering service.
  - (ii) Protocols for determining official street names and numbers.

## **3. Legal Framework**

- 3.1 The Legislation under which naming and numbering can be carried out is:
  - Section 21 Public Health Acts Amenity Act 1907 (alteration of street name)

- Sections 17-19 Public Health Act 1925 (naming of streets and alteration and indication of street names)
- Town Improvement Clauses Act 1847 (street naming and numbering provisions)
- Sections 64 and 65 of the Town Improvement Clauses Act 1847 (street numbering).

3.2 Adoption of Section 18 of the Public Health Act 1925 causes Section 21 of the Public Health Acts Amenity Act 1907 automatically to cease to apply. Adoption of section 19 of the 1925 Act causes the street naming provisions in the Town Improvement Clauses Act 1847 to cease to apply.

3.3 Uttlesford District Council has resolved to apply Sections 17 (naming of streets) and 18 (Alteration of name of streets) of the Public Health Act 1925 and Sections 64 (Buildings to be Numbered) and 65 (Numbers to be renewed by occupiers) of the Town Improvement Clauses Act 1847 and until such time as they resolve to disapply them the Authority cannot use the provisions of Section 21 of the Public Health Acts Amendment Act 1907, Section 19 of The Public Health Act 1925 or the Town Improvement Clauses Act 1847 as relates to the naming of streets.

*Relevant extracts are shown in Appendix A.*

#### **4. Street Naming and Numbering Charges**

4.1 The Power to charge falls under Section 93 of the Local Government Act 2003.

This sets out that a local authority may charge for discretionary services. Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision and the charge must not exceed the cost of providing the service.

4.2 Therefore the Council cannot charge for street naming services (since the duty to provide this service is not discretionary), but it can charge for elements of the naming and numbering function (which is a discretionary service) by virtue of Section 64 and 65 of the 1847 Act coupled with Section 93 of the 2003 Act.

4.3 For Street Naming and Numbering this charge covers:

- Consultation and liaising with other external organisations such as Royal Mail, Town or Parish Councils and Emergency Services (as a non statutory element of naming of streets).

- The Naming and numbering of new properties (including conversions).
  - Alterations in either name or numbers to new developments after initial naming and numbering has been undertaken.
  - Notifications to organisations listed in Appendix B
  - Confirmation of addresses.
  - Challenges to existing official naming/numbering schemes/addresses held within the street naming and numbering records.
- 4.4 These charges are to be paid prior to any changes being made. Changes made without contacting the Council will not be officially recognised and will not be registered with services and organisations listed in Appendix B.
- 4.5 The Scale of Charges for Street Naming and Numbering can be found at <https://www.uttlesford.gov.uk/article/1994/Street-Naming-and-Numbering>
- 4.6 Fees and charges applicable for the street naming and numbering service/s will be annually reviewed during the Council's budget setting process and publicised through the Council's agreed communication channels including the website.

## **5. The National Land and Property Gazetteer (NLPG)**

- 5.1 The NLPG is the de facto addressing solution for local authorities and increasingly so for its partners. Local Government has invested heavily in creating the NLPG and is committed to using the NLPG for all of its addressing requirements and services.
- 5.2 The NLPG is the definitive address list that provides unique identification of properties and conforms to the British Standard, BS7666:2006. The NLPG covers the whole of England and Wales and contains more than 30 million residential, business and non-mailing addresses and is now marketed commercially as Ordnance Survey's AddressBase products..
- 5.3 The NLPG is a comprehensive and continually updated database, created by those with local knowledge in each local authority, the body with legal responsibility for street naming and numbering of property. As local authorities are the originators of addressing information an address dataset, developed and maintained at source by users of the data, will inevitably have the highest level of currency and completeness.
- 5.4 The Council is committed to this initiative through its own Local Land and Property Gazetteer (LLPG) which, together with the other local authorities in England and Wales, makes up the NLPG. Street naming and numbering is

the single most important source of address change intelligence for the Council's LLPG and therefore NLPG.

## **6 Operational Guidance**

### **6.1 Street Naming Legislation**

6.1.1 A person who creates a new street has the right to name that street (Section 17 of the Public Health Act 1925). They are required to give notice to the Local Authority of the proposed name and the Local Authority has one month in which to object.

6.1.2 Until the expiration of one month or where the Local Authority has objected to the proposed name, it is not lawful for the proposed name to be used.

6.1.3 If the Local Authority does object to the proposed street name, it must send written notice of objection within one calendar month. The developer may appeal to the Magistrate Court within 21 days after the service of the notice.

### **6.2 Street Naming Procedural Guidance**

6.2.1 Official naming and numbering, or alterations to current official addresses, will not be issued until such time as the appropriate Planning Permission has been obtained and commencement (meaning the excavation of foundations) is recorded on the Building Regulation application.

6.2.2 For any development identified, the developer will be contacted, requesting suggested street names be submitted along with the appropriate fee. Guidance will be provided both for liaising with the local Town or Parish Council on choice of proposed name and also of naming choice conventions. (The Local Authority will inform the developer of the number of new street names required, this will include the request for a number of additional names to allow for any objections that may be raised to a proposed street name).

6.2.3 The Local Authority will also inform the Town or Parish Council of the need for new street name/s and encourage the Town or Parish Council to contact the developer with any suggestions for the new street name/s.

6.2.4 If neither the developer of the new street/s nor the Town or Parish Council can provide suggested name/s then the Local Authority will allocate a name for the street/s.

6.2.5 When suggested names are received from the developer, a check of the

suggestion/s will be undertaken to ensure the name/s is within the guidelines of the naming conventions.

- 6.2.6 If the suggestion is found to fall outside of the Naming Conventions set out in Item 6.3, then a written objection will be sent to the developer, informing of the reasons, together with a request for a further suggestions. The written objection must be sent within one calendar month of receipt of the suggestion/s.
- 6.2.7 If the suggestion is found to be within the naming conventions, the proposed name/s will be forward for consultation to the local Town or Parish Council and at the same time the local Ward Councillors will be notified. Guidance will be included as to the naming conventions and reasons for objections. As any objection has to be made by the Local Authority within one calendar month of receipt, a set time of 14 days will be given for the consultation period and any objection must be received by the Local Authority within this time period.
- 6.2.8 If an objection is received from the local Town or Parish Council and found to be valid, the written objection will be sent to the developer, informing of the reasons along with a request for further suggestion/s. This notice must be sent within one calendar month of receipt of the suggestion.
- 6.2.9 If no valid objections or replies are received from the local Town or Parish Council, within the consultation period, a notice of adoption of street name will be sent to the developer.
- 6.2.10 Numbering of the new streets will be carried out as per the Numbering of Properties Conventions as Item 6.6. All properties on newly named streets will be allocated numbers.
- 6.2.11 All costs for the supply and erection of nameplates for new streets will be borne by the developer. Once the street has become adopted, the Local Authority will then be responsible for the ongoing maintenance.
- 6.2.12 If a scheme is to be developed in phases, the naming and numbering scheme will be issued for only the released phases.
- 6.2.13 Where a naming and/or numbering scheme is issued, the Local Authority will inform those bodies listed on Appendix B.

### **6.3 Naming Conventions**

- 6.3.1 New streets with 5 or less properties may not be well known and can be difficult to locate. It may be suitable to incorporate their numbering into that of the primary street

which they are accessed from. This will be assessed on a case by case basis, taking into consideration site layout, access points etc

6.3.2 Where a new road is an extension of an existing road, it will not be allocated a new street name and the properties will be numbered into the existing road.

6.3.3 Where a development includes a number of new roads, a theme for these roads will be suggested by the developer to the Town or Parish Council to be considered. Once a theme has been agreed between the Local Authority and Town or Parish Council the developer shall provide suggested names within this theme with the application to the local authority.

6.3.4 Themes for road names for new developments will not be repeated in any one Town or Parish.

6.3.5 Developers are encouraged to preserve any historic link to the land which they are developing, i.e. field names the land may be previously known as, or previous property names located on site such as farm names or any other associated historic link.

6.3.6 Where no historic link to the land can be established for the use of a street name, the developer will be encouraged to have a historic link to the Town or Parish.

6.3.7 The use of a name which relates to people either living, or deceased should be avoided if possible. Only in very exceptional circumstances would such a suggestion be given consideration. It is essential that the person put forward lived in the town or village in question. The final decision will be to the discretion of the Assistant Director Planning.

6.3.8 The Authority will have no informal adoption of unofficial 'marketing' titles used by developers in the sale of new properties.

6.3.9 Street names should not be difficult to pronounce or awkward to spell.

6.3.10 New street names will not be acceptable where they duplicate or are similar to an existing name already in use within the Town or Parish. A variation in the terminal word, for example "Road", "Street" or "Close", will not be accepted as sufficient reason to duplicate a name. A common request is to repeat existing names in a new road (for example a request for "St Marys Close" off an existing "St Marys Street"). This is not allowed as it can have a detrimental effect in an emergency situation. This is in line with Government guidance found in circular 3/93.

6.3.11 Names that could give offence are not used, nor are names that could encourage defacing of nameplates.

6.3.12 Street name suffixes are not always essential, but if used should be descriptive of the road e.g. "Road", "Street" or "Drive" to indicate a thoroughfare and "Court" or "Close" to indicate a cul- de-sac.

6.3.13 The following is a list of possible suffixes, it is not exhaustive and sometimes other description words are more appropriate:

Avenue, Chase, Circle, Close, Court, Crescent, Drive, End, Field(s), Garden(s), Green, Grove, Hill, Lane, Meadow(s), Mews, Paddock, Park, Path, Place, Ridge, Rise, Road, Row, Square, Street, Terrace, View, Villas, Walk, Way.

6.3.14 Where an existing road is dissected by the building of a new road, the council may choose to rename either or both parts of the existing road, however consultation with the appropriate Town or Parish Council will be undertaken.

6.3.15 Names capable of deliberate misinterpretation or aesthetically unsuitable names such as Hoare Lane should be avoided.

6.3.16 In accordance with GeoPlace's Data Entry Conventions v3.4 (September 2016), no punctuation will be used in Street or Property names. For example, St. Mary's Gardens will be appear as St Marys Gardens.

6.3.17 The council reserves the right to object to any suggested name deemed to be inappropriate

## **6.4 Property Numbering Legislation**

6.4.1 Section 64 and 65 of the Town Improvement Clauses Act 1847 gives the Local Authority the ability to number the properties and ensure that occupiers of dwellings and other buildings in the street mark the buildings with such numbers as approved.

6.4.2 Where an occupier fails to do so within one week from receiving notice from us, they may be liable to a penalty not exceeding Level 1 (currently set at £200) on the standard scale of fines Section 37 Criminal Justice Act 1982, should we pursue. UDC may also choose to mark the properties with numbers as per the official numbering scheme and reclaim the costs from the occupier.

## **6.5 Numbering Procedural Guidance**

6.5.1 Official naming and numbering, or alterations to current official addresses, will not be issued until such time as the appropriate Planning Permission has been obtained and commencement (meaning the excavation of foundations) is recorded on the Building Regulation application.

6.5.2 The appropriate fee for numbering of properties will need to be received by the Local Authority before any application is commenced.

6.5.3 Where a naming and/or numbering scheme is issued, the Local Authority will inform those bodies listed on Appendix B.

## **6.6 Numbering Conventions**

6.6.1 A new through road will be numbered with odds on the left hand side and evens on the right hand side, working from the centre of the Town or Parish.

6.6.2 A cul-de-sac will be numbered consecutively with number 1 of the left working in a clockwise direction, unless the cul-de-sac can be extended in the future.

6.6.3 Additional new properties in existing streets that are currently numbered will always be allocated a property number.

6.6.4 Private garages and similar buildings used for housing cars and similar will not be numbered.

6.6.5 A proper sequence shall be maintained. In the interest of equality and diversity no numbers will be omitted from the numbering sequence. Once numbered, the Local Authority will not normally re-number properties. The Local Authority will only renumber a property where it can be shown that there are consistent delivery problems or issues with emergency services.

6.6.6 Buildings (including those on corner sites) are numbered according to the street in which the main entrance is to be found and the manipulation of numbering in order to secure a "prestige" address or to avoid an address which is thought to have undesired associations, will not be sanctioned.

6.6.7 The council will use numbers followed by letter suffixes where there are no alternatives and to avoid the renumbering of other properties in the existing street. For example, these will be used where infill properties are built and insufficient numbers are available. Wherever possible infill properties requiring a suffix will be given the property number before the infill to maintain a proper numbering sequence.

6.6.8 Where a property has a number, it must be used and displayed. Where a

name is given to a property together with its official number, the number must always be included. The name cannot be regarded as an alternative.

6.6.9 All property numbers should be displayed on the property and be at least 100mm in height and on a contrasting background. They should clearly be visible from the highway and this may mean the numbers being displayed on posts, gates or fences (and not necessarily the door of the property) to aid easy identification of the property, particularly in the event of an emergency.

6.6.10 Two buildings in one street should not have the same number.

6.6.11 Where two or more properties are combined to form one single property, the property will be numbered using one of the existing numbers and will normally be based on the location of the main entrance.

6.6.12 Flats will be numbered with their own separate number into the street where possible.

6.6.13 Annexes to buildings e.g. granny flats or ancillary accommodation, will be given the prefix "The Annexe". The rest of the address will be the same as the parent property e.g. The Annexe, 32 High Street.

6.6.14 For any dwelling accessed internally through a commercial premises, the accommodation will be given a prefix to match the accommodation type i.e. The Flat. The rest of the address will be the same as the parent property, e.g. where a flat above a public house and is only accessed internally, its address will be The Flat, Name of Public House, Street Number and Name.

## **6.7 Renaming and Renumbering of Streets and Buildings**

6.7.1 Renaming of a street and renumbering of buildings is very time-consuming process and may cause costs or disruption to individual occupiers and owners and wherever possible will be avoided. This is usually only done as a last resort i.e. renaming of a street is normally only considered if consistent problems occur for the Emergency Services and the renumbering of properties may occur when infill development is so great that numbers to the new properties cannot be allocated, then the existing street may be subject to a renumbering scheme.

6.7.2 Requests received from residents/owners of properties for renaming of a street, or for naming a previously unnamed street, are unlikely to be accepted unless supported by very good reasons and evidence of substantial backing by residents/owners affected.

6.7.3 Where an order for renaming of an existing street is made, the Local Authority

must display notices at each end of the street or part of the street affected under Section 18 of The Public Health Act 1925 and they must remain in place for at least 1 month before an order changing the name can be made. Any person aggrieved by the intended order may within 21 days after the posting of the notice appeal to the Magistrates Court. If an appeal is made to the Magistrates Court the Local Authority must wait until that appeal is heard.

6.7.4 Where any order for renaming of a street is made, the local Town or Parish Council will be consulted.

6.7.5 Where an order for renaming of a street is made the proposed name should follow the naming procedures and should also fall within the naming conventions.

6.7.6 Where renumbering and/or renaming is involved, as much warning as is practicably possible will be given. The notice to occupiers will give a specific date on which the new naming or new numbering comes into effect, which will be at least 4 weeks from the date of the notice.

6.7.7 Where a re-naming and/or re-numbering scheme is issued, the Local Authority will inform those bodies listed in Appendix B.

## **6.8 Property Naming**

6.8.1 The owner (not tenant) of a property may request the addition, amendment or removal of a name for their property. An application form should be completed and returned to the Local Authority along with the appropriate fee.

6.8.2 The Local Authority cannot formally add, amend or remove a property name where the property is in the process of being purchased, that is, until the exchange of contracts, although guidance of the acceptability of a name may be given.

6.8.3 A check will be made by the Local Authority to ensure that there is no other property in the locality with the registered or similar registered name. Under no circumstance will a replicated name in the locality be allowed.

6.8.4 Under no circumstances will a name that is offensive, or that can be construed as offensive, be allowed.

6.8.5 Property names must not duplicate any similar name already in use in the locality e.g. Smith House, Happy Road, Smith Green

6.8.6 If a proposed property name is refused, then the owner will have the option to provide further suggestions or retain the current address.

6.8.7 Where an amendment to a property name is carried out, the Local Authority will inform those bodies listed in Appendix B.

## **7 Derelict, Demolition of Properties and Replacement Dwellings**

## 7.1 Derelict Properties

Derelict Properties that are uninhabitable will be held with the street naming and numbering records with a reserved “non official” and “non postal” address, as these properties will be deemed a non postal address. Following the renovation of a derelict property the address will require reactivation.

## 7.2 Demolished Properties

An address is attached to the property and not the site the property is situated on. Following the demolition of a property/ies the associated address/es will be deactivated.

## 7.3 Replacement Properties

Any replacement property/ies constructed on the site will require new property address/es. It should be noted that a replacement may not be allocated the same access as the original, as the position and location of the principal may have altered.

## 8 **Street Naming and Numbering in the Absence of Payment of Fees**

8.1 The Council will remind developers of new properties of the need for an official address and the process to follow. If payment of fees is not received within 3 months of a completion date, the Local Authority may allocate official addresses for emergency services purposes with no further consultation. If the developer or owner requests amendment to the allocated naming or numbering at a later date, the standard street naming and numbering processes and the current fees and charges will apply.

8.2 In this case internal notifications will be made for Authority business purposes only but no external notifications will be made or Postcodes allocated to the properties.

8.3 If payment of fees is not received in relation to adding, amending or removing an existing property, the name will remain unchanged and no internal or external notifications made.

## 9 **Street Nameplates**

9.1 The Local Authority is responsible for the replacement, erection and repairing of street nameplates. Nameplates will be erected and replaced whenever required, taking into account both the financial restraints and requirement.

9.2 Where a street is approached only from one direction only one nameplate will be erected and this will face the direction of where the traffic will be approaching. Where a road can be approached from both directions, nameplates on either side of the junction will be erected. Nameplates will also be erected at any junction or entrance onto the street.

9.3 All new and replacement nameplates will be constructed of recyclable material.

9.4 All requests for no through road symbols to be added to street nameplates will only be considered when erecting new nameplates. If the need for a no through road symbol arises and the street nameplate is not in need of replacement, then the request should be forwarded to the Highways Division of Essex County Council. [contact@essex.gov.uk](mailto:contact@essex.gov.uk)

## **10. Postcodes**

10.1 An important element of addressing is the postcode. This identifies delivery points and a postal town as defined by Royal Mail. The Council is not responsible for allocating these codes; they are a Royal Mail product.

10.2 Royal Mail does not publish on its website addresses that are not completed and/or occupied. This means that in certain cases addresses that have been officially allocated and issued by the Local Authority may not, for a while, be visible to anyone using the Royal Mail website to validate an address. This may also mean that other organisations using the Royal Mail address database (Postcode Address File) will also not be able to validate addresses. If a property is completed or occupied, the developer or owner should contact Royal Mail for activation of the postcode for the address allocated by the Local Authority.

10.3 Developers, owners and tenants should be aware that their property/ies may not have the same postcode as the surrounding or existing properties.

## **11 Claims for compensation**

11.1 The Local Authority is not liable for any claims for compensation arising directly or indirectly from the naming of streets, re-naming of streets, numbering or renumbering of properties.

11.2 The property developer should not give any postal addresses, including the postcode, to potential occupiers, either directly or indirectly (for example via solicitors or estate agents) before the official naming and numbering scheme has been issued by the Local Authority. The Council will not be liable for any costs of damages caused by failure to comply with this.

## **12 Exemptions from Street Naming and Numbering**

12.1 Postcode Allocation is the responsibility of the Royal Mail. Royal Mail will allocate a postcode on receipt of the official naming and numbering scheme from the Local Authority but the postcode will be held in "reserve" (the not yet built file) until Royal Mail is notified by either the developer or owner that the property is occupied.

12.2 Non-delivery and mis-delivery of items and correspondence and complaints should be directed at the relevant delivery company's customer services department.

12.3 New/amended addresses being unavailable on databases used by third parties: various third parties refresh their address sets at different frequencies and from different sources, and address changes can therefore take some time

to appear in their systems.

12.4 Maps not showing new properties or roads: again, change information can take some time to percolate through to third party products and depends on those third party update regimes.

### **13 Performance Monitoring**

13.1 The street naming and numbering team will either send written adoption or objection of the proposed street name/s to the developer within 1 calendar month of receiving the proposed street name/s.

13.2 All requests for property name changes will be dealt within 20 working days.

13.3 The Council promise to update the Local Authority's LLPG and inform the bodies listed on the distribution list (appendix B) within 5 days of a naming and/or numbering scheme being issued.

13.4 The Council aim to have all missing and broken street nameplates, repaired or erected within 4 weeks of notification.

13.5 The Council aim to respond to all Street Naming and numbering enquiries within 5 working days.

### **14 Policy Review**

14.1 This policy will be reviewed every three years or sooner if a major change in the process is required through the introduction of new legislation for example. Charges will be reviewed on an annual basis during the Council's budget setting process and publicised through the Council's normal communication channels including the website.

### **15 Contact Details**

15.1 The Street Naming and Numbering Team  
Planning and Building Control  
Uttlesford District Council  
London Road  
Saffron Walden  
Essex  
CB11 4ER

Tel: 01799 510510

Email: [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)

## **APPENDIX A: Legislation**

### **Section 64: Town Improvement Clauses Act 1847 Houses to be numbered and streets named**

“The commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, and shall cause to be put up or painted on a conspicuous part of some house, building, or place, at or near each end, corner, or entrance of every such street, the name by which such street is to be known; and every person who destroys, pulls down, or defaces any such number or name, or puts up any number or name different from the number or name put up by the commissioners, shall be liable to a penalty not exceeding [level 1 on the standard scale] for every such offence”.

### **Section 65: Town Improvement Clauses Act 1847 Numbers of houses to be renewed by occupiers**

“The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the commissioners approve of, and shall renew such numbers as often as they become obliterated or defaced; and every such occupier who fails, within one week after notice for that purpose from the commissioners, to mark his house with a number approved of by the commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding [level 1 on the standard scale], and the commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages.

### **Section 17: Public Health Act 1925 Notice to urban Local Authority before street is named**

“1) Before any street is given a name, notice of the proposed name shall be sent to the urban authority by the person proposing to name the street.

2) The urban authority, within one month after the receipt of such notice, may, by notice in writing served on the person by whom notice of the proposed name of the street was sent, object to the proposed name.

3) It shall not be lawful to be set up in any street an inscription of the name thereof – a) until the expiration of one month after notice of the proposed name has been sent to the urban authority under this section; and b) where the urban authority have objected to the proposed name, unless and until such objection has been withdrawn by the urban authority or overruled on appeal; and any person acting in contravention of this provision shall be liable to a penalty not exceeding [level 1 on the standard scale] and to a daily penalty not exceeding [£1].

