



# Public Document Pack

## Uttlesford District Council

Chief Executive: Dawn French

### Scrutiny Committee

**Date:** Tuesday, 5th November, 2019

**Time:** 7.30 pm

**Venue:** Committee Room - Council Offices, London Road, Saffron Walden, Essex CB11 4ER

**Chair:** Councillor N Gregory

**Members:** Councillors M Caton, A Coote, C Criscione, G Driscoll, J Evans, R Jones, G LeCount (Vice-Chair), N Reeve and G Sell

**Substitutes:** Councillors S Barker, C Day, A Dean, M Foley, M Lemon, R Pavitt and A Storah

#### 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. A time limit of 3 minutes is allowed for each speaker. Please refer to further information overleaf.

### 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** 5 - 8

To consider the minutes of the previous meeting.

##### **3 Responses of the Executive to reports of the Committee**

	To consider any responses of the Executive to reports of the Committee.	
<b>4</b>	<b>Consideration of any matter referred to the Committee in relation to call in of a decision</b>	
	To consider any matter referred for call in.	
<b>5</b>	<b>Cabinet Forward Plan</b>	<b>9 - 16</b>
	To receive the updated Cabinet Forward Plan.	
<b>6</b>	<b>Scrutiny Work Programme 2019-20</b>	<b>17 - 18</b>
	To receive the Scrutiny Work Programme for 2019-20..	
<b>7</b>	<b>Draft Corporate Plan 2020 - 2024</b>	<b>19 - 24</b>
	To consider the draft Corporate Plan 2020-24.	
<b>8</b>	<b>Investment Strategy</b>	
	To receive a verbal update on the Investment Strategy. Minutes of this meeting will be followed.	
<b>9</b>	<b>Airport Related Parking</b>	<b>25 - 32</b>
	To receive an update on the current position with regard to airport-related parking.	
<b>10</b>	<b>Planning Obligations and Conditions Task and Finish Group update</b>	<b>33 - 36</b>
	To receive an update on the work of the Planning Obligations and Conditions Task and Finish Group.	
<b>11</b>	<b>Major Planning Applications Review Update</b>	
	To receive a verbal update on the Major Planning Applications Review.	

## **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). For background papers in relation to this meeting please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510548/369.

Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

### **Facilities for people with disabilities**

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510548/369 as soon as possible prior to the meeting.

### **Fire/emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

**For information about this meeting please contact Democratic Services**

Telephone: 01799 510369 or 510548

Email: [Committee@uttlesford.gov.uk](mailto:Committee@uttlesford.gov.uk)

### **General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

This page is intentionally left blank

# Agenda Item 2

**SCRUTINY COMMITTEE held at COMMITTEE ROOM - COUNCIL OFFICES,  
LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on TUESDAY, 24  
SEPTEMBER 2019 at 7.30 pm**

Present: Councillor N Gregory (Chair)  
Councillors M Caton, A Coote, C Criscione, G Driscoll, J Evans,  
G LeCount, N Reeve and G Sell

Officers in attendance: R Auty (Assistant Director - Corporate Services), A Bochel (Democratic Services Officer), D French (Chief Executive), R Harborough (Director - Public Services) and A Webb (Director - Finance and Corporate Services)

Public speaker: C Fiddy (Saffron Walden Town Council)

## SC13 PUBLIC SPEAKING

Chloe Fiddy spoke on Item 7. *A summary of this statement is appended to these minutes.*

## SC14 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Jones.

## SC15 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting on 25 June were signed and approved as a correct record, subject to Councillor Sell's apologies being noted.

## SC16 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL IN OF A DECISION

In response to a Member question, the Chair said that he had approved the addition of key decisions on the Commercial Strategy and a Loan to Aspire to the Cabinet agenda.

The Director – Finance and Corporate Services said Cabinet would debate the investment opportunity and could choose whether to recommend it to Council or not. Council would then decide whether or not to invest. Members of the Investment Steering Group had been kept informed throughout the process.

The Chair proposed that Councillor Fairhurst, Portfolio Holder for Business, Economy, Jobs, Investment and Strategy; Youth Services, be asked to attend the next meeting of the Committee.

Councillor Caton expressed concern about the informality of the process for making a decision on the investment. The Investment Steering Group had not been formally convened, and leaders of the political groups had not been consulted about who the members of the Group would be. He was concerned that the Scrutiny Committee's part in the process had not been thought through.

The Leader of the Council said not consulting group leaders on membership had been a mistake. He said in the future there would be more opportunity for consultation.