4) Where the urban authority serve a notice of objection under this section, the person proposing to name the street may, within twenty-one days after the service of

the notice, appeal against the objection to a Magistrates court”.

### **Section 18: Public Health Act 1925** **Alteration of name of street**

“1) The urban authority by order may alter the name of any street, or part of a street, or may assign a name to any street, or part of a street, to which a name has not been given.

2) Not less than one month before making an order under this section, the urban authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.

3) Every such notice shall contain a statement that the intended order may be made by the urban authority on or at any time after the day named in the notice, and that an appeal will lie under this Act to a petty Magistrates Court against the intended order at the instance of any person aggrieved.

4) Any person aggrieved by the intended order of the local authority may, within twenty-one days after the posting of the notice, appeal to a Magistrates court”.

### **The Local Government Act 2003**

Brought about new devolved powers for Local Authorities, these included giving Councils new powers to trade and charge for non-statutory services if they are Best Value Authorities (Section 93 of the Act)

Authorities, if charging for discretionary services, have a duty to charge no more than the costs they incur in providing the service. The aim is to encourage improvements to existing services and develop new ones that will help to improve the overall service they provide to the community, not to make a profit.

## **APPENDIX B: Internal/External Notifications (Distributions List)**

Internal Bodies that may be informed of all new official addresses include:-

Electoral Registrations  
Land Charges  
Environmental Health  
Waste Management  
Local Land and Property Gazetteer Custodian  
Local Ward Councillors

External Bodies and Partners that may be informed of all new official addresses include:-

Local Town or Parish Council  
Fire and Rescue Services  
Essex and Kent Constabulary  
The East Anglian (NHS) Trust  
Land Registry  
Valuation Office  
Royal Mail (Address Management)  
Essex Highways

**Committee:** Cabinet

**Agenda Item**

**Date:** 18 October 2017

# 13

**Title:** Saffron Walden Town Centre Culvert partnership

**Portfolio Holder:** Cllr Susan Barker Cabinet Member for Environmental Services

Key decision: **Yes**

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## Summary

The Slade culvert which runs under the town centre in Saffron Walden is in a poor state of repair. Capital funding for a full repair scheme is in the process of being secured from the Environment Agency, Anglian Water and Essex County Council. The Environment Agency, which has lead the project to date, has approached the council as a flood risk management authority to take on a continuing role after the full repair has been completed. This would involve establishing a partnership of all the riparian owners and building up a revenue fund with contributions from the owners to monitor the condition of the structure and to carry out any necessary future works to maintain the culvert in good condition. The proposed repairs are expected to extend the current asset life of the culvert for a further 25 years, with minimal maintenance. Thereafter further repairs are anticipated.

## Recommendations

1. The Council explores the willingness of all the riparian owners to cooperate over jointly building up a revenue fund using owners' contributions to monitor the condition of the structure. Subject to the participation of the owners, the council would hold the revenue fund for periodic monitoring of the condition of the culvert and any necessary maintenance works over the 25 year period that the full repair scheme is expected to remain effective, and any necessary repairs at the end of the 25 year period.

## Financial Implications

2. The principal financial burden of dealing with the defective state of the culvert which is between £1 million and £2 million is being met by external bodies. The riparian owners are not being asked to contribute to these capital costs, but they are being asked to cover the ongoing revenue costs of periodically monitoring the culvert's condition. They will coordinate any necessary work to ensure that the full repair continues to provide benefit for its intended 25 year design life and at the end of the 25 year period. The council is one of the riparian owners but is also being asked to form and sustain a partnership of the owners. There are officer resources associated with doing this: communications, administrative support and technical input. These can be built into annual work programmes, probably within existing levels of resources. If increased resources prove to be needed, the costs could be sought from the riparian owners.

## Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

- 4.

Communication/Consultation	The Environment Agency has engaged with partner bodies and contacted the riparian owners.
Community Safety	The risk of the culvert collapsing is small but significant. The impact of such a collapse would be significant and affect both buildings over the culvert and other properties that would be flooded due to the watercourse becoming blocked. It is anticipated that a collapse would be triggered by a flood event. Modelling commissioned by the EA suggests that in total 48 residential properties and 72 other properties could be affected with an estimated £23 million of damage.
Equalities	None
Health and Safety	As for community safety above
Human Rights/Legal Implications	The council is a flood risk management authority with discretionary powers to address risk. The council is a riparian owner as it still holds the title to a residual area of forecourt in the vicinity of the Market Walk development on the site of the former Hill Street baths. The legal responsibility for maintaining the respective lengths of the culvert sits with the riparian owner.
Sustainability	The part of the town centre over the culvert is a conservation area and several of the buildings over the culvert are listed.
Ward-specific impacts	Principally Saffron Walden Audley
Workforce/Workplace	Officer resource would need to be reflected

	in service plans
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## Situation

5. The capital costs of full repair of the culvert are being met by others but there is a potential role for the council in seeking to set up and enabling a partnership of the riparian owners. The EA has already raised awareness of the state of the culvert with owners. Under the proposed partnership the council would seek modest annual contributions from the owners towards the survey costs in monitoring the condition of the culvert post repair and any maintenance work that proved necessary.
6. Saffron Walden Town Council has committed to maintain the trash screen free of collected debris at the point the Slade enters the culvert at Common Hill. Investigations are currently ongoing to replace the current screen with a new screen that meets current guidance for such a location as part of the capital project. The Town Council will be meeting the revenue costs of maintaining and clearing the screen.
7. The capital works are expected to commence in 2018. The capital works are not conditional on the council being successful in forming a partnership of the riparian owners.

## Risk Analysis

8.

Risk	Likelihood	Impact	Mitigating actions
Riparian owners are reluctant to participate in a local partnership	3 The partnership will require financial contributions from owners who have to date escaped such payments	3 There may be pressure on the council as the partnership lead to make up any shortfall in contributions or if the level of contribution proves inadequate to cover necessary costs.	Review the success of establishing the partnership and refresh as necessary.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Committee:** Cabinet

**Agenda Item**

**Date:** 18 October 2017

# 14

**Title:** West of Braintree Garden Community Plan:  
Issues and Options

**Portfolio Holder:** Cllr Susan Barker, Cabinet Member for  
Environmental Services

Key decision: **No**

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## Summary

1. The Draft Regulation 18 Uttlesford Local Plan and the Draft Regulation 19 Braintree Local Plan propose a single new Garden Community on land at West of Braintree. A Draft Regulation 18 Issues and Options Document providing further information about the proposed Garden Community has been prepared and is now proposed for public consultation between 13 November 2017 and 8 January 2018. A copy of the document is appended to this report.
2. The Issues and Options Document is being prepared jointly with Braintree District Council and is due to be considered at a meeting of their Local Plan Sub Committee on 6 November 2017. If any minor amendments arise from that later meeting it will be necessary to exercise delegated powers to allow the document to go out to consultation on time.

## Recommendations

3. That Cabinet agree the appended West of Braintree Garden Community Plan Issues and Options document for public consultation.
4. That the Director of Public Services be given authority to make final minor amendments to the West of Braintree Garden Community Plan Issues and Options document following consultation with the Leader.

## Financial Implications

5. None – any costs can be met from existing budgets.

## Background Papers

6. There are no background papers.

## Impact

- 7.

Communication/Consultation	The Issues and Options Document will be subject to a full public consultation programme.
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Community Safety	N/A
Equalities	The public consultation arrangements will comply with the Council's Statement of Community Involvement. The policy documents that arise from the public consultation will be subject to an equalities impact assessment.
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	A Sustainability Appraisal has been undertaken. This document is currently to follow and will be published in advance of the meeting.
Ward-specific impacts	Felsted & Stebbing, Flitch Green & Little Dunmow, Greatn Dunmow North, Thaxted and the Eastons, The Sampfords.
Workforce/Workplace	Existing staff resources

## Situation

8. The appended Issues and Options document for the West of Braintree Garden Community Plan is a Development Plan Document prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The document is subordinate to the emerging Local Plans of both this District and also Braintree. Each Local Plan is at differing stages in the statutory process and it is for this reason that the document includes two options for development, one with a single settlement only within Braintree, and the second with a single settlement straddling the district boundary.
9. It is important that the joint Issues and Options document is published for public consultation before the Braintree Local Plan is subject to Examination (currently expected during January 2018). It is expected that the processing of representations will take place after the Regulation 19 Uttlesford Local Plan has been considered by Full Council. This will ensure that the primacy of the Local Plan is maintained and that the Garden Community Plan follows the Local Plan.
10. Public consultation responses to the Issues and Options document will assist the District Councils in making informed decisions about the proposed Garden Community.

**Risk Analysis**

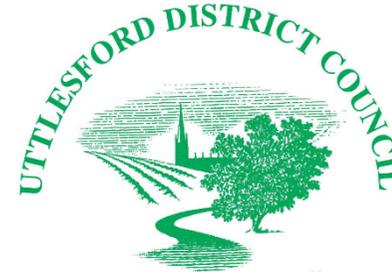
Risk	Likelihood	Impact	Mitigating actions
The Garden Community Plan may be found to be unsound.	1: The Plan will be prepared in accordance with the regulations and best practice.	3: If the Garden Community is found to be unsound this will cause delay and uncertainty	Manage the Plan process effectively.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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# The West of Braintree Garden Community Plan

## Issues and Options Consultation



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## HAVE YOUR SAY

Braintree District Council and Uttlesford District Council are working collaboratively on the planning of a new Garden Community on land to the west of Braintree as the most effective and sustainable way to plan for long term growth and to ensure future housing needs are supported by the right level of job opportunities, community facilities and other accompanying local and strategic infrastructure.

The principle of development for this new Garden Community is contained in the Councils' emerging Local Plans which set out the approximate location, scale and approach of the West of Braintree Garden Community. In the case of Uttlesford District Council a decision has not yet been made if the Garden Community should extend into their district and that decision will be made by the Council before the Uttlesford Local Plan is submitted for independent examination, after the Council has considered all of the representations which have been made in relation to its Draft Local Plan (Regulation 18).

The next stage is to progress the principle of development into detailed strategies, policies and proposals, including a defined settlement boundary for the new Garden Community (which may or may not extend into Uttlesford District as explained above). This consultation forms part of this stage and is a fundamental aspect of planning; the Councils recognise the importance of early and meaningful engagement with stakeholders to not only ensure that the Garden Community is a successful place to live, work and visit, but that it is also locally-led, accountable and transparent in its planning.

As a stakeholder in this process we welcome your views on the Issues and Options related to the planning of the new Garden Community and ask you to respond to the questions set out in this document. There is no requirement for you to comment on every issue or to answer every question; we would like you to submit comments on any areas that you wish to. Additionally, if you believe some issues have been missed out or not afforded the weight they deserve, please raise this in your response. Your feedback to this consultation will directly influence the strategies, policies and proposals in the final West of Braintree Garden Community Plan.

The Councils have set up a dedicated online portal in order to make responding to the consultation as simple as possible. Following a simple registration process you will be able to respond to the questions posed in this document and comment on other areas you think are relevant to the planning of the Garden Community. The online portal also has a facility for respondents to upload documents relevant to their submissions and you are particularly encouraged to submit documents which may assist the understanding of issues raised in your responses, including for example, maps, plans and photographs which help illustrate points that cannot be explained as well through a written response.

### **CONSULTATION PERIOD**

The Issues and Options consultation will be held between **13<sup>th</sup> November 2017 and 8<sup>th</sup> January 2018**. Unfortunately submissions received after 5pm on 8<sup>th</sup> January will not be able to be considered by the Councils so an early submission of your responses is encouraged.

## HERE'S HOW YOU CAN GET INVOLVED



To respond online visit the Councils' dedicated online consultation portal [web link to be inserted]



To respond via email send your comments to [email address to be inserted]



If you would prefer to respond by letter, post your comments to [postal address to be inserted]

## SECTION 1: INTRODUCTION

### THE PURPOSE OF THIS CONSULTATION

The purpose of this Issues and Options consultation is to gather your views on the development of the West of Braintree Garden Community. The responses to this consultation will directly feed into the emerging West of Braintree Garden Community Plan (the 'Plan'). The Plan, once adopted, will contain all of the strategies, policies and proposals needed to guide the development of the new Garden Community. As the planning process progresses the emerging Plan will be refined through further public consultation and stakeholder engagement to ensure that as many views as possible are taken into consideration. Eventually the West of Braintree Garden Community Plan will be adopted by both Braintree District Council and Uttlesford District Council (if an option is pursued which extends into Uttlesford District) and will form part of the suite of documents that together form their respective Local Plans. The West of Braintree Garden Community Plan will need to be in conformity with the higher order, district-wide Local Plans for Braintree and Uttlesford.

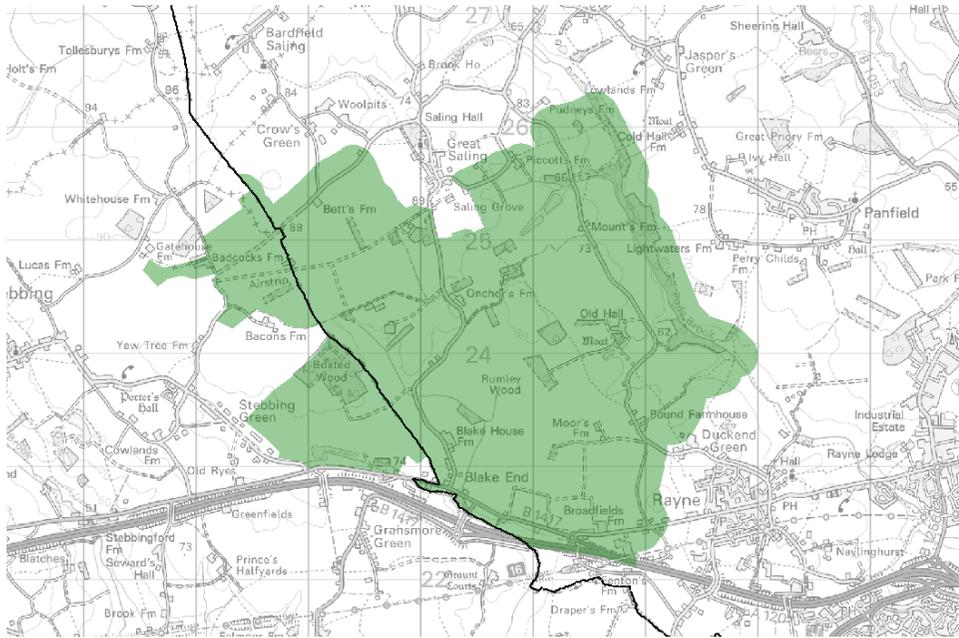
### **CONFUSED BY THE TERMINOLOGY?**

See the Glossary at the end of the document for an explanation of terms used.

### WHY IS A PLAN NEEDED?

The West of Braintree Garden Community Plan is being jointly prepared by Braintree District Council and Uttlesford District Council because the Garden Community could cover land in each authorities' district. This joint working has been brought about as a result of the Councils' inclusion of the principle of development of a new Garden Community (in the location proposed in this consultation) in their emerging Local Plans. The West of Braintree Garden Community Plan will take the principle of development further than the Councils' Local Plans and include specific proposals, strategies and detailed policies to inform the delivery of the Garden Community. The final Plan will provide certainty for stakeholders on the type, scale and location of specific land uses including the infrastructure required to accommodate them.

The West of Braintree Garden Community Plan will technically be known as a Development Plan Document (DPD). A DPD is a planning document, similar to the Councils' Local Plans, which is reserved for planning proposals significant and far-reaching in their nature. A DPD is used for such planning proposals because it is subject to multiple stages of consultation as well as independent examination by the Planning Inspectorate (a Government agency responsible



**FIGURE 1 THE COMBINED AREA OF SEARCH FOR THE WEST OF BRAINTREE GARDEN COMMUNITY CONTAINED IN BOTH COUNCILS' EMERGING LOCAL PLANS.**

for overseeing the operation of the planning system). A DPD is required to guide the development of the Garden Community rather than a Supplementary Planning document (SPD), which is not subject to the same degree of consultation and independent examination, because of the scale of the development proposed; its cross-boundary nature; the associated land assembly required to accommodate the proposal; and the potential use of a Local Delivery Vehicle (LDV) which will put proposals into practice. All of these attributes depart from traditional forms of development and consequently necessitate a higher level document, subject to a greater degree of scrutiny and consultation. Due to its importance, the West of Braintree Garden Community Plan will be prepared in a comprehensive and transparent manner and provide all stakeholders with an opportunity to not only inform the planning of the Garden Community but also to scrutinise its preparation.

Importantly the final Plan will be afforded statutory weight; all planning proposals within the Garden Community boundary will have to be carried out in accordance with the Plan. This is necessary to ensure the Plan's policies and proposals are properly applied and developed as intended. Essentially the preparation of the West of Braintree Garden Community

Plan will follow a similar planning process to that followed in the preparation of each Councils' emerging Local Plans.

### THE PLAN'S PREPARATION STEPS

The preparation of the West of Braintree Garden Community Plan will be an extensive process reflecting the importance of the final document to the delivery of the Garden Community. For up to date timescales on each stage please consult the Councils' Local Development Schemes (LDS) on their respective websites. The following diagram illustrates the stages in the planning process.

## THE GARDEN COMMUNITY PLANNING PROCESS

## WHEN AND HOW TO GET INVOLVED



FIGURE 2 THE PLANNING PROCESS OF THE WEST OF BRAINTREE GARDEN COMMUNITY PLAN.

## BACKGROUND

### NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF) articulates the Government's objectives for growth in the context of sustainable development. It identifies three elements of sustainable development:

- an economic role – contributing to building a strong, responsive and competitive economy;
- a social role – supporting strong, vibrant and healthy communities; and
- an environmental role – contributing to protecting and enhancing It is committed to a presumption in favour of development.

The NPPF advocates the use of large-scale developments which incorporate the Town and Country Planning Association's (TCPA's) Garden City Principles as one way of achieving development at scale (paragraph 52). Development of new large-scale communities must be established by working with existing local communities, and significant weight is attributed to good design of the built environment and creating a high quality and inclusive design.

The NPPF also seeks to ensure an integrated approach to the planning of housing, and provision of commercial and employment uses alongside the delivery of community services and facilities, to include education and open space uses as part of the creation of healthy and inclusive communities (paragraph 69). The NPPF also recognises the significance of financial viability in both planning and decision making.

### A NATIONAL AGENDA FOR GARDEN COMMUNITIES

In 2015 the Government invited proposals for new 'Garden Communities' across the UK as a way of tackling the housing crisis. The North Essex Garden Communities (NEGC) responded positively to this significant opportunity for long-term comprehensively planned growth and put forward draft proposals for three new settlements to be designed and delivered to Garden City Principles. West of Braintree Garden Community is one of those new communities proposed.

The Government continues to recognise the contribution that well-planned, well-designed new communities can make to meeting long-term housing needs and has confirmed its intention to legislate to allow locally-accountable New Town Development Corporations to be set up which could further support public sector delivery of new communities. The Councils will continue to explore such innovative mechanisms to deliver the Garden Community.

The current strategy for the West of Braintree Garden Community could see Braintree District Council and Uttlesford District Council playing a key role in the Garden Community's delivery, giving the Councils more ability to control the design, type of housing, rate of construction and, importantly, the associated infrastructure requirements that will come alongside, or in advance of the development. The extent of the involvement by Uttlesford District

Council would depend on the outcome of its Local Plan process and whether or not development extends into its District; the Uttlesford District Council will make this decision before its Local Plan is submitted for independent examination, and after the Council has considered all of the representations which have been made in relation to its Draft Local Plan.

The Councils are working jointly to explore the most effective way to deliver the Garden Community that would maximise benefits of the development for all. One delivery option is through NEGC Ltd (working closely with Uttlesford District Council) and Local Delivery Vehicles for each Garden Community; another may involve emerging Government proposals for locally-led New Town Development Corporations which may offer an alternative means of delivery that is devolved and locally accountable.

Regardless of which delivery model is applied, capturing the uplift in development land value will be critical to ensuring that the long-term aspirations of community stewardship of public assets and infrastructure are delivered.

## THE LOCAL CONTEXT

Braintree and Uttlesford Districts are facing an unprecedented level of population growth over the coming decades. However, the influences of population and economic growth do not stop at administrative boundaries; migration flows, commuting and strategic infrastructure needs all have significant influences within and between local authority areas. Like the drivers of growth themselves, the planning system should not begin and end at district boundaries but should instead respond positively to the opportunity such growth provides in improving our districts for existing and future residents. How to accommodate future growth whilst at the same time promoting the best interests of the districts has meant that the Councils have had to face difficult questions regarding what the best planning response should be. What has become clear is that if the planning response is to be positive and if it is to ensure the sustainability of future growth, the authorities will have to move beyond traditional approaches to development.

Responding to future growth by allocating additional land for housing in our towns and villages may seem like a logical solution to accommodating housing and employment needs but to do so indefinitely would not be tolerable, especially if we are to protect our villages and our countryside. Incremental growth of existing towns and villages only serves to add to the burden on existing services and facilities without providing the threshold of development needed to fund and deliver new strategic infrastructure. Furthermore, incremental growth inevitably pushes new development to the outer reaches of those settlements, adding to journey times, promoting the use of the private car, and ultimately increasing 'sprawl' into the countryside.

Braintree District Council and Uttlesford District Council are committed to planning in a more sustainable way. Rather than approach the growth needs of their districts in isolation, the authorities have agreed to work collaboratively on the allocation and distribution of large-scale development, including employment opportunities, community services and facilities, and strategic infrastructure provision on land that straddles their administrative boundaries. In response to the anticipated growth of their districts, the authorities have taken a pioneering approach to strategic development by proposing the establishment of a Garden Community on land to the west of Braintree.

Braintree and Uttlesford District Councils, together with Essex County Council, are committed to the delivery of this Garden Community which will be developed alongside all necessary infrastructure. The West of Braintree Garden Community has been identified as providing a strategic long term opportunity to not only contribute towards growth in this plan period, up to 2033, but also to contribute towards longer term growth and development opportunities in the future.

Both Councils are also proposing other Garden Communities in their districts. Uttlesford District Council is planning new Garden Communities at Easton Park and North Uttlesford whilst Braintree District Council is also proposing another Garden Community on land spanning its administrative boundary with Colchester Borough Council (as part of the North Essex Garden Communities consortium). This consultation, however, concentrates solely on the West of Braintree Garden Community.

## LOCAL PLANS

This overarching commitment to Garden Communities is embedded in both of the authorities' emerging Local Plans. These documents set out the planning policy framework for the West of Braintree Garden Community, including the principles which will inform decisions about its future development. This can be found in Policy SP10 of Braintree District Council's Publication Draft Local Plan (Regulation 19) and in Policy SP8 of Uttlesford District Council's Draft Local Plan (Regulation 18). The authorities' emerging Local Plans also include an area of search for the Garden Community, providing an indication of the location and amount of land available to accommodate the new settlement.

In the case of Uttlesford District Council a decision has not yet been made if the Garden Community should extend into the District and that decision will be made by the Council before the Uttlesford Local Plan is submitted for independent examination, after the Council has considered all of the representations which have been made in relation to its Draft Local Plan (Regulation 18). It is for this reason that this consultation considers two options, one with development only in Braintree and one across the district boundary (see Section 5). When Uttlesford District Council has made a decision on the Draft Local Plan, the next stage will be to progress the principle of development into detailed strategies, policies and proposals, including a defined settlement boundary for the new Community.

## ALTERNATIVE OPTIONS

Alternative locations for the Garden Community have been considered and the criteria for assessing the sustainability and other merits of alternative locations are contained in the Sustainability Appraisals which accompany the authorities' emerging Local Plans. A Sustainability Appraisal has also been prepared specifically for this Issues and Options consultation which can be viewed on the Councils' websites.

## SECTION 2: BACKGROUND, EVIDENCE AND SITE ANALYSIS

### BACKGROUND

#### THE NORTH ESSEX GARDEN COMMUNITIES AND UTTLESFORD DISTRICT COUNCIL

Braintree District Council has formed a strategic partnership with Colchester Borough Council and Tendring District Council to plan for future housing, employment and infrastructure delivery across north Essex. This partnership was initiated to manage and co-ordinate the Councils' resources towards the delivery of Garden Communities as the preferred strategy to accommodate their growth needs and aspirations not just over the current planning period but over future plan periods too. North Essex Garden Communities (NEGC) was subsequently established by the three District and Borough Councils, and Essex County Council in 2015 to deliver this innovative planning approach.

The North Essex authorities have committed to this partnership through a shared Section 1 of their emerging Local Plans which covers cross-boundary issues and includes the principle of development of three Garden Communities across north Essex, including the West of Braintree Garden Community which is the subject of this consultation.

Uttlesford District Council supports the proposal for a new Garden Community at West of Braintree and has identified land in its Draft Local Plan (Regulation 18) contiguous to the land allocated for the Garden Community in the Braintree Local Plan and this is one of the options included in this consultation. Due to this cross-boundary nature of the West of Braintree Garden Community, Uttlesford District Council is working collaboratively with Braintree District Council (which is acting as part of NEGC), in the joint planning of the new settlement.

#### THE NORTH ESSEX GARDEN COMMUNITIES CHARTER

In planning for a new generation of Garden Communities, NEGC has developed a charter of principles to express its ambitions. The North Essex Garden Community Charter is based on the Town and Country Planning Association's (TCPA) Garden City Principles<sup>1</sup>, but adapted for the specific north Essex context. The TCPA Garden City Principles provide a good starting point because they were developed to shape the sustainable development of new communities, using the opportunity and economies of scale to innovate and create high-quality places that put people at the heart of developing new settlements. This contributes to a community that is holistically and comprehensively developed with a distinct identity that



<sup>1</sup> Town and Country Planning Association, *Reimagining the Garden City for the 21<sup>st</sup> Century* (2011) (<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=b0204e3f-7546-413e-bda9-108e4b3ae7fe>).

responds directly to its context, and is of a sufficient scale to incorporate a range of homes, employment, green space and other uses to enable residents to meet the majority of their day to day needs, reducing the need for out commuting.

The Garden Communities Charter is based around three key themes which comprise the ten placemaking principles developed to articulate the Councils' ambition for the Garden Communities, and to drive forward their development. The Charter has informed and will continue to inform the approach to the development of the West of Braintree Garden Community. More information about the principles which form the Charter can be found in Section 3.

## THE EMERGING EVIDENCE BASE

To inform the planning approach, an evidence base is being prepared to improve the understanding of the issues which exist in the area and the sorts of opportunities which could arise through the development of a Garden Community.

To support the preparation of the West of Braintree Garden Community Plan and as part of both Councils' Local Plan preparations, a wide range of new and existing evidence has been gathered to inform the Councils' planning approach. This evidence base includes a Concept Feasibility Study<sup>2</sup> which provided an overview of these issues as well as the constraints and opportunities in the broader area. In relation to the proposed West of Braintree Garden Community, the study investigated a range of scenarios covering the scope and scale of development that may be feasible, together with an evaluation of how development at scale could meet strategic objectives, deliverability and anticipated infrastructure requirements.

The evidence base has contributed to the emerging approaches to the issues that need to be addressed in the planning of the Garden Community. The emerging approaches form a starting point for discussion, and through ongoing engagement, including through this Issues and Options consultation, the views and opinions of all stakeholders will be taken into consideration in shaping the strategies, policies and proposals that will make up the West of Braintree Garden Community Plan. You can view summaries of some of the evidence base documents in Appendix 2.

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<sup>2</sup> Aecom, *Concept Feasibility Study* (2015).

# SITE ANALYSIS

It is vital the Garden Community is responsive to existing issues as well as issues which may arise as a result of large-scale development on land to the west of Braintree. Therefore local characteristics, existing infrastructure and utility provision will have to be carefully considered to ensure future development is receptive and where possible embraces the opportunities presented by the Garden Community to address existing issues. The following map illustrates some of the site's constraints.

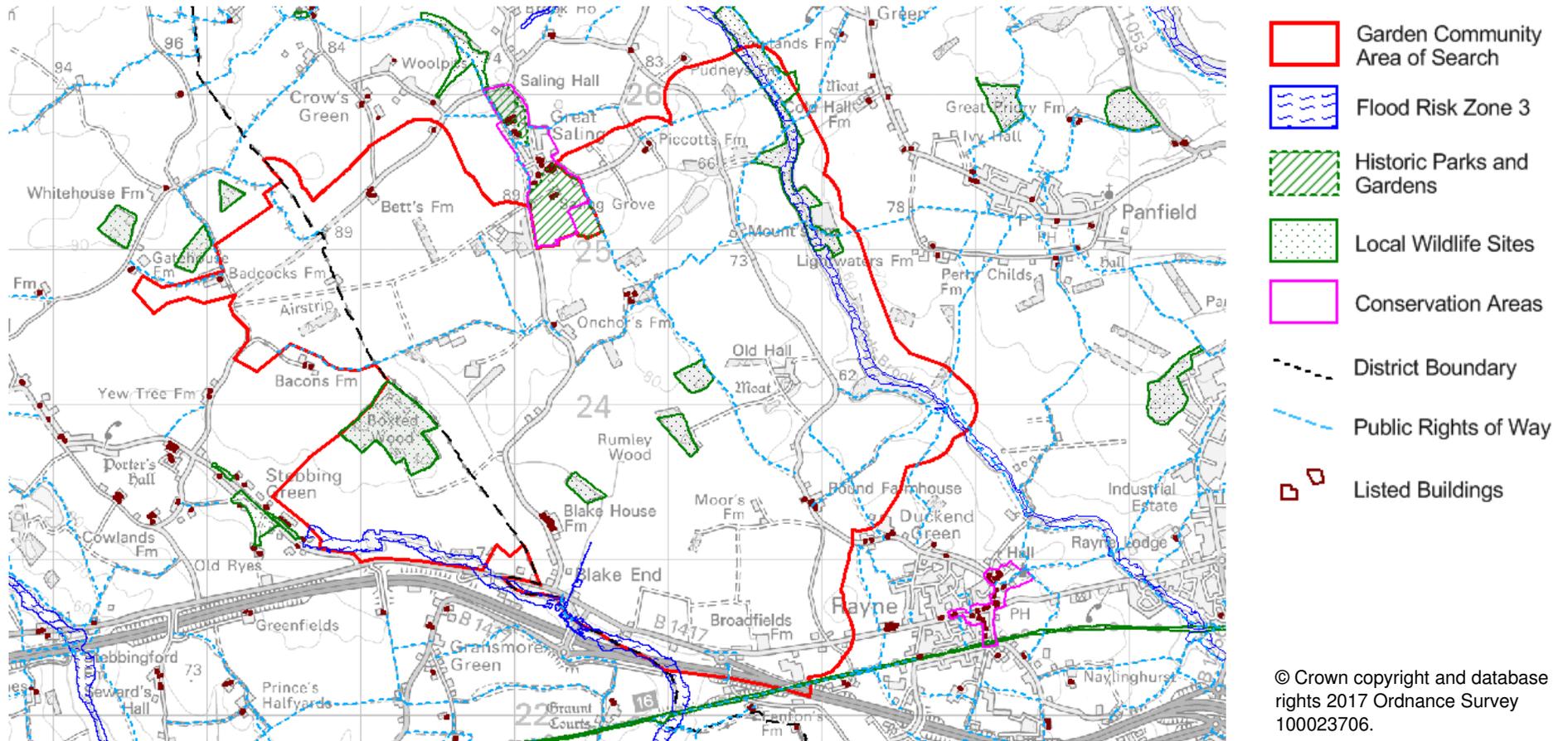


FIGURE 3 SITE CONSTRAINTS

## Landscape

### Constraints

The vast majority of the land is in agricultural use (mostly Grade 2 Agricultural Land<sup>3</sup>) with a small number of detached residential and commercial properties (including at Andrewsfield), mostly associated with farming. The landscape is typically flat and open in character with medium to large fields divided by hedgerows and some areas of woodland copse. There are a number of mature woodlands, including Boxted Wood.

The land within the site forms an open farmland plateau with a gently sloping topography to the south. This topography means that there are long distance views into the site from the surrounding rural areas. There are a number of sensitive receptors associated with the surrounding settlement and large scale development has the potential to impact on the rural character of the small settlements surrounding the site.

## Ecology

There are a number of important areas of deciduous woodland, which is a priority habitat, scattered across the site. Of particular importance are the significant areas of ancient woodland, including the 19ha of Boxted Wood as well as that found at Golden Grove and Rumley Wood. These areas support potentially sensitive ecology which could be impacted upon by new development. There are two local wildlife sites

### Opportunities

The development of a Garden Community at the site will inevitably significantly change the character of the existing landscape. The level of potential change necessitates a comprehensive landscape and green infrastructure strategy to ensure that the changes brought about by development are positive and the boundaries of the settlement are treated in such a way that they integrate into the existing rural landscape. The development of the Garden Community provides an unprecedented opportunity to create an abundance of publicly accessible landscapes, including but not limited to formal and informal parks, allotments, country parks and nature reserves. Where valued landscape features exist within the site, such as mature hedgerow and trees, there are opportunities to integrate them into new green infrastructure, enhancing both their aesthetic and ecological benefits.

The proximity of existing villages to the Garden Community opens up opportunities to improve areas between these existing settlements and new development. Existing private farmland, for example, could be opened up as publicly accessible parkland with new green links formed to improve walking and cycling connectivity in the area for both existing and future residents.

The site's existing ecological assets, such the woodlands and local wildlife sites identified, will be obvious areas to protect and integrate into the Garden Community's green infrastructure. As well as protecting existing ecologically valuable sites there will be opportunities to enhance them through green corridors which in turn can be linked to new habitats within the development.

<sup>3</sup> Natural England Agricultural Land Classification (<http://publications.naturalengland.org.uk/category/5954148537204736>).

## Heritage

With the majority of the land in productive agricultural use; intensively farmed for arable crops, field size typically medium to large, and the majority of the water courses classified by the Environment Agency as ecologically poor, overall the site is unlikely to have high levels of existing biodiversity. There is however an area of good quality semi-improved grassland and priority mixed habitat around Stebbing Green.

There are a number of Grade II listed buildings and two Grade II\* listed buildings within the site, predominately associated with historic farmsteads. The value of these farmsteads is not only in their built structures but also in their rural settings.

The area around Great Saling Hall is designated as a Conservation Area and includes an Historic Parks and Gardens designation associated with the Hall's grounds and Church cemetery. These areas are particularly sensitive and will require an appropriate planning and design response.

Stebbing also has a designated Conservation Area and several listed buildings that would be sensitive to development. In addition, there are a number of isolated farmhouses and farm buildings both within the site and in the surrounding area that are listed which would be sensitive. There is also known to be a Roman Villa in the area of Bosted Wood and potential earthworks within the Ancient Woodland.

New development will significantly increase the recreational use of existing natural spaces therefore recreational areas available to new residents will have to be carefully managed through a Recreational Avoidance and Mitigation Strategy to ensure they do not negatively impact upon habitats.

Due to the site's predominant use as intensively-farmed agricultural land there are considerable opportunities to enhance its overall ecological value.

Whilst the growth of the Garden Community will result in substantial new built development in the area, new built form will have to respond positively to its location and this includes respecting, and where possible, enhancing the presence of heritage assets and their settings. There are therefore opportunities to accommodate listed buildings into Garden Community in a manner which responds to the special characteristics and features of their listing. This could include using complementary designs in their vicinity or suitable amounts of buffer space to provide an organic and seamless townscape.

Great Saling Hall's Conservation Area and its Historic Parks and Gardens status warrants special attention and the planning of the areas around this important heritage asset could provide an opportunity to enhance its significance and raise its profile as a local attraction.

**Connectivity – Active Modes**

The site contains many rural lanes and roads which currently lack footpaths however there are a number of Public Rights of Way across the site. The National Cycle Network (NCN16) currently connects to Flitch Way via a bridge over the A120. A further elevated foot and cycle bridge crosses the A120 connecting Fentons Road with the roundabout with Dunmow Road.

The lack of pedestrian and cycling infrastructure through the site itself means that there are considerable opportunities to improve active mode connectivity to support the transport choices of new and existing residents and reduce the existing reliance on car use. Opportunities are therefore apparent to create a comprehensive network of footways and cycleways which could incorporate links to and from existing attractors such as Braintree town centre, Braintree Freeport, Skyline A120 as well as new employment and local centres within the Garden Community. A comprehensive transport strategy should be developed alongside a green infrastructure strategy which would ensure that such active mode connections are not only efficient but also pleasant to use.

**Connectivity – Public Transport**

Braintree railway station lies to the east, approximately 5km from the centre of the site, providing access to the Braintree-Witham branch line which provides limited connectivity (one train per hour) to the Great Eastern Mainline. Parking at Braintree railway station is limited to approximately 160 spaces, whilst at Braintree Freeport, parking is limited to a duration of 6hrs which limits its use for commuters.

Improvements to the Braintree-Witham branch line are anticipated independently of the Garden Community, through the provision of a loop at Cressing, mid-way between Braintree and Witham. This would increase the capacity of the line to some degree, albeit limited by its single track alignment.

A limited existing bus network exists in close proximity to the site, currently setting down south of the site on the B1256 and providing an infrequent service to Chelmsford. A greater volume of buses currently serve Braintree town centre, however due to their current route pattern and the distance between the site and the town, accessibility by bus is poor. There is presently low bus use and bus services in Uttlesford with most services centred on London Stansted Airport, Saffron Walden and Great Dunmow.

The development of the Garden Community presents an opportunity to heavily invest in public transport infrastructure in the area, providing high quality and high frequency services within the site and to and from existing destinations, including transport hubs within Braintree, Saffron Walden, Great Dunmow and through the proposed Easton Park Garden Community to London Stansted Airport. Improvements in public transport will provide benefits to existing residents in surrounding settlements, which may help to make services more viable at an earlier stage in the development.

## Connectivity – Road Network

Currently it is forecast that numerous junctions in and around Braintree will be overcapacity by 2032 if no improvements to the A120 between Braintree and Marks Tey take place. This is particularly important because the lack of existing road infrastructure to the north of the site results in dependency on access from the south, putting pressure on A120, its junctions and the town centre route via the B1256.

Furthermore there are potential capacity issues to the west of the site along the B1256 towards Great Dunmow and its connection to the A120 as well as the A120 westwards and further afield to Junction 8 of the M11. Without intervention there may also be issues with traffic impacts on Felsted to the south of the site, possibly as a result of a lack of an all-movements junction with the A120 in the vicinity of the site.

There are opportunities for new vehicular access via the existing local and strategic road network in the form of the A120, A131 and the B1256 which could provide connectivity east towards Braintree, south towards Chelmsford and west towards London Stansted Airport.

Opportunities have been (and will continue to be) sought to addressing the lack of connectivity with the A120 in the vicinity of the site. In order to resolve this issue early in the development process a bid for the funding of a new all-movements junction with the A120 was submitted to Government in September 2017.

Whilst there is likely to be a requirement for substantial internal road infrastructure improvements to enable development on the site, a new road link may also need to be considered from the north and west to reduce reliance on access via the south and the A120 however public transport and active transport should be considered first and this should only be considered as a last resort due to the perceived impact.

In all instances it will be important to consider the right mix and location of uses within the Garden Community to promote sustainable modes of transport and short journey trips within the site itself to limit any potential dependency on the car.

## Water Cycle

Both the Pods Brook and River Ter are already failing to meet the Water Framework Directive target of good ecological status and are considered to be at risk of further deterioration in water quality. Diffuse urban pollution from surface run off associated with future development could exacerbate this risk. The

The existing issues with the water cycle present a challenge to new development proposals and substantial investment in this essential area of infrastructure will be required to facilitate the improvements needed and ensure adequate ongoing maintenance. It is clear that the delivery of the Garden Community will provide an opportunity to provide this level of investment and also provide an

**Economy - Retail**

underlying London Clay and clay soils that can impede the rate of infiltration may limit the use of infiltration sustainable urban drainage systems on the site. This is coupled with the site being situated within a Drinking Water Safeguarding Zone and surface and groundwater nitrate vulnerability zones. Parts of the site are at risk of fluvial (river) and surface water flooding.

Due to its rural nature the site does not currently accommodate any notable retail uses. It is however located approximately 5km to the west of Braintree Town Centre, 6km to the west of the regional shopping and leisure attraction of Braintree Freeport and 13km from Great Dunmow Town Centre.

unprecedented opportunity to integrate innovative sustainable urban drainage systems into the design of new development.

A development on the scale of the Garden Community could have the potential, if not appropriately planned and managed, to develop as a competitor location, especially with respect to Braintree Town Centre, impacting on its resilience. It will be important for the Garden Community to therefore develop an economic and retail strategy that compliments Braintree Town Centre, Braintree Freeport and Great Dunmow Town Centre but also avoids the Garden Community itself becoming a dormitory residential suburb. The ability to plan appropriate centres at locations and scales suitable for the Garden Community they will serve provides an opportunity to strike this balance.

**Economy - Employment**

The site currently contains a number of small scale employment uses, mostly related to agricultural and industrial uses.

The site is close to the established employment centre of Braintree which has seen steady growth in recent years and unemployment in the area is low with a high rate of economic activity. Jobs are growing at a faster rate than the working age population demonstrating a demand for labour. However, levels of out-commuting are high, qualification levels are

The Garden Community presents an opportunity to contribute to local economic growth both in the short and medium term during the construction phase and the longer term by providing high-quality employment space for future employers. Importantly the Garden Community will not be a dormitory settlement because employment sites will be developed within the new community and combined with an area specific economic strategy in order to attract potential employers, both start-ups and companies looking to relocate into new premises.

The economic strategy will have to utilise existing strengths including a strong focus on the local sectoral base and collaboration

## Utilities

relatively low and productivity is behind the national average.

The area benefits from a diverse sectoral employment base. This includes a relatively high proportion of manufacturing activity which, despite the long-term loss of industrial employment and a general absence of large employers, offers evidence of innovation and growth potential. While there are significant economic 'anchors' in the wider vicinity (some of which are significant employers of local residents), the area has not yet been able to realise the full benefit from them.

Within South Uttlesford growth is linked to potential employment opportunities at a future expanded London Stansted Airport. The continued growth in the airport's operations means that the airport itself increasingly acts as a hub which attracts a range of high level economic activities, particularly in knowledge-based sectors.

All the electrical networks west of Braintree are 11kV rural supplies, consisting mainly of overhead lines. These would have limited capacity to supply new development and overhead lines are inherently less reliable than underground cables, as they are more susceptible to storm damage.

There is capacity in the medium pressure gas network in the region, but local low pressure upgrades will be required.

with potential local employers and industry bodies to understand their needs and how they could be accommodated in the new settlement. The growth of London Stansted Airport will also provide an opportunity for the Garden Community to capture future associated employment growth. An understanding of the economic consequences of an expanded international airport in close proximity to the site will be key to achieving this.

Overall, employment sites will have to be well-integrated with the rest of the community, have excellent connectivity, be serviced with innovative telecommunications infrastructure and wherever possible be located close to complementary uses, such as cafes and early years care services. The planning of the Garden Community provides an opportunity which would not be realised through alternative development approaches.

The development of a new Garden Community provides significant opportunities to not only provide new infrastructure but also the opportunity to deliver innovative forms of infrastructure and ensure their integration from the outset, reducing and avoiding the need for disruptive retrofitting.

A new primary substation will have to be established early in the development phase and preliminary discussion with UK Power Networks suggests that this would be connected into the 33kV network from existing overhead lines to the south of the A120. Similarly improvements to the local gas network and local water network will need to be factored into the development.

Anglian Water has stated that the site is forecast to be in a deficit state by 2040. One of the main measures to mitigate the forecasted deficit will be to increase the transfer from neighbouring areas that benefit from a supply surplus. Unfortunately however, there is little spare capacity at either the Rayne or the Braintree waste water treatment plants, and waste water will need to be pumped to Bocking waste water treatment plant. This would only provide a short term solution, and in the medium term a new waste water treatment plant would have to be provided within the new settlement area. This could be challenging because existing water courses are too small and ecologically sensitive to accept the final discharge of treated sewage effluent, so any effluent which is not used locally would still have to be pumped to Bocking.

Current broadband provision in the settlement area is poor, largely due to the distance from the site to the closest BT exchanges which are located at Stebbing and Braintree. Consequently, internet performance within the site is far lower than surrounding settlements.

## Minerals Extraction

The Broadfield Farm site to the west of Rayne is allocated for mineral extraction in the Essex Minerals Plan and is subject to a planning application. It is acknowledged that the planning context for the mineral extraction site is changing with the allocation of the Garden Community in the submitted Braintree Local Plan and Uttlesford Draft Local Plan (Regulation 18).

The planning of the Garden Community provides a unique opportunity to deliver truly innovative forms of emerging utility-related technologies, including but not limited to state of the art telecommunications infrastructure which could provide an ultra-fast broadband service for existing and future residents. Additionally, utility provision in the Garden Community has the potential to embrace sustainable forms of energy production and distribution such as wind and solar power technologies and district heat networks.