The Director – Finance and Corporate Services apologised that the Committee had not been able to scrutinise the mid-year review of the Commercial Strategy. While the Committee always got the opportunity to see the annual review, this was the first time there had been a mid-year review. Such reviews would be brought before the Committee in the future.

Councillor Sell suggested that in the future there could be a standing item on the activities of the Investment Steering Group.

**SC17 CABINET FORWARD PLAN**

Members noted the Cabinet Forward Plan.

**SC18 SCRUTINY WORK PROGRAMME 2019-20**

Councillor Caton proposed that a task group be set up to consider the issue of airport flyparking. Councillors Driscoll and LeCount volunteered to sit on this group.

**SC19 PLANNING OBLIGATIONS AND CONDITIONS TASK AND FINISH GROUP UPDATE**

Councillor Evans summarised the task group's work so far, and circulated notes to this effect. It was the group's intention to submit a written report in November and a further oral report in December. The group hoped to learn lessons from the past and positively apply them in the future.

The group had informally met with two officers so far. It was their intention to meet with a range of other parties, including district councillors, town and parish councillors, and potentially lawyers and development companies.

*Councillor Coote declared a non-pecuniary personal interest as a member of Saffron Walden Town Council.*

The group was going to research the possibility of using the Community Infrastructure Levy (CIL) or a S106/CIL hybrid model for planning applications. It would then be necessary to prepare a schedule, and this would be followed by

an examination to ensure that the proposed levy charges were justified and would not undermine the viability of development.

The Director – Public Services said that officers had already commenced the process of commissioning consultants to prepare a CIL charging scheme and were in the process of considering bids. He would check whether the specification had specifically included examining a hybrid approach.

Members discussed the possibility of town and parish councils taking over public spaces, noting that the cost of maintenance would not endear this idea to residents.

The Director – Public Services said he was surprised by aspects of the notes that had been circulated, and said that they might contain factual inaccuracies. The Council did have an electronic system for storing records of S106 agreements, and the Council's approach to enforcing these was always started with voluntary compliance but had ultimately included injunctive action.

Councillor Evans confirmed the group had received the necessary support when they requested it.

*A copy of the notes circulated by Councillor Evans are appended to these minutes.*

## **SC20 MAJOR PLANNING APPLICATIONS REVIEW UPDATE**

The Assistant Director – Corporate Services said he had been in touch with the Planning Advisory Service, and he was due to have a meeting with representatives of the service and the Assistant Director – Planning in October.

Councillor LeCount, the Chair of the Major Planning Applications Task Group, said it was necessary to wait until the Planning Advisory Service had completed its review before the task group could begin its work.

## **SC21 REFERRAL FROM CABINET REGARDING AECOM ENGAGEMENT**

The Chair gave a summary of the report. Cabinet had referred a matter to the Scrutiny Committee relating to the engagement of AECOM to review the Local Plan Sustainability Appraisal. The Chair had proposed a note to Cabinet following correspondence and a meeting which took place over the summer. This note summarised that there had been a failure to fully inform Members and the public of the potential challenges to the Sustainability Appraisal and proposed remedial action. This was due to an unintentional oversight by an officer. Measures were now in place that should preclude a repetition.

The Chair said the report raised the concern that the Council had not always been as transparent as it should be.

There was general agreement that there was no point in digging into an issue which had already been investigated and that the new administration should be looking to the future, and should be careful not to make similar mistakes.

RESOLVED to refer the report by the Chair of Scrutiny Committee to Cabinet.

## SC22 PROBITY IN PLANNING

The Chair said he had been asked, as the Chair of the Scrutiny Committee, to investigate concerns raised by Brian Ross, Stop Stansted Expansion, with regard to the handling of the Stansted Airport expansion application. The Chair said there were not any issues that needed to be drilled into, but that the experience could be taken as a learning point for the future.

Members noted that if there were issues of best practice that had arisen, these could be incorporated into the report of the Major Planning Applications Task and Finish Group.

The Director – Public Services noted that the Probity in Planning protocols needed to be updated but that it was important for the Council's small legal team to prioritise its work. Compliance with the current protocol in the Constitution would continue to ensure that members did not breach the law.

## SC23 DISCUSSION WITH CHIEF EXECUTIVE AND DIRECTORS

Members and officers discussed that there was a perception of a lack of trust between councillors and officers. This was an issue of concern, and it was important to consider why there was a deficit of trust between the two. Members noted that they and officers had to work together to address another issue of a perception of lack of trust that the public had in the Council. The issue of trust was not unique to Uttlesford and was applicable throughout the country.

Members said the new administration had an opportunity to wipe the slate clean. Processes at Uttlesford were robust, so it was possibly a matter of the culture of the organisation. There was only so long that the past should be dwelt on, and it was for every councillor and officer to look to change the culture. This would come when the new administration had settled in.

The Chief Executive said it was important to be open and honest with each other. If any councillor was concerned, they should make this known.

The Chair said there were many aspects of work which the Council did superlatively.

The meeting ended at 9.25.

## UTTLESFORD DISTRICT COUNCIL DRAFT FORWARD PLAN

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Access Policy Statement	Cabinet	26 Nov	The Museum's Access Policy states how the Museum identifies the differing needs of its users and provides appropriate ways in which users can access the Museum's collections, information and services, with regard for ethical and legal responsibilities. It is being reviewed and updated as part of the accreditation process.	No	Open		Carolyn Wingfield, Curator - Saffron Walden Museum <a href="mailto:cwingfield@uttlesford.gov.uk">cwingfield@uttlesford.gov.uk</a>
Budget Outturn 2019/20 - Qtr. 2 Forecast	Cabinet	26 Nov	Predicted spend for 19/20 - GF, HRA and Capital	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources <a href="mailto:aknight@uttlesford.gov.uk">aknight@uttlesford.gov.uk</a>

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Budget Strategy and Funding Update 2020/21	Cabinet	26 Nov	To present the budget consultation responses and provide an update on the budget strategy for 20/21 including the outcomes of the central government funding reviews	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources <a href="mailto:aknight@uttlesford.gov.uk">aknight@uttlesford.gov.uk</a>
Capital Strategy Mid-Year Review	Cabinet	26 Nov	To update members on the capital financing position	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources <a href="mailto:aknight@uttlesford.gov.uk">aknight@uttlesford.gov.uk</a>
Collections Care and Conservation Policy	Cabinet	26 Nov	The Museum's Collections Care and Conservation Policy is a statement of the Museum's duty of care and responsibility for the collections. It explains how the Museum ensures the long-term preservation of its collections, meeting ethical and legal requirements, and provides a suitable physical environment for collections. It is being reviewed and updated as part of the accreditation process.	No	Open		Carolyn Wingfield, Curator - Saffron Walden Museum <a href="mailto:cwingfield@uttlesford.gov.uk">cwingfield@uttlesford.gov.uk</a>

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Corporate Plan Delivery Plan 2019/20 Quarter 2 Progress Update	Cabinet	26 Nov	To note the progress against the Corporate Plan Delivery Plan	No	Open	Leader of the Council, Lead for Planning and the Local Plan	Dawn French, Chief Executive, Sue Kempster, P/A to the Chief Executive dfrench@uttlesford.gov.uk, skempster@uttlesford.gov.uk
Felsted Neighbourhood Plan	Cabinet	26 Nov	To consider the recommendation to proceed to referendum.	Yes	Open	Leader of the Council, Lead for Planning and the Local Plan	Demetria Macdonald, Planning Policy Officer dmacdonald@uttlesford.gov.uk
Local Council Tax Support Scheme 2020/21 Consultation Responses	Cabinet	26 Nov		Yes	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Local Development Scheme	Cabinet	26 Nov	Update of the Council's Local Development Scheme	No	Open	Leader of the Council, Lead for Planning and the Local Plan	Stephen Miles, Planning Policy Team Leader smiles@uttlesford.gov.uk

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Shareholder report on the accounts for the Aspire companies	Cabinet	26 Nov		No	Open	Portfolio Holder for Finance and Budget	Adrian Webb, Director - Finance and Corporate Services awebb@uttlesford.gov.uk
Treasury Management Mid-Year Review	Cabinet	26 Nov	To update members on the current investments and borrowing (cashflow not commercial)	No	Open	Portfolio Holder for Finance and Budget	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk
Corporate Plan Delivery Plan 2019/20 Quarter 3 Progress Update	Cabinet	9 Jan	To note the progress against the Corporate Plan Delivery Plan	No	Open		Dawn French, Chief Executive dfrench@uttlesford.gov.uk
draft Corporate Plan 2020 - 2024	Council	9 Jan	report to seek approval of the Council's corporate plan	No	Open		Dawn French, Chief Executive dfrench@uttlesford.gov.uk
Neighbourhood Planning Protocol	Cabinet	9 Jan	There is a need to update the existing protocol.	No	Open	Leader of the Council, Lead for Planning and the Local Plan	Ann Howells, Support and Business Manager ahowells@uttlesford.gov.uk