The creation of a new settlement offers an opportunity to design these improvements in such a way as to make them as efficient (in terms of operation and maintenance) and as complementary to surrounding land uses as possible. To ensure the success of this integration, strong collaboration with service providers will be required.

The Garden Community provides previously unforeseen opportunities for the Broadfield Farm mineral allocation post-extraction. The changed planning context of a new Garden Community widens its potential use to residential and other development, offering the potential to better connect the site to the new and existing communities. Any future green infrastructure networks on site could be linked in to the wider environment improving the ecological and recreational value over an isolated scheme.

The site lies within a Mineral Safeguarding Area and will require a Mineral Resource Assessment to be undertaken to assess whether the mineral resource requires extraction prior to development. Any extracted mineral could be used on site to provide a sustainability benefit to the development of any new community.

Any mineral extraction operations would require a noise and environmental buffer zone between the potential Garden Community and neighbouring villages, ensuring any disruption is kept to a minimum for both new and existing residents whilst the site is active.

## SECTION 3: VISION AND PRINCIPLES

### VISION

A Vision for the West of Braintree Garden Community will provide a mandate for its future development and will be the golden thread running through the West of Braintree Garden Community Plan. It should be a shared Vision that governs all processes from design through to delivery of the development and future management of community assets.

It should create an identity for the new community where residents and business feel like they 'belong'. It should foster a collective sense of ownership and pride in the place where people will live, work and spend their leisure time.

#### **A VISION FOR THE GARDEN COMMUNITY**

The West of Braintree Garden Community will be an exceptional place to live, to grow up, to work, to raise a family, to retire; to enjoy a rich and fulfilling life. It will be a beautiful Community with a strong sense of identify and belonging. It will be a Community which is a safe and secure place where residents, workers and visitors have a strong sense of wellbeing.

The Garden Community will combine the best of traditional Essex residential environments with the expectations of a 21st century lifestyle. It will have low-energy, high performance homes in a rich landscape setting with natural green space directly accessible to every home. It will be well served by sustainable transport modes within a network of streets, greenspaces, and Public Rights of Way that will connect its distinctive neighbourhoods to each other as well as with surrounding communities. The new development will be designed in a way which respects and enhances existing landscape and heritage assets.

The Garden Community will provide the educational and health infrastructure required to support its residents. It will be healthy place, where walking and cycling to local destinations such as schools, convenience shops, play spaces and places of work, will be attractive and more convenient than driving. To support this, every new home will be within walking distance of local shops and other services that support daily life.

Good value, frequent, high-quality and reliable public transport will connect the new Community to existing settlements in Braintree and Uttlesford Districts including Braintree, Rayne and Stebbing, and further afield to other transport hubs including London Stansted Airport. Neighbourhoods will benefit from good links to the strategic road network, aligned to keep more through-traffic away from where people live but accessible to make journeys over a wide area as convenient as possible.

The timescale over which the Garden Community will grow and develop will offer the unique prospect of incorporating exciting new technological innovations within new developments, allowing it to respond to sociocultural changes and changing patterns of travel behaviour, thus ensuring its longevity and resilience.

The West of Braintree Garden Community will support the economic growth of the surrounding area and improve local opportunities to access a wide range of employment prospects. There will be a wide variety of jobs available to residents in businesses accommodated in modern buildings in its centre and outlying areas located close to strategic transport routes and benefit from proximity to London Stansted Airport. Support will be given to local small and medium enterprises to help promote entrepreneurship and embed local firms within the wider regional economy. A proportion of new housing should include homeworking facilities and all new homes should have a choice of travel modes, including high quality public transport to provide residents with the opportunity to seek employment in locations across the sub-region and beyond.

## HAVE YOUR SAY



The proposed Vision is a starting point from which a more succinct and shared Vision can be developed which will capture the aspirations of stakeholders and will ensure new residents fully identify with it. Your views are important to the creation of a collective Vision that provides direction for the growth of the West of Braintree Garden Community which is distinctive, inspiring and enduring.

**Q1. Do you agree with the content of the Vision? Is there anything missing?**

## PLANNING PRINCIPLES OF THE GARDEN COMMUNITY

As mentioned in Section 2, the North Essex Garden Communities Charter has been prepared to articulate the Councils' ambition for the Garden Communities. The Charter Principles are outlined below (and explained in more detail in Appendix 1).



FIGURE 4 THE NORTH ESSEX GARDEN COMMUNITIES CHARTER

## **THEME 1: PLACE AND INTEGRATION**

Created from a comprehensive and integrated approach to placemaking the Garden Communities will be amazing places to live, work and spend leisure and recreation time.

### **PRINCIPLE 1: GREEN INFRASTRUCTURE**

The Garden Communities will provide a generous amount of green space. They will be set within a multi-functional and integrated natural environment; providing space for nature, making the communities more resilient to climate change; promoting healthy lifestyles, and creating beautiful places to live and work.

### **PRINCIPLE 2: INTEGRATED AND SUSTAINABLE TRANSPORT**

The Garden Communities will be planned around a step change in integrated and sustainable transport system for the north Essex area, which will put walking, cycling and public transit systems at the heart of the development, and be delivered in a timely way to support the communities as they grow.

### **PRINCIPLE 3: EMPLOYMENT OPPORTUNITY**

The Garden Communities will seek to provide access to one job per household within the new community or within a short distance by public transport. The employment function will be a key component of creating character and identity and sustainable communities.

### **PRINCIPLE 4: LIVING ENVIRONMENT**

Community inclusiveness and walkable, sociable and vibrant neighbourhoods will be a defining characteristic of the garden communities. A diverse mix of homes responding to existing and future local needs will be provided alongside a range of community services, including health, education, leisure and recreation, culture and shopping.

### **PRINCIPLE 5: SMART AND SUSTAINABLE LIVING**

Planned for the 21st century, the Garden Communities will secure a smart and sustainable approach that fosters resilient environments and communities; able to respond positively to changing circumstances. Innovation and technology will be embraced to achieve resource efficiency, higher quality of life and healthier lifestyles; creating the conditions for sustainable living.

### **PRINCIPLE 6: GOOD DESIGN**

Through all stages of the planning, design and development of the Garden Communities the highest quality of design and management of the built and public realm will be promoted. Existing local assets will be capitalised to help create distinctive places.

**THEME 2: COMMUNITY**

A sense of community and active community participation will be at the heart of the Garden Communities and central to their planning, development and long term management.

**PRINCIPLE 7: COMMUNITY ENGAGEMENT**

The Garden Communities are a locally-led initiative, and their development will be shaped through engaging existing communities and emerging new communities; residents will be empowered to contribute to shaping the future of north Essex.

**PRINCIPLE 8: ACTIVE LOCAL STEWARDSHIP**

The Garden Communities will be developed and managed in perpetuity with the direct involvement of their residents and businesses; residents will be directly engaged in the long term management and stewardship, fostering a shared sense of ownership and identity.

**THEME 3: DELIVERY**

The ambition of the Garden Communities to create something special, unique and lasting for north Essex will be supported by a delivery structure that embraces collaboration, a common sense of purpose, commitment and vision, and where risk and reward is shared.

**PRINCIPLE 9: STRONG CORPORATE AND POLITICAL PUBLIC LEADERSHIP**

The councils of North Essex will collaborate to provide clear vision for the garden communities and commitment to their long term success. Central to this will be a commitment to high quality placemaking, timely infrastructure provision, and achieving a steady pace of housing and employment delivery.

**PRINCIPLE 10: INNOVATIVE DELIVERY STRUCTURE**

The Garden Communities will be delivered through a genuine and pro-active partnership approach between the public and private sectors, where risk and reward is shared and community empowerment enabled.



## HAVE YOUR SAY

The Charter is an important set of Principles which will inform the planning and delivery of the Garden Community. Making sure the Charter embodies the Councils' aspiration that the Garden Community is an exemplar will therefore need to be reflected within the Principles.

**Q2. Do you support the Charter Principles? Is there anything missing?**

## SECTION 4: ISSUES

### THEME 1: PLACE AND INTEGRATION

#### GREEN INFRASTRUCTURE

##### **CHARTER PRINCIPLE 1**

*The Garden Communities will provide a generous amount of green space. They will be set within a multi-functional and integrated natural environment; providing space for nature, making the communities more resilient to climate change; promoting healthy lifestyles, and creating beautiful places to live and work.*

The concept of Garden Communities places great emphasis on the landscape framework and the availability of high-quality, accessible green space near to homes and community facilities. The strategy for the Garden Community is to draw upon natural assets and features within the site to generate high standards of design. It requires an approach that sets development within a strong framework of internal green space and surrounding buffer areas that separate the new development from existing communities.

By definition, a Garden Community evokes notions of development set within an extensive, verdant landscape, with multi-functional open space available for residents to enjoy. It is also a form of development where all open spaces, from the strategic green corridors, local parks and streets to the domestic garden, have a role to play in characterising the development. The provision of significant amounts of accessible, well designed and well maintained open space will therefore be fundamental to the character and sense of place in the West of Braintree Garden Community.

The development of the Garden Community will be of a high standard of design and layout, drawing on its context and the assets within and close to its boundaries including Boxted Wood, Golden Grove, Rumley Wood, Pods Brook, and the historic airfield at Andrewsfield. These key assets will provide a context to build a new green-grid upon to provide an attractive setting for the new community and linking it to the wider countryside. The new community

will also address the relationship with existing communities close to its boundaries and maintain a separation between them including the villages of Great Saling, Stebbing Green and Rayne.

Open space can take a number of forms, but it is the interconnectivity between these different types and scales of open space that is the key to realising the vision of the Garden Community. The retention of existing landscape and open space assets is important, given the nature of the adjacent countryside and the quality of some of those assets. Retaining these established landscape assets helps to give meaning to the development from its earliest days, building on an existing character, rather than creating a completely new one from scratch. Making connections, internally and beyond the site boundaries, is essential both in terms of the creation of ecological pathways and linkages, but also to achieve a form of development that is firmly embedded within its landscape setting. There are clearly blocks of sensitive landscape and locations where the relationship of new built development with open areas of countryside, and other settlements (e.g. Great Saling and its conservation area), require a sensitive design response.

#### STRUCTURAL LANDSCAPE - AN INTEGRATED GREEN AND BLUE NETWORK

Sensitive local areas, such as Pods Lane and Brook, Boxted Wood and the surrounding settlements require careful consideration. Clearly the creation of a new settlement is difficult to hide no matter how extensive the surrounding landscape. In any case, this would also be the wrong approach to take. Creating a matrix of spaces, including landscape buffers and structural tree planting within which development sits, is a more nuanced and sustainable way of managing potential impacts on the surrounding area.

In order to facilitate an integrated green and blue infrastructure network there should be a promotion of the following key principles, which combine to establish a place that is resilient to climate change and establishes a pro-active relationship with the existing landscape:

- A focus on the existing open space and landscape features such as Boxted Wood and areas of ecological value to celebrate current features as well as establish a strong ecological network that retains and enhances biodiversity across the landscape.
- Definition of major east-west and north-south green corridors through the site, giving shape and form to development. This will provide a coherent landscape that ensures high levels of access to quality amenity, recreation and leisure space - encouraging healthy behaviours for new residents.
- Establishing connections into the wider landscape such that the new community becomes sustainably accessible through walking and cycling green routes.

#### SETTLEMENT-WIDE LANDSCAPE – KNITTING THE PLACE TOGETHER

The Garden Community will contain major new parkland designed to capitalise on the existing landscape and celebrate the local distinctiveness of the area. This parkland will provide local amenity and leisure space while also creating new ecological habitats/reserves and where appropriate providing storm water attenuation space with the potential to promote water balance and re-use such as through irrigation.

Town parks and commons will be key assets, providing amenity and creating a focus for civic life, while also helping to knit together parcels of mixed use development. The areas of habitat and Town Farm provide the stage for residents to directly engage with the landscape, and the flora and fauna it supports, both formally and informally. These areas use existing assets as a starting point, whether it be historic farm structures or existing and new wetland (potentially arising out of the remediation work to the Broadfield Farm minerals extraction site).

Finally, the sports pitches will need to be located at key junctures, providing access to a variety of formal and informal sports activities that contributes to the healthy living agenda that is one of the key aspirations of the Garden Community.

#### LOCAL LANDSCAPE – ENRICHING THE PLACE

Local parks, allotments, play space and incidental green space will be fundamental to the overall sense of place and character in the Garden Community. These local green spaces can create focal points for neighbourhoods and opportunities for community interaction.

The incidental spaces located within development parcels are a key part of this local-level landscape, providing opportunities for play, amenity planting that also provides shade and shelter, as well as localised food production, and a network of spaces capable of supporting local drainage systems that help to manage surface water drainage as part of a more strategic, site-wide set of interventions.

Flowing between these spaces, heavily tree planted streets and avenues will weave the whole development together, creating a more nuanced and finely detailed counterpoint to the major green corridors that flow around the edges and spine of the new community.

The importance of existing habitats and landscape structures to the longer term success and sustainability of the Garden Community cannot be over-emphasised. Protecting and enhancing existing assets, creating new spaces and connections and managing the whole system in a sensitive and responsive manner will help deliver spaces that are attractive to both people and nature.

#### AN ACTIVE LANDSCAPE

There is ample opportunity to use both the structural landscape spaces and the local open space to deliver high quality sport and leisure provision within the Garden Community. This might include both formal sport and more informal leisure and recreation facilities, with local school facilities also having a role to play in providing for the needs of residents. All play space should be integrated into natural surroundings and allow children to be within green spaces with a high degree of natural surveillance. Locating play alongside complimentary uses such as schools, nurseries and cafés to support their function and improve their success and vibrancy should be a focus throughout.

#### A PRODUCTIVE LANDSCAPE

Building on the existing site's focus on arable agriculture and food production, the Garden Community will provide space to establish orchards, allotments and greenhouses for commercial and local neighbourhood food production. Such spaces can be used by residents to grow fruit, vegetables and flowers, encouraging interaction with the outdoors, promoting education about the benefits of healthy living and giving people the opportunity to pursue a healthy lifestyle as well fostering civic pride within the community.

#### A FLEXIBLE LANDSCAPE

Green infrastructure should be suited to the varying needs of the community and the environment. Spaces should be flexible to allow for the changing needs of the community over time and allow for spaces to be inhabited throughout the year.

The Pods Brook valley provides a natural edge to the potential development. Enhancement and active management of the vegetation in and around the Brook and reinstating the natural route of the water course could help establish a green corridor that both the ecological and water quality whilst providing flood protection and recreation opportunities.

Active management of existing woodland assets and the creation of new areas of planting could create an attractive green network to enhance ecology, manage storm water and provide an attractive environment for the future settlement.

Networks of drainage ditches will provide the framework for a sustainable drainage network. The underlying geology and soil structure favour attenuation sustainable urban drainage systems (SuDS) that could be used to create attractive ponds on site that could be both an ecological resource or used to store water for reuse on site.

The green infrastructure network could be used to provide the necessary improvements to run-off water quality before discharge. This would reduce the need for new surface water sewer infrastructure and pressure on the existing waste water networks. Alternative non-potable water supplies are likely to be increasingly important in this water scarce area.

## HAVE YOUR SAY



The Green Infrastructure Strategy for the new Garden Community will be the basis for achieving a variety of different objectives as outlined above. It is vital therefore that the Strategy is comprehensive and balances the needs of the community with the natural environment. Your views are sought on the emerging approach to green infrastructure to help shape this future Strategy.

### **Q3. Do you support the emerging approach to green infrastructure?**

In preparing your response, you may like to consider:

- Parts of the site to be protected
- The sorts of public open space that are needed – parks, sports, play areas, natural spaces
- How these spaces can be made available and accessible to everyone
- How they should be owned and maintained
- What the open space priorities should be
- The importance of gardens and other private outside spaces

## CHARTER PRINCIPLE 2

*The Garden Communities will be planned around a step change in integrated and sustainable transport systems for the North Essex area which will put walking, cycling and public transit systems at the heart of the development, and be delivered in a timely way to support the communities as they grow.*

Designing and delivering a new settlement with a well-functioning, efficient and sustainable transport system will be a key factor in the determination of the Garden Community's success as a place to live, work and visit. The Transport Strategy for West of Braintree will therefore have to include a variety of different considerations, from strategic connectivity across the region, right down to walkable streets. The emerging approach to transport in the Garden Community is set out below.

### PUBLIC TRANSPORT – STRATEGIC CONNECTIVITY

To ensure the highest level of strategic connectivity the Garden Community will have to be integrated into the wider regional transport system. Whilst the site is in close proximity to the A120, it does not currently feed into the wider public transport system. The Transport Strategy will therefore have to deliver new strategic public transport systems that are capable of connecting the Garden Community to surrounding areas, including areas with employment growth opportunities. Such a form of public transport is referred to as rapid transit system, reflecting the scale and speed of its service.

A future Rapid Transit System serving the Garden Community could take the form of strategic light rail, tram-train, or a guided or priority bus service which could link the site up to London Stansted Airport to the west and Harwich (via Colchester) to the east. The availability of frequent public transport access to a potential future multi-modal transportation hub at the airport would also vastly improve the connectivity of the new Garden Community, making destinations further afield (including to London and Cambridge) accessible via convenient and sustainable modes. In addition to the future Rapid Transit System, the transport network will have to be supplemented by local, frequent-stopping and high quality bus services.

The strategic public transport network could include the following potential interventions:

- A rapid transit (potentially a light rail link) connecting London Stansted Airport to Braintree via the West of Braintree Garden Community and proposed Easton Park Garden Community;

- A dedicated bus route to London Stansted Airport and the settlements of Dunmow via the A120;
- A local bus interchange, including a park and ride service, located adjacent to the A120;
- A strategic busway through the site, connecting north-west Braintree (Springwood Drive) to Braintree town centre;
- A Rapid Transit System connecting Braintree Freeport (linked via Millennium Way slip ways or similar) via the future potential A120 alignment, or via the old A120 alignment (with the potential introduction of a new A120 alignment to the A12) linking Braintree with Marks Tey and Colchester;
- The re-purposing of the Braintree-Witham branch line into a Rapid Transit System corridor providing a connection with the Great Eastern Mainline at Witham and wider connectivity towards both Colchester and London;
- New connections from Skyline 120 and the A130 towards Chelmsford linking the future proposed park and ride facility and Beaulieu Park railway station.

#### PUBLIC TRANSPORT – LOCAL BUS NETWORK

Through considerable upgrading of route frequency and vehicle provision, a number of existing and future routes could serve as local connections between the site, the local settlements and the towns of Chelmsford, Great Dunmow, and Braintree. It could also underpin local movement within the settlement via a segregated Rapid Transit System, connecting residential uses with employment, schools and amenities. This could also importantly connect to the new strategic bus interchange within the site located adjacent to the A120. The bus network would provide a complete 400m and 800m catchment area across the site, meaning residential areas are within the identified 10 minute walking distance to ensure connectivity and encourage the highest levels of public transport take-up possible.

#### ACTIVE MODES

High quality streets and connections through the site will seek to ensure that the modal choice for local journeys (under 2.5km) is predominantly via active modes and therefore enshrines the sustainable transport principles at the heart of the Garden Community. For these journeys, car use should be limited, ensuring it is easier to walk than drive.

The Garden Community will seek to be exemplar in terms of the way that people can travel, with 40% of movements by active modes (walking or cycling). A settlement that favours active modes will provide the best possible opportunity to create a distinctive and attractive public realm, with a reduced amount of land set aside for car based infrastructure and instead more land for green space, development and useful amenities. Likewise a series of attractive, safe and accessible public and green places and the walking and cycling links between them and services, such as schools, creates the conditions by which a healthy new development can prosper. In turn this helps the achievement of the ambitious mode targets for all journeys within, to, and from, the Garden Community.

A shared use footway/cycleway between Rayne and Blake End alongside the B1256 could improve southern connectivity with minor upgrades to Pods Lane to improve leisure route linkages. Improvements to the crossing on Dunmow Road will ensure Pods Lane is safely connected across the B1256 and toward Flitch Way. Given the current and possible future status of Flitch Way and the sensitivity that surrounds this route, Flitch Way east of Pods Lane and Rayne will retain its rural character and setting. A 2km all weather surface section from River Brain to Pods Lane in Rayne with sensitive lighting has the potential to improve connectivity to Braintree town centre.

The Flitch Way also runs west through Great Dunmow to Hatfield Forest providing a safe, off road, cycling and walking route for most of its length. A gap in the route exists through Great Dunmow for cyclists and walkers, which could be connected to develop a quieter, more attractive route for walking and cycling, linking the two parts of the Flitch Way.

The conversion of Queenborough Lane and Shalford Road to an in-traffic quiet cycle route toward Skyline 120 would further improve connections to the east of the new settlement. Connections to the existing and protected leisure based bridleways, trails and Public Rights of Way on Flitch Way and Pods Lane, with upgrades to the existing pedestrian bridge over the A120 and B1256, would ensure a direct connection and interface with the southern edge of the site.

Travel Plans will need to be developed from the outset with high levels of funding for intervention measures to make the most of the infrastructure provided for active and sustainable modes of transport. Travel Plans should be prepared for residential, school, and business uses to assist the necessary 'step change' in sustainable transport modes. A site-specific Travel Plan Co-ordinator should be retained for the duration of the site build-out, and beyond.

#### ROAD NETWORK

The current and potential future strategic road network capacity should be preserved through an emphasis on investment in sustainable transport modes and the local road infrastructure should be viewed as a means of access to the site, rather than the sole transport option available.

The road network within the Garden Community will be framed around a hierarchy of different types of streets connecting users from neighbourhoods to the local highway system and beyond. A network of primary streets will have to link the site with the external local trunk road system providing a connection to local centres, whilst also providing connections to an eventual network of secondary streets within the site. The secondary and tertiary levels of the road network will have to be planned to preserve the current nature of existing lanes, for example Blake End Road leading to The Street, as much as possible, especially where there are existing dwellings present.

The site, by its nature, lends itself to only a small number of access possibilities, all of which connect with the B1256 and A120 to the south. It is essential the Garden Community's connection with the A120 is carefully considered given its strategic nature; its anticipated improvements to its eastern section between Galley's Corner and Colchester; and the capacity implications brought about by additional largescale growth along the route. Clearly a functioning road access will always be required to access the site but this access should not at the detriment of encouraging residents and employees from using others

forms of transport. Therefore the access arrangements between the site, the B1256 and the A120 will have to be planned in such a way that when new infrastructure is provided it considers ease of travel in relation to other transport modes with provision built into the design for bus priority lanes.

It will be essential that further highway modelling and testing of the solutions presented in the Movement and Access Study<sup>4</sup> are explored in the future.

#### CAR PARKING

Car parking policy must be long-sighted in its intent to reduce car reliance. Policy should primarily focus on on-site car parking and street design along with its capacity to serve development that is consistent with a modal choice away from the private car especially for local journeys whilst recognising the importance of connectivity to the wider strategic road network, but not at a cost to its function. Consideration could be given in the emerging transport strategy to reducing car parking provision over time, as modal shift occurs.

In this context, a clear grading of parking ratios based on public transport accessibility and housing/development density could be used. Along with this, car clubs and changes in social habits toward peer to peer car sharing could be promoted and enabled within the development as a means of reducing private car ownership but still providing a convenient option for longer distance car travel. This could seek to build on the concept of the sharing economy, and the environmental and community benefits that potentially result.

The Garden Community presents an opportunity to fully embrace emerging transport innovations such as autonomous (driverless) vehicles and encourage electric vehicle use. This could be achieved by designing streets in such a way as to create a safer environment for autonomous vehicles and providing space for their storage when not in use. Additionally residential areas could be required to provide adequate vehicle charging facilities, designed into neighbourhoods, and requiring their utilising of renewal energy sources wherever possible.

#### CYCLE PARKING

Cycle parking in a similar vein to car parking should be ambitious in its intent and should be provided in large numbers. Future standards should relate to density and typology of development to ensure uptake in cycling is maximised. Consideration could be given to innovative cycle storage solutions at home and at employment premises.

Cycling facilities such as local hire schemes and secure cycle parking could be located at major employment and public transport destinations to further promote transport choice. Innovative cycle parking solutions could also be located within residential areas both in private areas and in public spaces to ensure parking is provided at the origin and destination of a journey and enshrine cycling as the transport choice for journeys under 2.5km in distance.

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<sup>4</sup> Jacobs, *NEGC Movement and Access Study* (2017).



## HAVE YOUR SAY

The Transport Strategy and the infrastructure interventions it sets out will have a fundamental effect on the way the Garden Community's overall sustainability as well as how it functions as a place. The provision and availability of different transport choices will strongly influence residents' behaviour, so ensuring sustainable and active transport modes are given priority will have to be an underlying principle of the Strategy. Your views are sought on the emerging approach to help shape the future Transport Strategy.

### **Q4. Do you support the emerging approach to integrated and sustainable transport?**

In preparing your response, you may like to consider:

- How to reduce the need to travel
- How to encourage more people to walk, cycle and use public transport
- The importance of having public transport available early on the development
- The best ways to accommodate cars so that they don't dominate streets and townscapes
- The extent to which innovative technologies such as autonomous and electric vehicles are taken into account
- How car parking and cycle parking should be planned for

## EMPLOYMENT OPPORTUNITY

### CHARTER PRINCIPLE 3

*The Garden Communities will seek to provide access to one job per household within the new community or within a short distance by public transport. The employment function will be a key component of creating character and identity and sustainable communities.*

The Garden Community's location is considered to have good potential access to areas with local employment opportunities, for example Braintree, Braintree Freeport, Witham, Chelmsford and London Stansted Airport. These locations are within easy commuting distance of the new Garden Community, but the challenge will be to ensure that they can be reached using modes of travel other than the car, through the provision of public transport/Rapid Transit Systems (as suggested in the previous section).

Employment within the Garden Community is likely to be focused towards small and medium enterprises (SMEs), which generally reflects the make-up of companies in the local economy. There is also the opportunity to provide space for smaller units which would encourage start-up businesses which would be able to take advantage of the proximity to major economic hubs and the innovative and technological advanced environment generated by the new community.

The connectivity to the A120 corridor with its international links at London Stansted Airport to the west and the Haven Ports to the east could be used to attract a range of businesses into the Garden Community, but care must be taken to ensure that they offer sustainable, quality jobs for the local community.

Linking new manufacturing and office floorspace to popular existing business parks and growing local sectors will ensure that the population within the Garden Community, as well as those in the local area, can benefit from these improvements.

The economic growth prospects of the Garden Community confirms that the West of Braintree Garden Community would likely to be associated with significant jobs growth, where jobs linked to exogenous growth processes are presumed to be physically on site, those linked to homeworking will be physically associated with the homes of residents and therefore also on site, and those related to the consumption of local services may or may not be on site, but all will be in close traveling distance<sup>5</sup>. This would achieve the Garden Community Charter aspiration of 'one job per house'. This is ambitious, and

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<sup>5</sup> Cambridge Econometrics and SQW, *North Essex Garden Communities: Employment & Demographic Studies* (2017).

its achievability depends on many different factors, some of which are very difficult to influence, but the likelihood of achieving desired employment growth will increase if there is a proactive economic growth plan in place across the area and the Garden Community is delivered in a manner which itself is proactive, visionary, managed and appropriately resourced.

## HAVE YOUR SAY



The Employment Strategy will underpin the economic growth prospects of the Garden Community and will also be an important factor in contributing towards sustainable development. Whilst planning for economic growth is very different from planning for new housing because so many more factors are outside the control of the Councils, the Garden Community can nevertheless provide the right conditions to attract employers and foster their growth. Your views on how such an environment can be achieved are welcome.

### Q5. Do you support the emerging approach to employment opportunity?

In preparing your response, you may like to consider:

- How to attract new small and medium enterprises and employers looking to relocate
- How to make best use of nearby economic drivers – London Stansted Airport, the University of Essex, surrounding town centres and existing employment centres
- How to secure jobs for a wide range of different people
- How to accommodate emerging technologies and changing business needs
- Where employment sites should be located in the Garden Community

## LIVING ENVIRONMENT

### CHARTER PRINCIPLE 4

*Community inclusiveness and walkable, sociable and vibrant neighbourhoods will be a defining characteristic of the Garden Communities. A diverse mix of homes responding to existing and future local needs will be provided alongside a range of community services, including health, education, leisure and recreation, culture and shopping.*

## HOUSING

A successful Garden Community must seek to ensure the type and tenure of housing product is expanded beyond what the market would deliver and the number of residential outlets increased or accelerated. Housing types and tenures could seek to consider custom-build, self-build, starter homes, co-housing, older persons housing (including retirement communities, Independent Living schemes, supported living and extra care), housing for vulnerable and disabled people as well as the private rented sector (PRS). Overall it will be important for the Garden Community to provide a range of different housing types and neighbourhoods, to achieve a balanced community and cater for residents of all ages.

## CENTRES STRATEGY AND SETTLEMENT HIERARCHY

The Garden Community will be developed upon the basis of a centres strategy that is distributed across a clear network and focuses on co-located social infrastructure such as community hubs. The current rural context of the site and surrounding area means the population is relatively sparsely distributed. The urban area of Braintree has the highest concentration of population and activity and is approximately 5km to the east while the market town of Great Dunmow is approximately 6km to the west with a modest population and local key service provision. The village of Rayne sits in close proximity to the east but provides relatively limited economic activity. There is little close connection to any major urban settlements to the north or south. As a result the Garden Community will need to establish a major new centre at its heart to focus the predominant interaction and exchange of social and economic capital within the Garden Community.

This new centre will likely comprise of large groups of shops containing at least one supermarket and a range of non-retail services such as banks, cafés and restaurants. It could also contain community hubs providing co-located facilities such as educational (early years, primary and secondary levels) and leisure facilities which are flexible and multifunctional to take account of specialised and local requirements. In practice this could mean that sports facilities located at educational establishments are available for wider community use at appropriate times of the day and periods of the year.

Additional and supporting local centres will be located in proximity to new neighbourhoods and along the transport spine in order to establish a walkable environment with sustainable travel links. These local centres will contain smaller groups of convenience shops and services as well as localised community hubs sharing smaller scale uses such as early years care, primary schools and healthcare provision. Complementary uses should be sought wherever possible, for example locating early years care facilities in close proximity to employment areas.

## HAVE YOUR SAY



Creating an attractive living environment through careful consideration of the location of different land uses and how they relate to one another within the Garden Community will have significant consequences on social interaction and integration, fostering a sense of place and community. Your views on this subject will help shape a future strategy that will make the Garden Community a celebrated place to live, work and spend time, as well as a place with a strong sense of community.

### **Q6. Do you support the emerging approach to the living environment?**

In preparing your response, you may like to consider:

- How public places that are safe, sociable and busy can be designed and delivered
- What types of services the main centre of the Garden Community should include (social, cultural, education and leisure facilities)
- What types of services smaller local centres should include (social, cultural, education and leisure activities)
- How to making places and spaces that are attractive and flexible for all types of future users
- How to provide homes for all requirements – single people, couples, families, older people, and those looking to rent, to buy or to build themselves

## CHARTER PRINCIPLE 5

*Planned for the 21st century, the Garden Communities will secure a smart and sustainable approach that fosters resilient environments and communities; able to respond positively to changing circumstances. Innovation and technology will be embraced to achieve resource efficiency, higher quality of life and healthier lifestyles; creating the conditions for sustainable living.*

The Councils are preparing a strategy for Smart and Sustainable Living based on five key principles:

- Smart Places – places that incorporate the best of technology to support sustainable living
- Smart Mobility – technology that facilitate sustainable travel choices
- Smart Lives – technology that enable independent living throughout life
- Smart Infrastructure – technology that delivers sustainable energy and waste solutions
- Smart Public Services – technology that enables access to public services as effectively and efficiently as possible

The aim of the strategy is to support Sustainable Living, focused on the new Garden Communities but with the potential to transform existing communities too. It is anticipated that technology will continue to change and develop during and beyond the development of the Garden Community . Consideration will be given to ‘future proofing’ the planning of the new Community so that places can adapt as technology and lifestyles change.

**Smart Places** the public realm would be designed to create opportunities for more active lifestyles irrespective of age, ability or cultural background.

**Smart Mobility** means:

- the application of Active by Design principles<sup>6</sup> using planning and design for new developments to encourage active and healthy lifestyles. The approach is linked to the Government’s Cycling and Walking Investment Strategy<sup>7</sup> to design-in opportunities for a step-change in active travel including smart hubs that make interchange with public transport simple and secure.

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<sup>6</sup> Design Council, *Active by Design* ([http://www.designcouncil.org.uk/sites/default/files/asset/document/Active\\_By\\_Design\\_Brochure\\_web\\_LATEST.pdf](http://www.designcouncil.org.uk/sites/default/files/asset/document/Active_By_Design_Brochure_web_LATEST.pdf))

<sup>7</sup> Department for Transport, *Cycling and Walking Investment Strategy* ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/603527/cycling-walking-investment-strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/603527/cycling-walking-investment-strategy.pdf))

- The public realm in smart places will be designed to create opportunities for more active lifestyles irrespective of age, ability or cultural background.
- Smart vehicles, including electric vehicles infrastructure and charging points linked to renewable energy.
- Smart car-sharing schemes linked to smart parking solutions.
- Autonomous service vehicles to enable consolidated deliveries, either to neighbourhood hubs or individual residences.

**Smart Lives** will support Independent Living by using technology and mobile apps to enable and support independence for longer, reducing the burden on social and health services. Smart Lives could also improve the effectiveness of care, connecting local government, the National Health Service and charitable organisations, allowing a pooling of resources and efficiencies.

**Smart Infrastructure** will include:

- cutting edge digital communications, designed for ultra-fast broadband and 5G from the outset and future-proofed for simple upgrades.
- Smart energy systems that use collective contracts to deliver sustainable energy at lower prices through a community owned network tailored to the community's needs.
- capacity and adaptability for technologies through the design of flexible cable ducts, service corridors, etc.
- making space for heat and power energy generation centres and hubs within the Garden Community.
- maximising efficiency at the household and business level, with on-site generation and use of battery storage, with technology to monitor individual energy.
- a mixed portfolio of energy technologies to avoid dependence on any one energy solution.
- smart waste systems which will aim to operate at zero carbon whilst at the same time maximising waste recycling with a waste Hub linked to energy generation.

**Smart Public Services** will provide public safety benefits from improving emergency incident response and management, to more efficient street lighting, energy and communications infrastructure management.

#### UTILITY PROVISION

The delivery of a new Garden Community to the West of Braintree will provide a number of challenges in terms of infrastructure provision however the very lack of existing connections and services is also an opportunity to think differently about how to serve the energy and water needs of the new community. The opportunity therefore exists to deliver intelligent utility network infrastructure in an integrated, cost effective and timely manner.

The delivery of the Garden Community will need to be carried out with close collaboration with utility providers to ensure a more integrated approach to provision that guarantees land parcels are unlocked and unconstrained by utilities infrastructure through intelligent timing and phasing. The opportunity for combined utility corridors, ensuring utilities are provided from the outset and making maintenance easier and more convenient for residents, along with

other sustainable onsite items such as innovative approaches to waste water treatment and onsite power generation, should all be considered. In addition, the potential for the utilisation of new technologies, including renewable technologies, needs further consideration.

The planning of the Garden Community also provides an opportunity to design in energy generation and waste management systems into individual properties, groups of properties or at a neighbourhood level. Such localised energy and recycling schemes can result in cheaper and more sustainable energy sources for the Community's residents.



## HAVE YOUR SAY

The West of Braintree Garden Community provides an unprecedented opportunity to embrace the latest innovations and technologies available to make buildings, infrastructure and lifestyles more efficient, more enjoyable and more sustainable than what could be achieved through smaller, disjointed development proposals.

### **Q7. Do you support the emerging approach to smart and sustainable living?**

In preparing your response, you may like to consider:

- What sorts of new technologies the Garden Community should embrace
- How such technologies could be planned and delivered
- How to make sure new technologies are available to everyone not necessarily just those who can afford it
- How to encourage wide scale capture and distribution of renewable energy
- How energy efficiency could be achieved in all aspects of the Garden Community

**CHARTER PRINCIPLE 6**

*Through all stages of the planning, design and development of the Garden Communities the highest quality of design and management of the built and public realm will be promoted. Existing local assets will be capitalised to help create distinctive places.*

The Garden Community must achieve an attractive, locally distinctive, high quality and sustainable design. Development should be well-laid out to help people find their way easily, and should have generous open spaces, public, private and communal areas to help create distinctiveness and interest. Masterplans and design guidance can be developed as instruments to secure good design throughout the development.

Greener and more efficient developments should be designed so they are outward facing onto the streets for good surveillance of public places, but should accommodate substantial areas of integrated green space within, to provide for good sized gardens, landscaping, recreation, wildlife and food growing and other private space.

How a new community interacts with its existing landscape is an important design consideration. Development must achieve a suitable transition from urban development to countryside. The design and layout should respond positively to the historic environment context which creates opportunities for developing distinctive and inviting places. It is considered desirable to retain a 'green gap' between the new Garden Community and the surrounding villages and towns, to avoid coalescence and maintain settlement identity. The design of the Garden Community's boundaries should reflect that ambition (see Section 5).

A development framework will be established informed by best practice in urban design principles, which could be supplemented with specific design codes and a design review process with an independent panel of experts helping to support high standards of design.

The Essex Design Guide (EDG) is currently being refreshed to provide urban design guidance to assist Councils in their determination of planning applications and planning for large scale developments, including new Garden Communities. Therefore there is an opportunity to link the future approach to achieving good design to the new EDG, which is expected to be completed by the end of 2017.



## HAVE YOUR SAY

The approach taken on architectural and urban design will have long-lasting and far-reaching effects on the settlement's identity and for many people will be the most prominent factor in their perception of the Garden Community. To get this right your views are sought and your responses will directly influence the design approach adopted.

### **Q8. Do you support the emerging approach to good design?**

In preparing your response, you may like to consider:

- How can high quality and sustainable design be achieved in the Garden Community
- How new development can be successfully integrated into the existing landscape
- How different areas of the Garden Community approach design – should different neighbourhoods with the Garden Community have distinct design codes?

## THEME 2: COMMUNITY

### COMMUNITY ENGAGEMENT

#### **CHARTER PRINCIPLE 7**

*The Garden Communities are a locally-led initiative, and their development will be shaped through engaging existing communities and emerging new communities; residents will be empowered to contribute to shaping the future of North Essex.*

Continued, meaningful local engagement from inception, to planning, and then implementation is necessary. The Garden Community's development will be guided by a locally-led vision, and ongoing and meaningful public and stakeholder participation. Community engagement will form a key part of developing a masterplan for the settlement, utilising the extensive knowledge and views of the existing and new communities to help shape and refine strategies, policies and proposals. Exhibitions and other forms of community engagement events will be held locally as the Development Plan for the Garden Community is progressed.

Measures to support the development of the new community and its provision of vital social infrastructure will be needed, especially in the Garden Community's early days. This support can take a variety of forms. For example community development support workers can be employed to facilitate the establishment of local governance, clubs and social groups and be in place for a minimum period (for example, ten years) from the initial occupation of the first homes or until such time as their involvement is no longer required.

Community involvement will not only be essential to ensure social sustainability but also as a means for the Councils to gather feedback on the delivery of the Garden Community. Once neighbourhoods are established, new residents will start to feel a sense of identity and this will translate into views and opinions on how the latter phases of the Garden Community are designed and delivered. Capturing this local sensitivity will be critical to ensuring community engagement is an ongoing process and able to evolve as the community matures.



## HAVE YOUR SAY

The Councils are committed to ensuring the Garden Community is planned from the bottom up, giving local people the opportunity to take part in the planning and delivery decisions that will need to be taken as development progresses. How the Councils go about community engagement will be a test of this commitment and your views on how meaningful and effective consultation can be achieved are therefore encouraged.

### **Q9. Do you support the emerging approach to community engagement?**

In preparing your response, you may like to consider:

- How existing residents and communities should be engaged in the masterplanning of the Garden Community
- How new residents and communities should be engaged in the phasing and latter stages of delivery
- What the best way is to enable new residents and businesses to create a successful Garden Community (community facilities, community support workers, programmes of community activities)

**CHARTER PRINCIPLE 8**

*The Garden Communities will be developed and managed in perpetuity with the direct involvement of their residents and businesses; residents will be directly engaged in the long-term management and stewardship, fostering a shared sense of ownership and identity.*

One of the defining principles of Garden Communities is that assets that are important to the local community should be owned and managed by them directly, helping to build a sense of community and collective responsibility.

Establishment at an early stage in the development of the Garden Community of local governance structures and stewardship arrangements for community assets including green space, public realm areas, community and other relevant facilities will encourage civic involvement and bind new communities together. Such arrangements can be funded by the development and include community representation to ensure residents have a stake in the long term development, stewardship and management of their community.

A wide range of social infrastructure can be co-located alongside the key service centres. This could include the community, health, education, cultural, and recreational facilities that provide for the needs of a cohesive community. These facilities will ‘anchor’ the Garden Community, providing a range of facilities in close proximity to people’s homes. Typically these will be positioned on public transport and served by attractive and safe cycling and walking routes to facilitate the creation of walkable and cycleable neighbourhoods as well as allowing easy access for residents across the Garden Community. It will be critical that the provision of social infrastructure is delivered at the earliest possible stages of development in order to advance the establishment of a community and ensure that early residents are adequately served by new facilities, avoiding placing undue pressure on existing provision.

A Local Stewardship Body (LSB) could be formed to encourage community participation and oversee the long term governance of the Garden Community. Such an LSB could be encouraged to collaborate actively with associated bodies and charities where they share similar objectives and to share best practice. For example participation bodies such as sports association, and cultural and religious organisations. The LSB could be funded by endowment from the development or through its potential ability to raise a local precept or levy on residents.



## HAVE YOUR SAY

Garden Communities are most commonly associated with delivering high levels of ‘hard’ infrastructure such as new means of transportation, health and educational facilities, and generous amounts of open space but ensuring the ‘soft’ infrastructure of active local stewardship is given adequate support and resources is just as essential. Your view on how arrangements can be made from the outset to help the Garden Community’s social infrastructure flourish are welcomed.

### **Q10. Do you support the emerging approach to active local stewardship?**

In preparing your response, you may like to consider:

- The importance of local communities running, managing and/or owning community assets (such as parks, sports pitches, allotments, community buildings and community transport)
- The types of community assets to be covered by local stewardship arrangements
- How these community assets could be run, managed and/or owned by the local community
- How the running of local governance structures could be funded (for example through endowment or through the ability of an LSB to charge a local precept or levy)

## THEME 3: DELIVERY

### STRONG CORPORATE AND POLITICAL PUBLIC LEADERSHIP

#### **CHARTER PRINCIPLE 9**

*The Councils will collaborate to provide clear vision for the Garden Communities and commitment to their long-term success. Central to this will be a commitment to high quality place-making, timely infrastructure provision, and achieving a steady pace of housing and employment delivery.*

A successful Garden Community relies on strong corporate and political leadership and a well-defined, shared Vision. The West of Braintree Garden Community is being led by the joint-working of Braintree District Council (working as part of the North Essex Garden Communities) and Uttlesford District Council. Strong, cross-party, political support will be required to drive the project forward over several Local Plan periods and political cycles.

The delivery of the Garden Community will require a positive and active approach by both the public and private sectors. The Councils will explore all opportunities to take a direct stake in the delivery process relating to good place-making, infrastructure delivery, funding and governance.

The Councils will need to take a long term strategic view of development to ensure that the Vision and ambitions for the Garden Community are delivered. This will require forward thinking and planning that is not limited to the current plan-making time horizon of 15 years, but looks well beyond that.

The Garden Community will place the Councils' commitment to high quality place-making and infrastructure delivery at the heart of the development, and a central tenet of all governance and delivery mechanisms created to bring forward the new Garden Community.

#### **HAVE YOUR SAY**

Strong corporate and political leadership is a key principle of the Garden Community, particularly given the significant challenges of delivering a new settlement at such a scale, which crosses local authority boundaries will cover many future Local Plan periods.



### **Q11. Do you support the emerging approach to corporate and political leadership?**

In preparing your response, you may like to consider:

- How the Garden Community can implement an effective and enduring regime of control to main high standards of design and quality and maintain a commitment to the Garden Communities Charter
- How the funding should be sought for the investment in the Garden Community
- The type of governance arrangements required to ensure long term commitment to deliver the new settlement

## INNOVATIVE DELIVERY STRUCTURE

### CHARTER PRINCIPLE 10

*The Garden Communities will be delivered through a genuine and pro-active partnership approach between the public and private sectors, where risk and reward is shared and community empowerment enabled.*

The delivery of new Garden Communities on this scale requires delivery arrangements that are more complex and wide-reaching than those that would apply to conventional development. Most notable is a desire of the public sector, represented by the two local Councils, to play a full and active role in the development of the Garden Community, and to participate in both the risks and the rewards of development, securing benefits for the wider communities.

This involvement could go beyond the role of the Councils as local planning authorities in making local planning policy and determining planning applications. Managing development through the planning process relying on planning policy and conditions on planning permissions is potentially too coarse and remote for such complex and large-scale proposals.