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Sports Facilities & Recreation Strategy Assessment	Cabinet	9 Jan	To recommend to Cabinet that the Playing Pitch Strategy & Action Plan; Open Space Standards Paper; and Indoor Sports Facilities Strategy are endorsed as Material Considerations for the determination of planning applications.	No	Open		Stephen Miles, Planning Policy Team Leader <a href="mailto:smiles@uttlesford.gov.uk">smiles@uttlesford.gov.uk</a>
Documentation Policy	Cabinet	1 Apr	The Museum's Documentation Policy sets out the Museum's accountability for keeping accurate information about the collections, complying with recognised standards and legal requirements, and defining standards of public access to information on the collections for all users. It is being reviewed and updated as part of the accreditation process.	No	Open		Carolyn Wingfield, Curator - Saffron Walden Museum <a href="mailto:cwingfield@uttlesford.gov.uk">cwingfield@uttlesford.gov.uk</a>

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Saffron Walden Museum Forward Plan	Cabinet	1 Apr	The Museum's Forward Plan (business plan) sets out the Museum's purpose and key aims, with an outline of how these aims will be achieved and the resources required to implement the plan. This will be an interim Forward Plan for 2019/20 and 2020/21 only, because plans for the Museum's long-term development 2021-25 are being developed through our National Lottery Heritage Fund project which finishes in December 2020. Providing an updated Forward Plan is an essential part of the accreditation process.	No	Open		Carolyn Wingfield, Curator - Saffron Walden Museum <a href="mailto:cwingfield@uttlesford.gov.uk">cwingfield@uttlesford.gov.uk</a>



This page is intentionally left blank

## Work Programme 2019/20

Date	11 June	25 June	24 September	5 November	17 December	4 February	10 March
Standard agenda items	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	<b>Responses of the Executive to reports of the Committee</b>	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee
	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision
	Invited reports from the Executive						
	Cabinet Forward Plan						
	Scrutiny Work Programme						
Page 17 Agenda items	Reflections on training	Governance discussion	Planning Obligations and Conditions task and finish group update	Draft Corporate Plan 2020-2024	Draft Corporate Plan 2020-2024	Investment Strategy review	Annual Report
	Statutory Guidance and Memorandum of Understanding	Planning ToR/scope	Major Planning Applications Review update	Investment Strategy	Airport-related Parking terms of reference	Airport-related parking task and finish group update	Planning Obligations and Conditions task and finish group final report
	Work Planning	Major Planning Applications Review proposal	Referral from Cabinet re AECOM engagement	Airport-related parking background report	Planning Obligations and Conditions task and finish group interim report	Planning Obligations and Conditions task and finish group update	Airport-related Parking task and finish group update or final report

			Probity in Planning	Planning Obligations and Conditions task and finish group update	Major Planning Applications Review update	Major Planning Applications final report	
			Discussion with Chief executive and Directors	Major Planning Applications Review update			

## Agenda Item 7

**Committee:** Scrutiny Committee **Date:** Tuesday, 5 November 2019  
**Title:** Draft Corporate Plan 2020 - 2024  
**Report Author:** Dawn French, Chief Executive  
dfrench@uttlesford.gov.uk  
Tel: 01799 510400

## Summary

1. The Corporate Plan is a key document that sets out the Council's vision and priorities for the next four years.
  2. The Residents for Uttlesford Group took over the administration of the council in May and have been working with their party and residents to begin to shape the priorities of the council for the future.
  3. Attached to this report is a skeleton of the draft corporate plan on which feedback is sought, ahead of further development and scrutiny.

## **Recommendations**

4. Members are requested to provide comments and feedback.

## **Financial Implications**

5. There are none at this stage but actions that may arise from the adoption of the new corporate plan and delivery plan will need to be reflected in the budget and medium term financial strategy (MTFS).

## Background Papers

- 6. None.**

## Impact

- 7

Communication/Consultation	The plan is derived from consultation within the R4U party, R4U stakeholder events and issues raised during canvassing for the local elections. There is an intention for the council to undertake fuller engagement next year when the council's long term financial position is better understood.
Community Safety	Community safety continues to be featured

	in the draft corporate plan.
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	The draft plan makes clear reference to issues of sustainability.
Ward-specific impacts	None
Workforce/Workplace	A strong vision that creates a sense of purpose is key to engaging staff effectively in their work.