Ideally the Councils would like to see the formation of a Local Delivery Vehicle (LDV) as a minimum with one or more local Development Corporations formed as a preference. These Development Corporations will have the powers to acquire and to hold land, to prepare master plans and other guidance, and to determine planning applications in the Garden Community area, thereby ensuring high standards and capturing land values to pay for infrastructure and community assets. Such a Development Corporation would be accountable to both local Councils.

By taking a more involved role in the Garden Community the Councils will have a stronger say in the delivery of the settlement, ensuring that infrastructure is delivered at the right time to support the new Garden Communities and to minimise the impacts and increase the benefits to existing communities.

### HAVE YOUR SAY

The Councils have a strong and equal commitment to ensuring the delivery of the Garden Community raises the expectations and reputation of new largescale development. This can only be achieved with an innovative delivery structure which embeds the Councils aspirations in the heart of its governance. Your thoughts on the form this innovative delivery structure should take are sought.



## **Q12. Do you support the emerging approach to innovative delivery structure?**

In preparing your response, you may like to consider:

- The level of involvement of the Councils in the delivery of the Garden Community
- How local interests can be placed above private gain through the sharing of risks and rewards of new development
- How strong local and political leadership can be translated into the establishment of the innovative delivery structure
- The need for public funds to secure infrastructure in advance of development

## SECTION 5: SPATIAL BOUNDARIES

Both the Braintree and Uttlesford emerging Local Plans show the West of Braintree Garden Community as a broad location. This means that further detailed work is required to determine the full extent of land required.

### ESTABLISHING A BOUNDARY FOR DEVELOPMENT

Part of the role of the West of Braintree Plan is to determine the full extent of land required for the Garden Community. In order to determine the full extent of the land required it is necessary to consider the nature of the existing area and the level of land uses and infrastructure required to serve the Garden Community.

The area of land that could accommodate a new Garden Community in the area has been refined from options presented in the Options and Evaluation<sup>8</sup> study which was influenced by stakeholder consultation with local community representatives in November 2016 and March 2017, as well as an understanding of the issues and the inter-relationship between them which include:

- identification of clear and defensible boundaries (water courses, roads, woodland belts);
- appreciation of distance and separation of communities – (physical, visual, perceived);
- relationship to existing settlements;
- nature of land that will perform the role of a ‘green buffer’ which will define an envelope within which a new community can be accommodated that remains distinct from other existing settlements;
- planning policy protection (how might this land be protected ‘in perpetuity’ from built development whilst allowing complementary activities that support both the new community and existing communities?).

The effects of constraints on potential land use are identified through consideration of the evidence base and by engagement with landowners, statutory agencies, utility service providers and others. Based on this process, absolute constraints on development, such as easements and buffers to existing settlements can be defined and removed from the boundary of the Garden Community altogether or from the developable area if they remain within the boundary. Remaining constraints, such as areas of high landscape sensitivity will influence decisions on proposed land uses and potential residential densities.

Once the developable area is determined the quantity of land required for each land use or infrastructure type needs to be calculated based on the evidence base as well as the principles contained in the Garden Communities Charter. The proposed disposition of the various land uses can then take

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<sup>8</sup> Aecom, *Options and Evaluation*, (2016)

advantage of the constraints and opportunities offered by the characteristics of the different areas across the site and inform the overall capacity of the area.

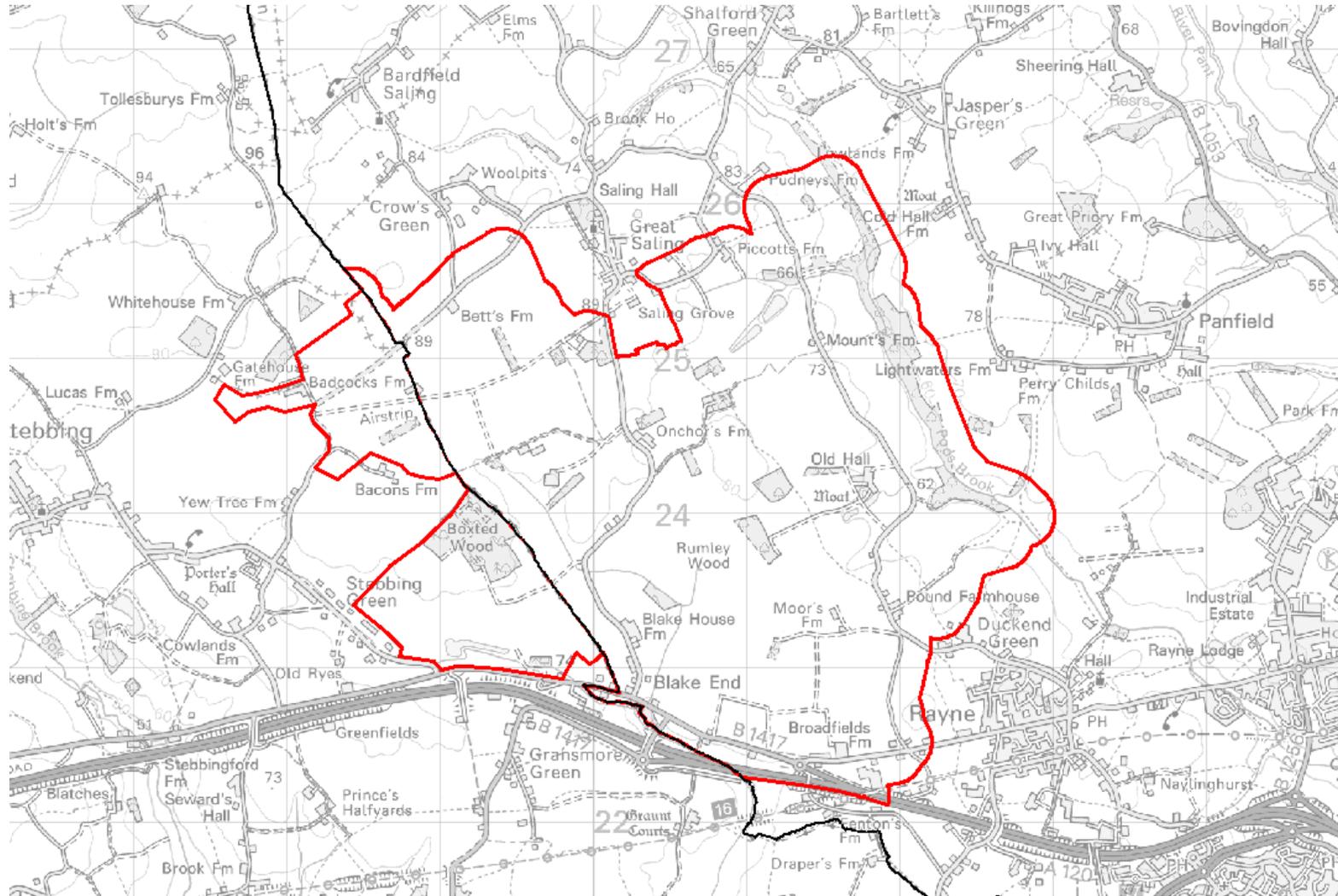
It is important to remember that where green buffers are needed to prevent the coalescence of the Garden Community with existing settlements and preserve the character and identity of surrounding villages from new development, the land required to accommodate these buffers will need to be contained within the boundary of the Garden Community. By including green buffers in the Garden Community boundary the land can be protected in perpetuity from built development whereas such a safeguard could not be imposed on land outside of its boundary. This is the reason why the Garden Community boundary will need to be in close proximity to Great Saling, Rayne and Stebbing Green.

#### SPATIAL OPTIONS

As mentioned the Braintree and Uttlesford emerging Local Plans contain the principle of development and a broad location for the Garden Community. Whilst neither Local Plan is yet to be adopted in its current form, and is therefore subject to change following independent examination in public, the Local Plans are at different stages of progression. Braintree District Council has recently concluded its Regulation 19 statutory consultation and is due to submit its Local Plan to Government in Autumn 2017. Uttlesford District Council has recently concluded its Regulation 18 statutory consultation and is due to carry out its Regulation 19 statutory consultation in early 2018 with submission to the Government later in 2018.

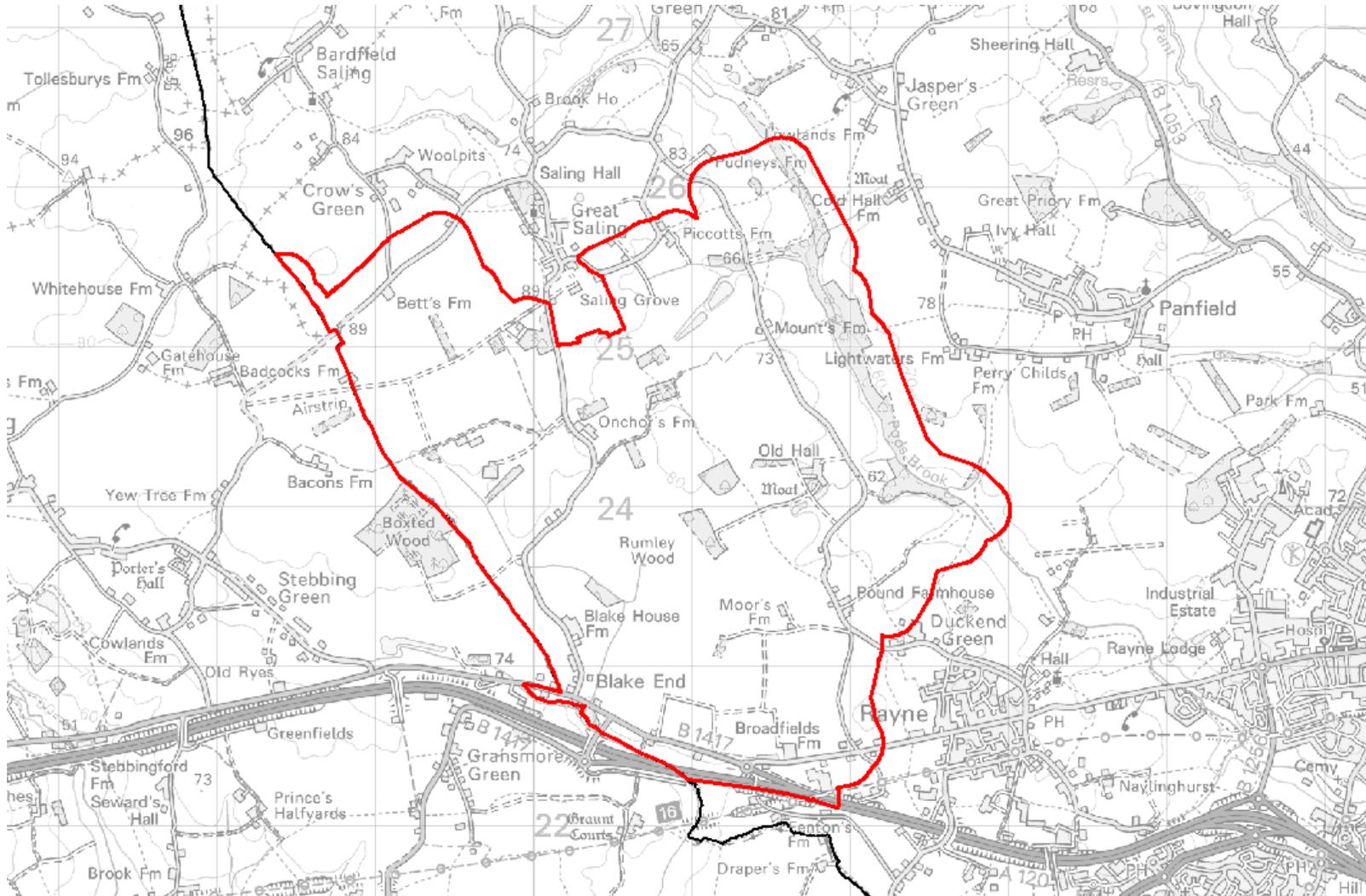
In order to not pre-empt the Local Plan process, outlined above, the Councils are exploring different spatial options for the West of Braintree Garden Community. The two spatial options available reflect the possibility that the Local Plans may be subject to change as the statutory planning process continues up to formal adoption by the Councils. Option 1 comprises the combined areas of search contained in the two emerging Local Plans whilst Option 2 is wholly contained with Braintree District.

OPTION 1 – COMBINED BRAINTREE AND UTTLESFORD LOCAL PLANS AREA



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OPTION 2 – BRAINTREE LOCAL PLAN ONLY AREA





## HAVE YOUR SAY

The spatial boundaries of the Garden Community will set the extent and scale of the development and consequently the amount of land available for different land uses, and local and strategic infrastructure. For the reasons mentioned above, the Councils are exploring two spatial options to take account of the ongoing statutory Local Plan process. However, irrespective of which option is taken forward, the exact development boundary is yet to be determined and your views are therefore sought to help refine what the exact boundary should be. **It is important to recognise that the development boundary does not mean that built development will take place up to the edge of the boundary; the development boundary will have to include green buffers if they are to adequately safeguarded from future development.**

### 13. Do you have any comments on the potential boundary of the Garden Community?

In preparing your response, you may like to consider:

- Within each option are there specific areas that should be excluded, and why?
- Are there any specific areas that should be included, and why?
- Should there be buffers to separate the existing settlements nearby from the Garden Community? If so, where should these be? Apart from existing rural and agricultural uses should any other types of development or land uses associated with the Garden Community be acceptable in these buffers, e.g. open space, or sustainable urban drainage, or playing fields?
- There is a triangular area of land in Uttlesford District south of Andrewsfield, north of Boxted Wood and east of Stebbing Green that is currently excluded from the broad location – do you think this area should be included for further consideration, and why?

**Q14. Are there any other considerations relevant to the West of Braintree Garden Community that have not been identified or discussed in this document?**

## SECTION 6: NEXT STEPS

This document has provided information on the proposed Vision, Principles, Issues and two potential options for the West of Braintree Garden Community, given the position of respective emerging Local Plans. We welcome your views on all those elements, and anything you feel should be added or emphasised.

Your responses will be reviewed and analysed and will help decide which spatial options are progressed and how the emerging strategies, policies and proposals are shaped which will inform the West of Braintree Garden Community Plan. Where your comments are considered to merit further consideration of issues or indeed require additional evidence to be gathered, we will progress this as part of the continued evolution of the Plan.

Many thanks for your contribution, this is an exciting long term project and we are keen that you continue to engage with us as we prepare a shared Plan for the Garden Community.

## GLOSSARY

**Affordable housing** – a broad term used to describe a variety of housing tenures including social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.

**Allocation** - the specific identification of an area of land for a particular use or designation in a planning document.

**Ancient Woodland** - an area that has been wooded continuously since at least 1600 AD.

**Archaeological interest** - there will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places and of the people and cultures that made them.

**Avoidance** - action taken to avoid a possible impact by either re-locating the works to an area that will not have an impact or timing them to avoid the impact i.e. outside of the bird breeding season, amphibian mating season, etc.

**Autonomous (driverless) vehicles** - robotic vehicles that are designed to travel between destinations without a human operator.

**Biodiversity** - includes all living organisms (plants and animals) and collections of species that form different natural habitats.

**Bridleway** - a path, trail or a thoroughfare that is used by people riding on horses.

**Broadband (Ultrafast)** - Ultrafast is defined, depending on the supplier, as delivering between 300Mbps and 1,000Mbps. Achieving these speeds would require FTTP.

**Car Clubs/Car Sharing** - sharing cars for regular travelling, especially for commuting and routine travel such as shopping.

**Climate change** - the large-scale, long-term shift in Earth's weather patterns and/or temperatures.

**Community assets** - community assets are land and/or buildings owned or managed by community organisations. These assets cover a wide spectrum and include community centres, sports facilities, affordable housing, libraries, cafes, and even transport services.

**Community facilities** – the wide range of facilities and services required by any community. It includes education, health and community care, shops, meeting halls, libraries, places of worship, burial grounds and emergency services.

**Concept Feasibility Study** - conducted by Aecom in 2015 to investigate a range of scenarios covering the scope and scale of development that may be feasible, together with an evaluation of how development at scale could meet strategic objectives, deliverability and anticipated infrastructure requirements.

**Conservation (for heritage policy)** - the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

**Conservation Area** - an area designated for special protection under the Planning (Listed Buildings and Conservation Areas) Act 1990, for which it is considered desirable to preserve and/or enhance an historic interest and/or a special architectural character. Such areas have restrictions over works which can be done to buildings or trees.

**Countryside** – land outside defined development boundaries.

**Custom build/Self-Build** - Custom build homes are where an individual or a group works with a developer to help deliver their own homes. Self-build is where an individual directly organises the design and construction of their own home

**Cycleway** - either a mandatory or an advisory route along which bicycles may travel, either segregated from pedestrians or as shared users.

**Development** - 'the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land.' (Section 55, Town & Country Planning Act 1990).

**Development Plan Document (DPD)** - the planning policy documents that make up the Local Plan and help to guide development within a local planning authority. Importantly DPDs are subject to formal public consultation and independent examination by a Government-appointed Planning Inspector.

**District Centre** - A centre which serves a wider area than a local centre.

**District Heat Networks** - a system for distributing heat generated in a centralised location for residential and commercial heating requirements such as space heating and water heating

**Drinking Water Safeguarding Zone** – designated areas in which the use of certain substances must be carefully managed to prevent the pollution of raw water sources that are used to provide drinking water.

**Environment Agency** – the public body responsible for the protection and enhancement of the environment in England.

**Essex County Council (ECC)** – the public body which governs the county of Essex. ECC is responsible, amongst other services, for governing highways, education, adult social care and minerals and waste planning in Essex.

**Educational infrastructure** – early years education and childcare, primary and secondary schools and post-sixteen and adult life-long learning facilities.

**Flood protection** - the measures taken to reduce or prevent the detrimental effects of flooding,

**Flora and fauna** - flora is plant life and fauna refers to animals.

**Formal recreation** - recreational activities which use or require dedicated or purpose-built facilities, either in public or private ownership, for example, sports pitches, swimming pools, playing fields, tennis courts, bowling greens.

**FTTP** - Fibre to the Premises (broadband).

**Garden City Principles (TCPA)** – a set of principles developed to shape the sustainable development of new communities, using the opportunity and economies of scale to innovate and create high-quality places that put people at the heart of developing new settlements.

**Garden Community** – a community that is holistically and comprehensively developed with a distinct identity that responds directly to its context, and is of a sufficient scale to incorporate a range of homes, employment, green space and other uses to enable residents to meet the majority of their day-to-day needs, reducing the need for commuting elsewhere. Importantly, Garden Communities capture the uplift in land value that results from new development for the benefit of the community.

**Garden Communities Charter** – The key themes and placemaking principles that will inform the approach to the development of Garden Communities.

**Grade II\* and Grade II Listed Buildings** – Particularly important buildings of more than special interest (Grade II\*) and buildings that are of special interest (Grade II) warranting every effort to preserve them.

**Green-Blue infrastructure** - all natural and semi- natural landscape elements that form the green-blue network in an urbanised environment, including hedgerows, copses, bushes, orchards, woodlands, natural grasslands, pools, ponds and water courses.

**Green infrastructure** – green spaces which may include parks and gardens, village greens, woodlands, cycling routes, allotments, churchyards and other environmental features.

**Green network** - the linking together of natural, semi- natural and man-made open spaces to create an interconnected network that provides opportunities for physical activity, increases accessibility within settlements and to the surrounding countryside, whilst enhancing biodiversity and the quality of the external environment.

**Greenspaces** - an area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes in an otherwise urban environment.

**Heritage asset** - includes Listed Buildings, Scheduled Ancient Monuments, Historic Parks and Gardens, and Conservation Areas.

**Heritage Impact Assessment** - the process of establishing the impact of a specific proposal on the significance of a place and identifying ways of mitigating any adverse impacts.

**Historic Parks and Gardens** - sites included in the Register of Parks and Gardens of Special Historic Interest compiled and maintained by English Heritage, that make a significant contribution to the diversity of the local and/or national landscape and/or which are of particular historical importance.

**Housing density** - the number of dwellings proposed to be accommodated on a set unit of land. Urban areas tend to have higher densities than rural areas.

**Important Hedgerow** - a hedgerow meeting the criteria set out in the Hedgerow Regulations 1997.

**Independent Living Schemes** - a living arrangement that maximizes the independence of vulnerable people.

**Informal recreation** - recreational activities which do not make use of or require dedicated or purpose-built facilities, either in public or private ownership. Informal recreation land could include trails and walks as well as village greens.

**Infrastructure** - infrastructure means any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or well-being. Generally the term refers to roads, railways, schools, healthcare facilities, community facilities, places of worship as well as retail and service outlets.

**Landscape/Green buffers** - the on-site use of landscaping elements, screening devices, open space, drainageways and landforms for reduction of the potentially adverse impacts of adjoining, dissimilar land uses. Green buffers generally refer to the concept of using undeveloped land as a means of separating settlements to avoid physical or visual coalescence.

**Local Centre** - Local Centres typically contain a small supermarket, shops, takeaways, sub-post office, etc. They are more numerous but smaller in scale than District Centres.

**Local Delivery Vehicle (LDV)** – the body responsible for delivering the new Garden Community. It will be accountable to the Councils, with both public and private sector representation. The LDVs will be responsible for delivering development and infrastructure required for the new communities in accordance with an approved masterplan and also for meaningful participation of the existing and emerging communities in the process.

**Local Development Schemes (LDS)** - a document produced by local planning authorities which identify the local development documents will be produced, in what order and when.

**Local Plan** – the development plan for a district/borough administrative area, drawn up by the local planning authority in consultation with the community.

**Minerals Safeguarding Area** - an area designated by minerals planning authorities (Essex County Council) which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

**Mitigation** - action taken to reduce the severity of adverse impacts. Mitigation can include minimising impacts by limiting the degree of magnitude of an action, or rectifying impacts by restoring, rehabilitating, or repairing the affected environment or reducing or eliminating impacts overtime.

**Mixed use sites** - land developed to consist of a combination and integration of uses including residential, employment and community uses.

**National Cycle Network (NCN)** – a series of traffic-free paths and quiet, on-road cycling and walking routes, that connect to every major town and city.

**New Town Development Corporations (NTDCs)** - originally established under the New Towns Act 1946, now the New Towns Act 1981, are accountable to the relevant Secretary of State and are established to oversee the development new settlements.

**National Planning Policy Framework (NPPF)** – National Government policy on planning. Local Plans are expected to conform to the policies contained in the NPPF.

**North Essex Garden Communities (NEGC)** – a strategic partnership between Braintree District Council, Colchester Borough Council, Tendring Borough Council and Essex County Council to manage and co-ordinate the Councils’ resources towards the delivery of Garden Communities.

**Permeable surface** - permeable surfaces consist of a variety of types of pavement, pavers and other devices that provide stormwater infiltration while serving as a structural surface.

**Placemaking** - placemaking is a multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalises on a local community's assets, inspiration, and potential, with the intention of creating public spaces that promote people's health, happiness, and well-being.

**Public Rights of Way** - a category of right of way created under the Countryside and Rights of Way Act 2000. A restricted byway allows a right of way on foot, on horseback, or leading a horse, cycling and for any vehicles other than mechanically propelled vehicles.

**Rapid Transit System** – a public transport system which includes overground trains (including light rail), trams, and guided buses.

**Settlement (or Development) Boundary** - the designated boundary surrounding a built-up area within which there is a presumption in favour of development subject to the detailed policies in the relevant development plan.

**Small and medium enterprises (SMEs)** - made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding £40 million and/or an annual balance sheet total not exceeding £34 million.

**Smart Living** - Incorporating the best of technology to support sustainable and fulfilling lifestyles.

**Sociocultural** - combining social and cultural factors.

**Starter Homes** – a Government initiative to help meet the housing needs of young first-time buyers, many of whom increasingly cannot afford to buy their own home, by allowing homes to be offered at below their open market value.

**Stewardship** – the direct involvement of residents and businesses in the long-term management of their communities/areas.

**Supplementary Planning Document (SPD)** - planning documents supplementary to the development plan and are used to provide additional detail as deemed necessary, usually in the form of site or topic specific guidance.

**Surface runoff** – water, from rain, snowmelt, or other sources, that flows over the land surface, and is a major component of the water cycle.

**Sustainability Appraisal** – an assessment required by European and national law into how a plan or project will impact on the environment in the long term and to what extent it contributes towards sustainable development.

**Sustainable transport** – a focus on walking, cycling and public transit systems.

**Sustainable development** - development that is in accord with economic, social and environmental objectives. Development that meets today's needs without comprising the ability of future generations to meet their own needs.

**Sustainable Drainage Systems (SuDS)** - a sustainable drainage system is designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges.

**Town and Country Planning Association (TCPA)** – an independent charity that works to improve planning practice in the UK by making planning more responsive to people's needs and to promote sustainable development.

**Town Centre** - an area of a settlement which contains uses such as clusters of retail, service and leisure outlets.

**Transport hub** – a place where passengers exchange between vehicles or between transport modes, such as train stations, bus stops, airports and ferry slips.

**Water course** - a brook, stream, or artificially constructed water channel.

**Water Framework Directive** - the Water Framework Directive is a European Union directive which commits member states to achieve good qualitative and quantitative status of all water bodies.

# APPENDIX 1 – THE NORTH ESSEX GARDEN COMMUNITIES CHARTER

## **THEME 1: PLACE AND INTEGRATION**

Created from a comprehensive and integrated approach to placemaking the Garden Communities will be amazing places to live, work and spend leisure and recreation time.

### **PRINCIPLE 1: GREEN INFRASTRUCTURE**

The Garden Communities will provide a generous amount of green space. They will be set within a multi-functional and integrated natural environment; providing space for nature, making the communities more resilient to climate change; promoting healthy lifestyles, and creating beautiful places to live and work.

#### **1. A RANGE OF GREEN AND OPEN SPACES**

A wide range of green and open spaces will be provided including: a country park; community woodlands, neighbourhood and pocket parks, urban plazas, play areas, school playing fields, sports pitches, local nature reserves, swales, ditches and ponds, street trees and verges, pedestrian and cycling routes, allotments and access to open countryside.

#### **2. MULTIFUNCTIONAL GREEN SPACE**

Green infrastructure will be multifunctional providing amenity space for formal and passive recreation, a haven for wildlife and biodiversity, the management of surface water drainage, contribute to climate change resilience, and create an attractive place to live, work and invest in.

#### **3. WATER SENSITIVE URBAN DESIGN**

An attenuation based sustainable urban drainage system will be developed and integrated with the green infrastructure network. Surface water storage, bio-filtration cleaning and reuse within the landscape will be key components.

#### **4. PRODUCTIVE LANDSCAPES**

Productive landscape will be incorporated where appropriate through the establishment of orchards, allotments and greenhouses, for commercial and neighbourhood growing. These will be distributed through the Garden Communities so they are easily accessible by residents.

#### **5. ACCESS TO OPEN SPACE**

Residents will always be within convenient and safe access of open space; houses will be designed with good sized gardens and neighbourhoods planned with integrated public amenity spaces for all, benefiting from activation and passive surveillance.

#### 6. CONNECTED GREEN SPACE

Green infrastructure will be linked visually and physically. Connectivity will enhance public engagement with the natural environment, improve opportunities for biodiversity migration and assist in facilitating and encouraging sustainable forms of travel. Streets will be tree lined helping to create safe and attractive places to walk and cycle.

#### 7. UTILISING EXISTING LOCAL ASSETS

Existing woodland copse, hedgerows and small water courses are local assets of the North Essex landscape. These will be used as structuring elements of a comprehensive green infrastructure network, and a defining placemaking characteristic of the Garden Communities.

### **PRINCIPLE 2: INTEGRATED AND SUSTAINABLE TRANSPORT**

The Garden Communities will be planned around a step change in integrated and sustainable transport system for the north Essex area, which will put walking, cycling and public transit systems at the heart of the development, and be delivered in a timely way to support the communities as they grow.

#### 1. AN INTEGRATED APPROACH TO LANDUSE AND SUSTAINABLE TRANSPORT PLANNING

Land use type, distribution, mix and density will be planned to maximise the opportunity for the provision and use of sustainable transport internally within the Garden Communities and connecting externally to key centres beyond. Neighbourhoods will be planned to ensure that all residents and employees are within a 10min (800m) walk of public transport. Areas of highest density and mixed use opportunity will be focused in locations of greatest internal and external sustainable transport interchange.

#### 2. SEEKING MODERN FORMS OF RAPID PUBLIC TRANSIT

To maximise the desirability and use of public transport the Garden Communities will be served and connected by new modern forms of rapid public transit networks. These will operate within the North Essex sub-region providing a high frequency, reliable and efficient service, connecting the Garden Communities with existing settlements and key destinations such as the towns of Colchester and Braintree, the University of Essex and key transport interchanges.

#### 3. TIMELY DELIVERY OF SUSTAINABLE TRANSPORT INFRASTRUCTURE

To achieve the step change in sustainable transport use sought, key infrastructure will be funded and provided early within the development of the Garden Communities. The Councils and Essex County Council will therefore work with key agencies such as the Department for Transport (Daft) and Department for Communities and Local Government (DCLG) to help meet this ambition.

#### 4. SPACE FOR CYCLING AND WALKING

Consistent with promoting healthy living, the Garden Communities will be planned to enable safe, attractive and convenient routes for walking and cycling, with participation in active mode choice maximised. Neighbourhoods will be designed with high levels of permeability and a mix and integration of land uses, including connectivity with the green infrastructure network.

#### 5. MAKING PROVISION FOR THE CAR

The car will be planned for in the context of making walking, cycling and public transport the most attractive forms of local transport. Car clubs and car sharing will be promoted, together with provision for electric car use and charging. A specific car parking strategy will be developed that promotes the use of sustainable transport and makes efficient use of land, and provides for attractive and safe streetscapes and residential neighbourhoods.

### **PRINCIPLE 3: EMPLOYMENT OPPORTUNITY**

The Garden Communities will seek to provide access to one job per household within the new community or within a short distance by public transport. The employment function will be a key component of creating character and identity and sustainable communities.

#### 1. MAXIMISING THE SUB-REGIONAL OPPORTUNITY

As a location the North Essex Sub-Region and A120 Haven Gateway, including the A12, provide excellent international and regional connectivity; access to existing centres, including Braintree and Colchester; the internationally renowned University of Essex; and access to attractive countryside and coastline. These assets will be used to attract high value, high-skilled and logistics based employment to the Garden Communities, together with promoting working from home.

#### 2. ATTRACTING INVESTMENT AND ACTIVE JOB CREATION

Proactive marketing and strong local leadership led by the new delivery bodies set up by the Councils will work to attract economic activity and job opportunities into the garden communities, securing links to appropriate skills and training, and enhancing and diversifying local employment opportunities.

#### 3. A DIVERSE COMMUNITY AND A RANGE OF JOBS

As a new settlement the Garden Communities will contain a mix of uses that together provide the conditions for diversity, vibrancy and social cohesion. As such jobs will be created in schools, retail, health and leisure, in addition to business and employment areas.

#### 4. CREATING A QUALITY EMPLOYMENT ENVIRONMENT

Employment floor space will seek to be affordable, flexible and attractive, and where possible located alongside and interwoven with residential and other land uses. The Garden Communities will aspire to be a location of choice for business and workers alike, attracted by a strong vision, sense of purpose and a clear identity.

#### 5. CREATING A QUALITY EMPLOYMENT ENVIRONMENT

The Garden Communities will be digitally enabled with excellent broadband provision; flexible working, home working and remote/'third place' working from coffee shops, libraries, and other public venues will be possible.

#### 6. SUSTAINABLE TRANSPORT ACCESS TO JOBS IN THE LOCAL AREA

Residents of the Garden Communities will be able to access local jobs in neighbouring centres of employment, for example Braintree and Colchester, by being frequently linked by public transport services and safe cycling routes.

### **PRINCIPLE 4: LIVING ENVIRONMENT**

Community inclusiveness and walkable, sociable and vibrant neighbourhoods will be a defining characteristic of the garden communities. A diverse mix of homes responding to existing and future local needs will be provided alongside a range of community services, including health, education, leisure and recreation, culture and shopping.

#### 1. FACILITATING SOCIAL, VIBRANT, MIXED AND INCLUSIVE COMMUNITIES

Walkable neighbourhoods will be the building blocks of these garden communities which will be planned around a sustainably connected hierarchy of centres providing a mix of homes, jobs and services, set within attractive and green environments, and active streets; creating the conditions for residents to socialise, enjoy cultural facilities and lead healthy lifestyles.

District centres will form the main centre (town centre area) of the garden community. It will likely contain the greatest levels of development density, employment opportunities, retail provision, secondary school provision, retail, cultural and amenity facilities, together with main public transport interchange. These uses will be interspersed with new homes; of typically higher density than elsewhere in the Garden Communities.

Local centres will contain a smaller range of local services including primary schools, nurseries, doctors' surgeries, day to day convenience retail, and cafés. They will be located in 10 minute walking residential catchments. They may take a clustered form or have a linear identity dispersed within a number of adjacent streets.

Centres will be supported by active street corners which might be individual cafés or corner shops located within residential streets.

## 2. INNOVATIVE APPROACHES TO DELIVERING LOCAL COMMUNITY SERVICES AND FACILITIES

New ways to provide and deliver the education, health and other social and community facilities and services needed to support the new community will be explored in the interest of maximising community inclusiveness and access for all.

Options might include: **Co-located services 'hubs'** developed around areas of high accessibility to encourage cooperation and collaboration and reduce land requirement and duplication of services. **Flexible and adaptable multi-purpose spaces (outdoor and indoor)** that provide for the specific and varying needs of a wide range of individuals, groups, organisations, workers and visitors, which together form the community. **Responsible neighbour** - social Infrastructure provision will be planned comprehensively to ensure that where necessary facilities benefit existing and new communities without compromising services which already exist.

## 3. PROVIDING VARIED HOUSING TENURES, LEVELS OF AFFORDABILITY AND OWNERSHIP MODELS

A mix of dwelling sizes, tenures and types, including provision for self- and custom-built homes, lifetime homes and affordable and starter homes, will be included in the Garden Communities. This will respond to local needs, including how this changes over time. As part of creating a mixed and balanced community, and vibrant sociable neighbourhoods, a mix of different types and tenures of homes will be provided in each neighbourhood giving single people, couples, families, retirees and elderly people the chance to be part of the Garden Communities.

### PRINCIPLE 5: SMART AND SUSTAINABLE LIVING

Planned for the 21st century, the Garden Communities will secure a smart and sustainable approach that fosters resilient environments and communities; able to respond positively to changing circumstances. Innovation and technology will be embraced to achieve resource efficiency, higher quality of life and healthier lifestyles; creating the conditions for sustainable living.

#### 1. ACCESS AND USE OF SMART TECHNOLOGY

Smart technology will be embraced in the planning, development and management of the Garden Communities, and future proofed to respond to future technological and work based trends and changes. Benefits will include:

Community-wide benefits: Advanced Information, Communication and Technology systems (ICT) will attract business and generate jobs. Real time and mobile-enabled public transport timetabling. Enabling use of electric cars and car club/ sharing. f Data analysis and smart monitoring of water and energy use, and waste generation, will create utility management efficiencies. Access to data and analysis can assist in the long term management and stewardship of the Garden Communities. Potential for micro energy generation to provide the Garden Community with a revenue stream for reinvestment in the community.

Neighbourhood benefits: Residents generate and share data to improve the way the community works. Potential to create a ‘Garden Communities APP’ helping residents to engage with the day to day management of their neighbourhood and wider community, with access to information helping to foster a shared sense of ownership and community identity. Wi-Fi provision in cafés and public spaces, including outdoor spaces, will create flexible opportunities to work, study, and socialise.

Household/resident benefits: Automated and remote control of home environment using mobile devices, enabling reduced energy demand and lower utility bills. Greater flexibility for home working and use of local shared workspaces. Access to real time on demand data, analysis and information – e.g. public transit timetabling. Greater opportunity to lead healthier lifestyles.

## 2. MAXIMISING NATURAL RESOURCE EFFICIENCY

The Garden Communities will be planned to work with and integrate existing landscape features and topography as much as possible. New and existing tree planting, hedgerows, other vegetation will be used to absorb carbon, and through summer shading reduce energy use for cooling buildings. An integrated approach to water management will be adopted, underpinned by the principles of reducing demand through water efficiency in homes, community buildings, work places and landscape; attenuating and storing surface water drainage; and exploring the potential for grey water (non-potable) networks. Decentralised energy provision such as the use of solar panels and the orientation of buildings to maximise solar gain and day light will be used to reduce overall energy demand as part of creating low carbon Garden Communities.

## 3. INTEGRATED INFRASTRUCTURE UTILITIES DELIVERY

Multi-utility service corridors will be used where possible within Garden Communities. These can reduce capital and maintenance costs, and more effectively design in physical space and capacity for additional requirements and changing technologies. Consideration will also be given to the use of multi-utility service companies (MUSCOs) to manage and co-ordinate energy and other infrastructure services for the benefit of the community, focusing on the use of best technologies to create efficiencies and resource savings.

## **PRINCIPLE 6: GOOD DESIGN**

Through all stages of the planning, design and development of the Garden Communities the highest quality of design and management of the built and public realm will be promoted. Existing local assets will be capitalised to help create distinctive places.

#### 1. HIGH QUALITY AND SUSTAINABLE DESIGN

Garden Communities will be characterised by a permeable layout which is well ordered but which includes informal elements including public, private and communal space to help create distinctiveness and interest. Masterplans and design guidance will be developed and used to inform and influence the shape and detail of the layout and design characteristics of the communities.

#### 2. GREENER AND MORE EFFICIENT DEVELOPMENT BLOCKS

Development blocks will be a key component of the structure of the Garden Communities. They will be designed so they are outward facing onto the streets to provide good surveillance, yet enclosing substantial areas of green space that can provide for good sized gardens, landscaping, recreation, wildlife and food growing. Higher densities will be located close to the district and neighbourhood centres and along strategic public transport corridors to both support and take advantage of the accessibility opportunities offered by these locations.

#### 3. A WELL PLANNED AND STRUCTURED LAYOUT

Garden Communities will be characterised by a layout which is well ordered but which includes informal elements, public, private and communal spaces.

#### 4. THE URBAN/RURAL EDGE

A design treatment will be adopted for the edge of the development that achieves a suitable transition from urban development to countryside. Where a new Garden Community is located adjacent to an existing urban edge, a positive relationship between the existing and new developments will be created; where it is desirable to retain a green gap between the new garden communities and existing villages and towns, the edge treatment to the new community will reflect that ambition.

## **THEME 2: COMMUNITY**

A sense of community and active community participation will be at the heart of the Garden Communities and central to their planning, development and long term management.

### **PRINCIPLE 7: COMMUNITY ENGAGEMENT**

The Garden Communities are a locally-led initiative, and their development will be shaped through engaging existing communities and emerging new communities; residents will be empowered to contribute to shaping the future of north Essex.

## ENGAGING THE COMMUNITY THROUGHOUT

The Garden Communities will be developed from a locally-led vision, and ongoing and meaningful public and stakeholder participation through the Local Plan process and beyond. Community engagement will form a key part of developing a masterplan for each Garden Community and planning applications, utilising the extensive knowledge and views of the existing and new communities to help shape and refine proposals. Exhibitions and other forms of community engagement events will be held locally as the plans for the Garden Communities are progressed. Existing communities will be given the opportunity to define how they want to engage with the new communities being created. Exhibitions and other forms of consultation events will be held locally as the plans for the Garden Communities are progressed.

### **PRINCIPLE 8: ACTIVE LOCAL STEWARDSHIP**

The Garden Communities will be developed and managed in perpetuity with the direct involvement of their residents and businesses; residents will be directly engaged in the long term management and stewardship, fostering a shared sense of ownership and identity.

#### 1. TO CREATE ASSETS THAT FOSTERS THE EMERGENCE OF COMMUNITY

The Garden Communities will be developed over many years, but from the outset will be planned to create the conditions needed to place people, community, identity and belonging at the heart of successful and healthy place making. The development of community assets such as parks, allotments, community centres, other forms of communal space, schools, local centres and opportunities for formal and passive recreation will form guiding principles of the development.

#### 2. PROVISION FOR LONG TERM STEWARDSHIP AND SOCIAL SUSTAINABILITY

An organisation, such as a community trust or similar, will be set up and funded to maintain and develop community assets over the long term. The new community will be empowered from the start and secure community benefits in perpetuity and provided with sufficient financial resources to deliver on this role. Its remit might include:

- Provision and maintenance of parks and other open space.
- Maintain and develop a property portfolio of community assets.
- Generate revenue streams from community assets.
- Reinvest income for the benefit of the community.
- Advance public education, especially environmental awareness.
- Promote health and wellbeing.
- Provide facilities for leisure and recreation.

- Organise community based events.

### **THEME 3: DELIVERY**

The ambition of the Garden Communities to create something special, unique and lasting for north Essex will be supported by a delivery structure that embraces collaboration, a common sense of purpose, commitment and vision, and where risk and reward is shared.

#### **PRINCIPLE 9: STRONG CORPORATE AND POLITICAL PUBLIC LEADERSHIP**

The councils of North Essex will collaborate to provide clear vision for the garden communities and commitment to their long term success. Central to this will be a commitment to high quality placemaking, timely infrastructure provision, and achieving a steady pace of housing and employment delivery.

##### **1. STRONG CORPORATE AND POLITICAL LEADERSHIP AND VISION**

The NEGC project will be led by the local councils. Strong cross-party political support will drive the project forward over several local plan periods and political cycles. The delivery of this ambitious vision of the Garden Communities will require a positive and active approach by both the public and private sectors. The Councils will explore all opportunities to take a direct stake in the delivery process relating to good place-making, infrastructure delivery, funding and governance.

##### **2. TAKING A LONG TERM VIEW**

The councils will take a long term strategic view of development to ensure that the vision and ambitions for the Garden Communities are delivered. This will require forward thinking and planning, and not being limited to the current plan making timescales, but looking beyond that.

##### **3. A COMMITMENT TO HIGH QUALITY PLACE AND INFRASTRUCTURE**

The Garden Communities will place the Councils' commitment to high quality placemaking and infrastructure delivery at the heart of the development, and a central tenet of all governance and delivery mechanisms created to bring forward the new communities.

#### **PRINCIPLE 10: INNOVATIVE DELIVERY STRUCTURE**

The Garden Communities will be delivered through a genuine and pro-active partnership approach between the public and private sectors, where risk and reward is shared and community empowerment enabled.

##### **1. ESTABLISH GARDEN COMMUNITIES LOCAL DELIVERY VEHICLES**

From the outset one or more Local Delivery Vehicles (LDV) will be established as the body responsible for delivering the new community. It will be accountable to the Councils, with both public and private sector representation. The LDVs will be responsible for delivering development and infrastructure required for the new communities in accordance with the approved masterplan and also for meaningful participation of the existing and emerging communities in the process.

## 2. AN INNOVATIVE APPROACH TO DELIVERY AND SHARING OF RISK & REWARD

A funding arrangement will be established that reflects a partnership approach between the public and private sectors, and the sharing of project risk and reward. The public sector will directly invest in the funding and delivery process, helping to facilitate the timely and coordinated provision of infrastructure and services, and achieve the level of development ambition set out in this Charter. The active involvement of the public sector in supporting the delivery of the Garden Communities will be rewarded not just by the creation of great places for the residents of North Essex to live and work in, but also through unlocking a share of the value created through this endeavour

## 3. MANAGING DELIVERY OF HOMES AND JOBS

The LDVs will operate to provide new homes and jobs at a steady pace throughout the main build out period of the Garden Community. The scale of the new communities combined with innovative delivery mechanisms provide the opportunity to create variation in the types and tenures of the homes provided and who provides them.

## APPENDIX 2 – THE EMERGING EVIDENCE BASE

### Garden Communities Concept Feasibility Study (2016)

In preliminary work, the North Essex Authorities identified four broad search areas for new Garden Communities and commissioned Aecom to undertake a Concept Feasibility Study to explore the potential of these four locations to support a new Garden Community. This study informed the Councils' selection of West of Braintree as one of three sites for Garden Communities to be taken forward through consultation on the emerging Local Plans.

### Technical Groups and Workshops (2016-2017)

Technical groups and workshops have formed an important part of the evidence gathering process. These meetings have been attended by professionals and stakeholders, and have helped to explore topics relevant to the evolution of proposals for the West of Braintree Garden Community. These meetings have included discussions on housing, design, transport, education, community provision, and health and wellbeing.

Two community stakeholder workshops were also held as part of the evolution of the Concept Framework for the West of Braintree proposal and these were attended by representatives of the local communities that relate to the site as well as Council officers and Councillors.

### Movement and Access Study (2017)

Jacobs were commissioned to review the performance of the existing transport network in the vicinity of the North Essex Garden Communities and review the proposals associated with the Concept Frameworks. The study also looks at trip rates and destinations to investigate the type and level of transport interventions required within and in the vicinity of the site, including active travel assumptions and the potential for rapid transit corridors to serve the new Community.