## **Situation**

8. The Residents for Uttlesford took over the administration of the council in May following the local elections. The Group have taken time primarily with their party members to develop priority proposals. Their formulation has also been guided by party-run stakeholder events and from listening to the issues raised by residents during campaigning for the local elections.
9. The document attached at Enclosure 1 provides a skeleton of the draft corporate plan on which comment and feedback is sought to inform and shape the further work being undertaken. It sets out the theme of each priority, why it is important and identifies at a strategic level what will be done under each theme.
10. The intention is to bring a further worked up draft of the corporate plan to the Scrutiny Committee in December, ahead of the final work on the corporate plan to be considered by Council in February alongside the budget and medium term financial strategy (MTFS).
11. At that time it is intended that a draft delivery plan is also made available to council to understand how the strategic ambitions translate into actions.
12. Residents will have the opportunity to comment on the corporate priorities next summer, when the council's long term financial position is better understood. It is possible that while the priorities may not change, the actions may need to be reshaped to align with the resources available.

## **Vision**

13. The draft corporate plan proposes a new vision for the council as: *Making Uttlesford the best place to live, work and play.*

## **Priorities**

14. This draft corporate plan builds on the current corporate plan in prioritising the community leadership role of the council and emphasises the focus on the residents' voice.
15. Four priorities are proposed:
- Putting residents first
  - Active place-maker for our towns and villages
  - Progressive custodian of our rural environment
  - Championing our District
16. The 'We will.' commitments are intended to give a broad sense of the areas of focus under each theme heading; further drafts will define the detailed actions to be taken.
17. The draft corporate plan does not propose any measurements of success at this time and it is not proposed to include them for 2020/21. It is clear that the basis of local government funding will change radically prior to 2021/22 as a consequence of the Fair Funding Review, review of business rates and the withdrawal of new homes bonus. Once the implications are known for the council, appropriate realistic and achievable measures can be defined to fit with the resources available.
18. However, as has been previous practice, an annual delivery plan will be developed by the Cabinet to ensure measurable outputs are delivered within allocated resources.

## Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
The Council fails to deliver on its priorities	1 – The Delivery Plan will set out an achievable programme of work for 2020/21	3 – If staff are not sufficiently focused on the priorities, some projects bringing benefit to the community may not be delivered	Greater clarity and explanatory narrative enables staff to understand the priorities more clearly; the Delivery Plan alongside the budget will ensure that adequate resources are allocated; activities will feature in service and individual performance plans

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.

This page is intentionally left blank

## **Our Vision: Making Uttlesford the best place to live, work and play**

<b>Theme:</b>	<b>Putting Residents First</b>
Why this is important:  We are elected by residents. Their needs and welfare are our first and highest priority.  They expect us to be open, honest and responsible. They demand high standards of governance and trustworthiness.  They want good levels of service and expect their council taxes to be used efficiently and wisely.	We will:  1) Be a council that listens to and acts for residents 2) Deliver local government that is transparent, accountable and inclusive 3) Be responsible with your money 4) Encourage town and parish councils to better represent their communities 5) Mitigate the impact of government cuts
<b>Theme:</b>	<b>Active place-maker for our towns and villages</b>
Why this is important:  A focus on strategic master-planning in partnership with towns and villages will create better resident-centred places to live.  Our unique connectivity, location, and character can be used to drive a local economy that creates local jobs and prosperity.  Taking an active role in providing homes and services for in need will safeguard the health and welfare of all our residents.	We will:  1) Masterplan our new communities for and with residents 2) Support our towns and villages to plan their neighbourhoods 3) Secure greater benefits for our community from new development 4) Work with the airport on issues of concern to communities 5) Nurture and use employment areas to create and retain businesses 6) Protect and grow our town centres as economic hubs 7) Increase tourist spend 8) Enforce good business standards in our district 9) Deliver more affordable homes for those in need in our district 10) Provide refuge to protect the vulnerable women and men who live in our district 11) Promote healthy lifestyles in diverse and inclusive communities 12) Support communities in their desire to deliver play, exercise and sports facilities

## Enclosure 1: DRAFT UDC Corporate Plan

<b>Theme:</b> <b>Progressive custodian of our rural environment</b>	
Why this is important:  Residents live here because of our beautiful and historical rural character. We need to protect it for those that live here now.  We need to act quickly to play our part in trying to avoid a climate catastrophe. We must do this for those that will live here in the future.	We will:  <ul style="list-style-type: none"><li>1) Take action on Climate Change</li><li>2) Conserve our natural resources</li><li>3) Protect and enhance our rural character and heritage</li><li>4) Take strong action on dealing with pollution</li></ul>
<b>Theme:</b> <b>Championing our district</b>	
Why this is important:  In its role as a place-maker the council must work with other authorities and organisation to influence, prioritise and coordinate s our actions so we collectively deliver their best for our district and its residents. This will include, when necessary, holding others to account.  Residents don't care who is responsible, they just want someone to step in and own their problems. The council is the only authority that can fulfil this role.	We will:  <ul style="list-style-type: none"><li>1) Improve Uttlesford's connectivity</li><li>2) Support our students, schools and libraries</li><li>3) Work with partners to keep the district safe</li><li>4) Work to create a better local Health Service for residents</li></ul>

# Agenda Item 9

**Committee:** Scrutiny

**Date:**

**Title:** Airport-related parking

5 November 2019

**Report Author:** Richard Auty, Assistant Director, Corporate Services

---

## Summary

1. At its meeting on 24 September 2019, Scrutiny Committee decided to establish a task and finish group to look at fly-parking issues relating to Stansted Airport.
2. This report sets out the current position with regard to airport-related parking and should help members focus on relevant issues.

## Recommendations

3. Members provide input to the three members of the task and finish group in order to assist with the creation of terms of reference.

## Financial Implications

4. None. There are no financial implications associated with this report

## 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 report sets out the consultative bodies that are already in place with regard to airport parking
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	There are legal responsibilities and restrictions with regard to the powers of various bodies

Sustainability	None
Ward-specific impacts	Airport fly-parking is an issue that affects wards in the south of the district
Workforce/Workplace	None

## **Situation**

7. Scrutiny Committee agreed to a request from Cllr Caton that the issue of fly-parking with regard to users of Stansted Airport be looked at.
8. The committee decided to establish a task and finish group comprising Cllr Caton, Cllr Reeve and Cllr Driscoll. Before that group can commence work, terms of reference need to be established. In addition a lead officer will need to be appointed.
9. The remainder of this report sets out information on airport parking-related matters provided by various officers, which members should find useful. It is proposed that the committee discusses the issue and then a first meeting of the task and finish group is held in order to draft the terms of reference. These terms of reference can then be brought back to Scrutiny Committee for approval in December.
10. It is important that members consider the current arrangements and the work that is already being undertaken, as set out in this report, when deciding how they can best add value.

## **On-airport parking**

11. Stansted Airport Limited (STAL) makes provision for all airport-related car parking to take place within the airport boundary. This is consistent with Policy S4 of the Council's adopted Local Plan and also with Policy SP11 of the submitted Regulation 19 Local Plan.
12. As of the end of 2017, there were approximately 30,750 on-airport car parking spaces for passengers (STAL figures):

*21,950 long-stay (including "meet and greet", first introduced in 2013)  
 5,100 mid-stay  
 3,700 short stay*

Long stay car parking (including "meet and greet" storage) is located to the north west of the runway adjacent to Long Border Road. Further "meet and greet" storage has recently been opened south east of the runway at Taylors End. Mid-stay is located adjacent to the A120 by the South Gate entrance to the airport. Short-stay is located to the front of the terminal and to the south and north east of the Radisson Hotel. All these spaces are managed by STAL. In addition, "kiss and fly" (drop-off and pick-up) traffic is accommodated on the terminal forecourt, for which there is an access charge with a discount

for local residents. On a daily basis, around 46% of all entries and exits are kiss and fly (STAL data).

13. In 2017, outline planning permission was granted to a third party operator for an on-airport six-level multi-deck car park on a site at Coopers End Road near to Endeavour House. 4,000 spaces would be provided, but as yet reserved matters have not been submitted. It seems unlikely that this proposal will now proceed.
14. In its transport assessment forming part of the planning application for expansion to 43mppa, STAL estimates that the amount of on-airport parking for passengers would need to increase by between 50% and 83% from the 2017 level to meet demand should planning permission be granted. To help meet short-term demand, STAL has recently constructed a 2,700 space multi-storey short-stay car park NE of the Radisson Hotel using its Permitted Development rights as an airport operator under the 2005 Town and Country Planning (General Permitted Development) Order. This car park opened on 1st July this year. Now that this car park has opened, STAL intends to work with UDC to produce an agreed factual statement about on-airport car park provision that could be used for planning applications and appeals.
15. STAL enforces no waiting restrictions on a 24 hour / day basis in other locations close to the terminal within the airport boundary, such as along Thremhall Avenue.
16. Notwithstanding the Local Plan provisions and as a consequence of the operation of the airport, airport-related car parking takes place beyond the airport boundary for a number of reasons. These reasons include commercial competition with STAL and a desire to avoid paying for parking altogether. This type of parking occurs at other airports (such as Luton and Manchester) and is not unique to Stansted.