### North Essex Garden Communities Employment & Demographic Studies (2017)

SQW and Cambridge Econometrics were jointly commissioned to determine the likely demographic profile of each Garden Community to inform planning for future service provision, and to develop scenarios for future employment growth and job creation targets. Although it was not an economic growth plan for North Essex, its findings would be helpful in the preparation of such a document.

### North Essex Local Plans (Strategic) Section 1 Viability Assessment (2017)

Hyas Associates were commissioned to test the viability of policies set out in the joint Section 1 of the Local Plans, focusing on the viability of the three proposed new Garden Communities. The report acknowledges that the Garden Communities are at an early stage in their evolution and as such it presents

a high-level, strategic assessment. Costs and values are likely to change over time so the viability of the sites will need to be actively monitored in parallel with the evolution of development and design proposals.

West of Braintree Concept Framework (2017)

Following the establishment of the feasibility of the West of Braintree Garden Community, the Councils commissioned a further study to develop a design framework at the site in response to the issues, constraints and opportunities which emerging through previous evidence base studies. The Concept Framework Study sets out the drivers of development at the site and proposed options to address the constraints and incorporate the Councils' ambitions for the new settlement. As previously mentioned two community stakeholder workshops were held which also inform the findings of the final study.

Chris Blandford Associates – Land West of Braintree Landscape & Visual Appraisal (June 2017)

This study provides a preliminary high level appraisal of the development potential of the land West of Braintree in landscape and visual capacity terms.

The study concludes that overall the land to the west of Braintree is of moderate to high landscape and visual sensitivity, varying across the site. There is potential for part of the site to accommodate development, subject to appropriate mitigation developed in accordance with published landscape character guidelines, planning policy and the opportunities and constraints identified in the appraisal. The appraisal finds that the easternmost part of the site (see Figure WB3 of the appraisal) is the most sensitive part of the site and therefore it is desirable for development in this location to be limited on landscape and visual grounds.

Uttlesford District Council – Ecological sites on and adjacent to new settlement/ neighbourhood proposals (May 2017)

The purpose of this paper is to identify the sites designated for their ecological importance within and adjoining the new settlement/neighbourhood sites. The information will identify whether there is a need for further survey work.

There are no international or national designations within the site. Boxted Wood which is ancient woodland is within the site. There is a grassland site and Cannon Wood adjoining the development site which may be of ecological importance. Up to date information on these sites will be required as part of an overall ecological survey accompanying any eventual planning submission.

Uttlesford District Council – New settlement proposals: landscape & visual impact (May 2017)

This paper looks at the significance and the effects of change resulting from the development of a new settlement on the landscape and on public views and visual amenity.

The paper concludes that the aerodrome occupies a significant part of the site within Uttlesford. Within the boundaries of the aerodrome there are no historic landscape features which are of significance. There are, however, arable fields adjacent to Stebbing Green which are considered to be of pre-18th

century, or possibly of much earlier origin. The setting of the small linear settlement of Stebbing Green, with its Listed dwellings, is particularly sensitive to the visual impact of new development and it is considered important that this settlement's character and identity is protected by the provision of a generous buffer zone incorporating the immediately adjacent fields. Overall, whilst the proposed development would undoubtedly result in a significant change to the visual character of the site and the immediate surrounds, it is considered that the site within Uttlesford has a low to moderate sensitivity and has capacity for change.

#### Uttlesford District Council – Brief heritage impact assessment – West of Braintree (May 2017)

The brief heritage impact assessment highlights any heritage assets that could potentially be impacted by development in response to the call for sites undertaken as part of the preparation of the new Uttlesford Local Plan. It considers the significance of these heritage assets, the contribution that setting makes to their overall significance and the likely effect of the proposed development on their setting and overall significance

The assessment concluded that it is strongly recommended that a full Heritage Impact Assessment be commissioned. Based on the information available at the time of preparing the brief heritage impact assessment, it is considered unlikely that the proposed scheme could be achieved without causing a degree of harm to the significance of a number of heritage assets; both listed buildings and sites of archaeological interest.

The resulting impact of the development as proposed, upon the setting of these heritage assets is considered to be harmful and would compromise their overall significance. This is likely to result in less than substantial harm predominantly, and would detract from the open countryside setting of the individual assets, and Little Easton village, as a whole.

There is a significant level of public benefit arising from such a scheme that would arguably overcome this harm, depending on the proposed mitigation put forward by the applicant in respect of the concerns raised above. Further discussion with the applicant, or supporting information, would be required in order to comment further at present as the information submitted in relation to the historic built environment is lacking.

Subject to measures being taken to address the concerns raised it is considered that a scheme could be achieved on the site without causing substantial harm to the significance of the heritage assets detailed.

#### Troy Planning & Design – Infrastructure Delivery Plan (May and July 2017)

The Draft Infrastructure Delivery Plan (May 2017) has been supplemented by an Addendum which updates the IDP in the light of the Regulation 18 preferred strategy (July 2017). The IDP has considered the infrastructure requirements of all the garden communities proposed in Uttlesford including West of Braintree.

#### WYG – Uttlesford Local Plan Transport Study (December 2016) and Addendum (June 2017)

This study broadly examines the likely transport implications of different spatial distribution options for future Local Plan development within the district. It examines potential development locations and presents a high level comparative appraisal of the transport implications of a range of possible development scenarios. This study has included consideration of all the garden communities proposed in Uttlesford including West of Braintree.

Pathfinder Consultants & Malins Associates - Economic Viability Study (2016)

These reports tests the viability of eight New Settlement/Neighbourhood Proposals and seventeen residential allocations in the towns and villages put forward by promoters/developers in the Call for Sites for the Uttlesford Local Plan.

**Committee:** Cabinet

**Agenda Item**

**Date:** 18 October 2017

# 15

**Title:** Planning for the right homes in the right places: consultation proposals

**Portfolio Holder:** Cllr Susan Barker Cabinet Member for Environmental Services

**Key decision:** No

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## Summary

1. On 14 September 2017, the Government published [Planning for the right homes in the right places: consultation proposals](#). In this document, the Government sets out its approach to:
  - a. The standard method for calculating local authorities' housing need;
  - b. How neighbourhood planning groups can have greater certainty on the level of housing need to plan for;
  - c. A statement of common ground to improve how local authorities work together to meet housing and other needs across boundaries;
  - d. Making the use of viability assessments simpler, quicker and more transparent; and
  - e. Increased planning application fees in those areas where local planning authorities are delivering the homes their communities need.
2. This report seeks agreement on the Council's response to this consultation to be submitted to the Government.

## Recommendations

3. That Cabinet note the publication of the government's proposals "Planning for the right homes in the right places" and endorse the Draft response to government set out at Appendix A. Any changes to the response subsequent to PPWG should be agreed by the Leader and the Chief Executive.

## Financial Implications

4. The consultation includes questions on how a 20% increase in planning fees could be implemented.

## Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

6.

Communication/Consultation	The measures proposed in Planning for the right homes in the right places are subject to consultation
Community Safety	N/a
Equalities	N/a
Health and Safety	N/a
Human Rights/Legal Implications	N/a
Sustainability	The proposals relate to the calculation of housing need, how this relates to neighbourhood planning, joint working to meet needs across boundaries, viability assessments and planning fees.
Ward-specific impacts	All
Workforce/Workplace	N/a

## Situation

7. The Planning for the right homes in the right places: consultation proposals was published on Thursday 14 September 2017. The consultation runs until 9 November 2017. A copy of the consultation paper can be found online [here](#).
8. In this consultation document, the Government sets out its approach to:
  - a. The standard method for calculating local authorities' housing need;
  - b. How neighbourhood planning groups can have greater certainty on the level of housing need to plan for;
  - c. A statement of common ground to improve how local authorities work together to meet housing and other needs across boundaries;
  - d. Making the use of viability assessments simpler, quicker and more transparent; and
  - e. Increased planning application fees in those areas where local planning authorities are delivering the homes their communities need.
9. The first of the proposals contained in the consultation document relates to a new proposed methodology for calculating housing need. It states that the

lack of a simple, standard approach to assessing local housing need has led to a costly and time-consuming process which lacks transparency. Local planning authorities spend public funds justifying their housing need, local plan examination hearings spend time debating the advantages of particular methodologies and affordability is not fully factored in.

10. The proposed methodology is meant to be simple, transparent, based on publically available data and realistically reflect affordability issues around new homes. It proposes to project forward household growth over the last 10 years as a baseline, and then adjust this by a factor to take account of affordability issues in the local area. The need would then be capped so that it could not be greater than 40% of the annual requirement in an adopted local plan, or where there is no up-to-date local plan (as is the case in Uttlesford), capped at no higher than 40% of the household projections. Pages 10 to 12 of the government's consultation paper set out the detail around this proposal.
11. It is proposed that there is a very strong assumption that the standard methodology to calculating housing need is used when preparing a Local Plan.
12. The document also contains transitional arrangements to recognise the significant progress that many Local Planning Authorities have made. These are set out on page 20 of the consultation document. For Uttlesford, the proposals contained in the consultation mean that if the plan is submitted for examination on or before 31 March 2018, or before the revised Framework is published (whichever is later) then the plan preparation may continue with the current methodology for calculating housing need. Otherwise, the plan should use the standard methodology.
13. The [spreadsheet](#) accompanying the consultation contains indicative housing need figures for all the districts in England. For Uttlesford this indicative figure is 740 dwellings per annum.
14. Were Uttlesford to have to change the objectively assessed housing need in the Local Plan this would lead to considerable delay in plan making. Much of the evidence base would need to be re-run, and the Council would have to consider whether it was appropriate to go straight to regulation 19 consultation after such a major change to the plan.
15. The proposed response to the standard methodology, in appendix A, argues that where plan making is advanced and the proposed plan is ambitious and complex, local planning authorities should be able to continue with current plan preparation. See the answers to questions 5)a) and 6).
16. The consultation proposes that Local Plans should set out the housing need for designated Neighbourhood Plan areas, on a proportional basis to their existing population. The proposed response to this part of the consultation argues that this formulaic approach to housing need for Neighbourhood Plans fails to take into account existing constraints and opportunities, and a negotiated approach is more appropriate. See the answer to question 11)b).

17. It is proposed that all Local Planning Authorities should produce a Statement of Common Ground with other authorities in their housing market area, and sets out the content of these statements. The proposed response to the consultation supports these proposals, see the answers to questions 7)a) and 8).
18. The consultation proposals make various recommendations relating to viability. The common theme to these proposals is to try and reduce complexity and increase certainty in viability assessments. Questions 12) to 17) cover these elements.
19. The consultation also talks about the proposed 20% increase to planning fees, proposed in the Housing White Paper earlier in the year. The first question relating to planning fees is what criteria should be used to determine whether a Local Planning Authority is “delivering the homes their communities need”, and therefore should get to increase the fees by 20%. Questions 18)a) to 18)d) cover planning fees.
20. The government states that it intends to publish a revised National Planning Policy Framework in Spring 2018.

## Risk Analysis

21.

Risk	Likelihood	Impact	Mitigating actions
That the Council submits its Local Plan after the cut-off date for the standard methodology, necessitating a change in the housing need in the Local Plan, and consequential delays.	3. Factors raised in the Local Plan regulation 18 consultation require additional work to be undertaken which means that the submission date for the Local Plan is likely to be after 31 March.	3. Significant – delay to plan making while evidence is updated	The Councils proposed response to the consultation is that where plan making is advanced and the proposed plan is ambitious and complex, local planning authorities should be able to continue with current plan preparation.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## **Appendix A: Draft response to Planning for the right homes in the right places**

### **Question 1(a):**

**Do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?**

Yes.

The principle of a standardised approach to assessing housing need is supported as it will save costly and time consuming debates at examination hearings and public inquiries. The problem with the approach taken is that in areas of high housing demand, the proposed OAHN is set so much higher than existing OAHN that it will be very challenging to meet. This in turn will risk leading to a lack of five year housing land supply and speculative planning applications being allowed on appeal. Simply setting a high objectively assessed housing need figure will not guarantee delivery of homes or prevent land banking by developers. A more pragmatic approach would be to set the cap as a proportion of the current need figure, say 20%. This would enable local authorities to plan realistically for an increase in housing supply in a stepped manner.

Furthermore, the approach proposed, by only considering affordability, is relatively crude and is likely to lead to abnormal results where the affordability of housing relative to median wages is great.

### **Question 1 (b)**

**How can information on local housing need be made more transparent?**

This is not a particular problem. Information relating to objectively assessed need, housing trajectory etc. can be published prominently on council websites. Were a particular standard of publication proposed this could be adhered to.

### **Question 2:**

**Do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?**

The principle of this proposal is supported. At present there is additional uncertainty introduced whenever new data is published. In a worst case scenario, plan making can be stalled every time new data is published whilst the housing need figure is recalculated and further consultation carried out. However, the proposal does not go far enough, if new information is published soon before a plan is submitted it will still lead to stalled plans, even though plan production will be very advanced. To allow for the situation when plan making is very advanced, even though the plan has not been submitted, whilst still encouraging timely plan production, it is proposed that an assessment of local housing need should be able to be relied upon for a period of two and a half years from the date six months before the plan is submitted. This will allow well advanced plans to avoid disruption just before submission.

**Question 3:**

**Do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?**

Yes.

Making the approach to identifying local housing needs using a clear and justified method (which the proposed standard method will be sufficient to satisfy) unarguable in national policy is supported. This is necessary to ensure the benefits of reduced costs and time at examination hearings and public enquiries are realised.

**Question 4:**

**Do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?**

Yes

This proposal is supported and is necessary to ensure the benefits of reduced costs and time at examination hearings and public enquiries are realised. The proposals allow ambitious local planning authorities to plan for greater housing than the standard method requires with some degree of certainty, but not stopping those who wish to object from doing so.

**Question 5(a):**

**Do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?**

Yes

There should be discretion in deferring the period for using the baseline where local authorities have ambitious plans to deliver new homes through garden communities. Planning for new settlements raises complex challenges and local authorities should not be penalised for planning for the long term growth of their communities beyond the plan period.

The Secretary of State should have the discretion to defer the period for using the standard method for the purposes of plan making where local authorities' plans are well advanced and ambitious and / or complex. Uttlesford District Council is preparing an ambitious and complex plan that has three new garden communities that will eventually grow to either 5,000 or 10,000 new homes each, with many of the homes in the Garden Communities being delivered beyond the end of the plan period. These new communities have considerable and complex infrastructure requirements. Uttlesford's Local Plan is well advanced: regulation 18 consultation has just been completed and regulation 19 consultation is planned for the new year. In these circumstances, were the housing need for the district to change this would necessitate significant extra work and would lead to a delay in plan making. In circumstances where local authorities plan making is advanced and the plan is ambitious and complex, the Secretary of State should have discretion to defer the period for using the standard method for calculating OAHN.

DCLG should engage directly with local authorities where their plans are well advanced and ambitious and / or complex, to better understand the issues and avoid an artificial timetable being imposed.

Further detail is suggested in the proposed answer to question 6.

**Question 5(b):**

**Do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?**

Yes

**Question 5(c):**

**Do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?**

Yes

It is logical that authorities should be able to use an emerging local plan figure for housing need as this will be based on the most up to date information available.

**Question 6:**

**Do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?**

No

The approach considered is arbitrary and counterproductive as it could lead to delays in plan making. Local planning authorities would have to re-consult on the new standardised figure if it deviated from that in the current draft plan even if the objectively assessed need in the plan was based on the latest household projections.

The Secretary of State should have the discretion to defer the period for using the standard method for the purposes of plan making where local authorities' plans are well advanced and ambitious and / or complex. Uttlesford District Council is preparing an ambitious and complex plan that has three new garden communities that will eventually grow to either 5,000 or 10,000 new homes each, with many of the homes in the Garden Communities being delivered beyond the end of the plan period. These new communities have considerable and complex infrastructure requirements. Uttlesford's Local Plan is well advanced: regulation 18 consultation has just been completed and regulation 19 consultation is planned for the new year. In these circumstances, were the housing need for the district to change this would necessitate significant extra work and would lead to a delay in plan making. In circumstances where local authorities plan making is advanced and the plan is ambitious and complex, the Secretary of State should have discretion for defer the period for using the standard method for calculating OAHN.

DCLG should engage directly with local authorities where their plans are well advanced and ambitious and / or complex, to better understand the issues and avoid an artificial timetable being imposed.

It is suggested that in order to aid certainty the following proposal is clearly set out.

Where plan making is advanced and the proposed plan is ambitious and /or complex, local planning authorities should be able to continue with current plan preparation. Advanced plan making should be defined as “the regulation 19 local plan has been agreed for consultation”. The proposed plan being ambitious and complex is more of a judgement, but examples of circumstances that could meet this criterion should be included, these should be “Where LPAs are planning to at least meet OAHN, and include one or more ‘large’ proposal of over 5,000 homes (or 10,000 homes) that has significant infrastructure requirements and will deliver beyond the plan period”.

**Question 7(a):**

**Do you agree with the proposed administrative arrangements for preparing the statement of common ground?**

Yes

The choice of the agreed housing market area as the basis for preparing the statement of common ground is logical and practical. The current system is flawed because the Duty to Co-operate applies to all neighbouring authorities even where there are limited reasons to cooperate. This can lead to authorities preparing plans at the pace of their slowest neighbours. Local authorities should have the discretion to decide when they prepare more than one statement of common ground.

It is also supported that local planning authorities should only be signatories to those strategic issues covered in the statement of common ground in which they have an interest and that authorities can be signatories to more than one statement where appropriate.

**Question 7(b):**

**How do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?**

No comment.

**Question 7(c):**

**Do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?**

No comment.

**Question 8**

**Do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?**

Yes

The content and timescales are appropriate and proportionate. What the consultation does not make clear is what role the other (non-local authority) Duty to Co-operate partners have in the production of the statements of common ground. It can be difficult to contact and engage with these bodies. It would be helpful if there was an obligation on them to engage constructively in the production of the statements.

### **Question 9(a)**

**Do you agree with the proposal to amend the tests of soundness to include that:**

**i) plans should be prepared based on a strategy informed by agreements over the wider area; and**

**ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?**

No

The current tests of soundness (that a plan is positively prepared, justified, effective and consistent with national policy) already cover the two proposed new tests. In order to be effective, justified and positively prepared, a Local Plan would have to be based on a strategy that took into account wider considerations and would be based on effective joint working. It is considered that a better approach would be to amend the existing soundness tests to make clear that they cover these cover effective joint working and a positively prepared strategy that considers wider issues where necessary. This would be preferable to introducing duplicative soundness tests.

### **Question 9(b)**

**Do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?**

Yes

Allowing 12 months for the production of the new Statement of Common Ground allows for them to be timely and effectively produced.

### **Question 10(a):**

**Do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?**

The housing need for specific groups is generally revealed through the Strategic Housing Market Assessment. It is difficult to identify the need for self-build and custom built development other than through the self-build register.

There is a particular problem with identifying the needs of gypsies and travellers who have ceased to travel because of the change to the national planning definition.

There is a concealed need for these groups. It would be preferable to define gypsies and travellers on grounds of ethnicity rather than lifestyle.

### **Question 10(b):**

**Do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?**

No

The reference to “active newly retired” should be caveated as their housing needs are often no different from the general population.

**Question 11(a)**

**Should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?**

Yes

This will ensure that the neighbourhood plan is compatible with the overall strategy in the local plan.

**Question 11(b)**

**Do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?**

No

This is over simplistic and ignores the planning constraints and opportunities that a particular area may have. It would be preferable for the local planning authority and neighbourhood planning area to reach agreement, or failing that for the issue to be dealt with at the examination of the neighbourhood plan.

**Question 12:**

**Do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?**

Yes

This is already done through local plans and infrastructure delivery plans. However, other than in generalised terms it would be impossible to put specific figures on developer contributions which would be negotiated through the planning application process.

**Question 13:**

**In reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?**

In the same way that the Government is proposing a standard methodology for assessing housing need, it should set out a standardised approach for viability testing. This would circumvent all the criticisms of the present arrangements and allow for speedier Local Plan examination hearings and public enquiries.

**Question 14:**

**Do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?**

Yes

The general assumption should be that, where policies in adopted plans have been tested for their viability, there is no need for them to be tested again at planning application stage, without very strong evidence. This would help with certainty for communities, developers and local authorities.

**Question 15:**

**How can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?**

This is a really serious problem at present. Housing associations are usually willing to co-operate but the main infrastructure providers, particularly the utility companies and the health service are incredibly difficult to engage with in the plan making process. Government should not just point out the benefits of engagement but should also threaten sanctions to infrastructure providers if they do not.

**Question 16:**

**What factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?**

See answer to Question 13 above. The Government should introduce a standardised approach to viability testing.

**Question 17(a):**

**Do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?**

Yes, but as an option (or in addition) this is something that could go into any approved guidance that the local authority produces on developer contributions.

**Question 17(b):**

**What factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?**

The first point has to be ease of updating information, as things can and will change daily. Many agreements can contain multiple, complex trigger points that can be labour-intensive to monitor. Both local authorities and developers should be encouraged to think more about monitoring when drafting agreements to encourage use of fewer, but more easily understandable trigger points. Multiple trigger points in individual agreements can make progress difficult to track and understand.

**Question 17(c):**

**How can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?**

Many developers already use indexed and coloured site plans on their websites to show availability of new houses by date and type. It ought to be possible to expand this plan to include all other infrastructure associated with the development and included in Section 106 agreements. This could be done by further colouring on the plan and a simple timeline chart that allows clauses to be “ticked off” when they have been complied with. For authenticity, the plan would need to show some kind of local authority endorsement.

**Question 18(a):**

**Do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?**

Yes

Suitable criteria would be the delivery of major applications through approvals by the Local Planning Authority rather than through allowed appeals (very much in line with the current qualitative designation criteria).

**Question 18(b):**

**Do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?**

Not sure how this question differs from Question 18 (a). Maybe should also be judged through the quantitative/ timeliness criteria. Although the planning fee increase could be required in order to deliver timely planning decisions.

**Question 18(c):**

**Should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?**

Possibly only be applied to those who meet criteria. To wait for all LPAs to meet the criteria would be unfair to those that are meeting the criteria.

**Question 18(d):**

**Are there any other issues we should consider in developing a framework for this additional fee increase?**

The timing of the fee increase needs to be immediate without any advance warning, to publicise I advance will result in a spike in submissions of applications pre-increase.

Possible revisit the free go options following withdrawals and refusals (possibly making them half cost or reducing to six months). The poor quality of submissions increases the need for second go applications and the abortive no fee work by LPAs.

**Question 19:**

**Having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?**

Yes

Introduce legislation to prevent land banking by developers. This could include an earlier expiry of planning permission if not implemented and changing the legal definition of implementing a planning permission for housing.

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