### **Off-airport car parking**

17. A breach of planning control can occur where private land beyond the airport boundary is used for car parking (usually airport-related) without the benefit of planning permission. Usually, this consists of the use of open land, which may be fenced / floodlit to form a compound with an on-site security hut, or the parking may be concealed in some other way from public view such as within a building. Commonly, arrangements are made by the operator to pick the customer's car up from the airport and return it there or there may be a taxi service from the car park itself.
18. An allegation of a breach of planning control will be investigated by the Council's enforcement team in accordance with standard procedures. Each case is considered on its merits, judged against Council planning policy and other relevant material planning considerations such as Government policy in the National Planning Policy Framework. If an enforcement notice is served the Council is required to include a compliance period. This period will need to take into account an appropriate length of time for complying with the enforcement notice.

19. It is difficult to estimate how much off-airport car parking takes place, but when the British Airports Authority (BAA) owned Stansted Airport it presumed a 10% loss of business to off-airport operators.

### Fly parking

20. Fly parking is where cars are parked within the limit of the highway in adjoining towns and villages. Fly parking can be kerbside, in laybys or on grass verges. This type of activity is lawful (unless in contravention of any traffic regulation order -TRO), but can lead to loss of amenity for adjoining residents such as through the coming and going of cars and taxis in residential areas and also obstruction (such as of a driveway or footway). In extreme cases, local residents have been wakened at night by a taxi driver calling at their door to pick up a fare, when the customer has actually been waiting in his or her car at the kerbside, having given the nearest house as the pick-up address.
21. Fly parking can consist of a car being parked within the highway for a period of time, or it can be part of a “meet and greet” operation where customers may otherwise believe their car is being securely parked. In respect of the latter, this is a matter that can be raised with Essex Trading Standards (ETS). However, ETS adopts an intelligence led approach to its work, and is not able to commit any resources to investigating businesses in an attempt to find a breach of legislation.
22. Fly parking can also be caused by taxis waiting for a fare, particularly within the Takeley and Priors Green areas which are closest to the terminal. There is a free one-hour waiting facility within the mid-stay car park, and parking for a further hour is £2. There is a free bus connection between the mid-stay car park and the terminal.
23. Parking restrictions on the highway are the responsibility of Essex County Council as the local highway authority, with delegation in the case of the Uttlesford area to the North Essex Parking Partnership (NEPP). Responsibility does not sit with the airport operator – similarly, train operating companies are not held responsible for on-street parking in the vicinity of railway stations.
24. For several years, STAL, ECC, Herts County Council and this Council have tried to gauge the extent of fly parking around Stansted Airport, through the work of the Stansted Airport Transport Forum (SATF), in particular the Fly Parking Task Force (FPTF) of the Highways Working Group which is chaired by ECC. A Freephone car park hotline is in operation on which callers can report suspected incidents of fly parking using a series of prompts. The purpose of the prompts is to establish the likelihood that the parking is airport-related, such as by observing people leaving or arriving with suitcases by taxi. Judging whether fly parking is airport-related is not always easy – it could be commuter parking related to a nearby railway station or a convenient bus route. A one-off on-street survey would not be able to identify airport-related parking from any other type of parking, and repeated surveys to try to pick out long stayers would be very labour intensive.

25. The hotline data is collated by STAL staff and reported quarterly to the FPTF, as anonymised data on a GIS database. NEPP attends the FPTF and so receives the anonymised data. This can be used as evidence of “hotspot(s)” of fly parking activity that may warrant further investigation.
26. Under the 2003 and 2008 planning permissions for airport expansion to 25mppa and 35mppa respectively, STAL (under BAA ownership) made funding available to contribute towards local authority costs of dealing with fly parking within 5 miles of the airport boundary. The 2008 unilateral undertaking agreed with the Secretaries of State made a maximum of £20,000 / per year available until the end of 2015 (now time expired). The funding was proposed to be used for the drawing up, publicising, advertising and implementation of TROs such as a no-waiting restriction or a residents’ car parking scheme. Subject to receiving local support and being a District Council political priority, schemes would be drawn up by NEPP on behalf of ECC. One-hour no-waiting restrictions are common close to railway stations where fly parking can also be a concern.
27. Shortly after the 2003 planning permission was granted, funding was made available to ECC for the implementation of a one-hour no waiting restriction in Takeley. This followed a local survey where residents were given the option of a no-waiting restriction or a residents’ parking scheme. The latter was not favoured, mainly because residents would have had to pay for the parking permits. A Clearway along Parsonage Road was subsequently included in the order. At that time, there was clear evidence that Takeley was the settlement that was most subject to fly parking. This was unsurprising given its close location and convenient access by road to the terminal.
28. It is the view of STAL (now under different ownership from 2008) that it is questionable whether it is lawful for airport funding to be provided for planning enforcement matters, as it is for the Council to decide where airport car parking should be located. Requiring STAL to finance planning enforcement of Local Plan policies could be conceived as an anti-competitive measure by the CAA.

### **Traffic Regulation Orders**

29. The Road Traffic Regulation Act 1984 states that local authorities must exercise their traffic regulation powers to secure the safe passage of all traffic, including walkers, horse riders, cyclists and motor and horse –drawn vehicles.
30. Traffic Regulation Orders or TROs are the legal documents that formalise the creation of a parking restriction.
31. The North Essex Parking Partnership (NEPP) enforces all parking restrictions which are defined in the Highway Code. The following are the most common and types of parking restriction:
- Double yellow lines
  - Single yellow lines
  - Loading ban
  - Controlled Parking Zone

- Clearway
- School Keep Clear
- Limited waiting bay
- Blue Badge bay
- Good vehicles loading only bay
- Loading only bay
- Resident permit holder bay / zone
- Business permit bay
- Taxi Rank

32. Applications for Traffic Regulation Orders can be made on-line via the NEPP website, <http://www1.parkingpartnership.org/north/technical.php>. The deadline for applications each year is 31<sup>st</sup> July for their consideration by the NEPP Joint Parking Committee in October. Applications must:

- Show genuine proven parking safety, congestion or social need.
- Evidence local support from a Councillor
- Evidence a minimum of 75% support from other residents who would be affected by the TRO.

### **Current Position**

33. The parking hotline continues to operate. The number of instances reported through it has varied from 16 in 2010 to over 100/year recently, indicating that the main concerns are in Bishop's Stortford, Stansted Mountfitchet, Takeley (still) and Priors Green. Spread over a year and a fairly large area, the number of reported incidents of fly parking is not considered by the FPTF to be high at any one time. Fly parking is a type of activity that is always likely to take place, migrating from one area to another, although it should in theory become less attractive with distance from the airport. At the recent FPTF meeting on 25<sup>th</sup> September 2019, the NEPP representative stated that the levels of fly parking shown on the data were below levels experienced in the County's major settlements such as Colchester.

34. The functioning of the FPTF is separate to any review of the working of the SATF that may take place under any planning obligation should planning permission be granted for airport expansion to 43mppa.

35. Members of the Council's previous administration and officers met with STAL and NEPP staff to discuss the particular issue of taxi parking on local streets around Takeley and Priors Green, which seems to be increasing, and the problems that have been observed, such as noise and litter. As a result of this meeting, the following actions either have or are being undertaken:

*- The one-hour free waiting area in the mid-stay car park has been extended so that taxis can more easily use it. 42 additional spaces have been created. STAL started with an advertising campaign focussed on Uber, and is also using the taxi licensing networks of neighbouring local authorities (including UDC's Taxi Chat publication) to publicise this facility. STAL will monitor its use and on-site facilities for taxis that users would like. At the SATF Annual*

*Assembly on 28th February 2019, a new SATF website was launched which includes a portal for reporting problem parking areas.*

*- The FPTF (STAL reps only) met with Stansted Mountfitchet, Takeley and Lt Canfield Parish Councils to further understand their concerns about airport related car parking, both in relation to on-street hotspots and off-road sites. Further discussions can take place about any other local restrictions residents might favour, which STAL would consider funding. Recently, informal “no parking” signs were erected by STAL in one of the private roads in Stansted Mountfitchet following persistent complaints about fly parking by a local resident. Whilst the signs have no statutory backing, initial reports are that fly parking in the road has reduced.*

*- If STAL comes across any sites where it believes unlawful car parking is taking place, these sites are referred to UDC enforcement for investigation. Progress on these cases is raised at FPTF meetings,*

*- On 17th January, NEPP made a draft TRO for a Clearway restriction (including no stopping on verges or footways) on Molehill Green - Bambers Green Road/Waltham Hall Road/Parsonage Road/Elsenham Road/Smiths Green Lane to the east and southeast of the airport. This restriction, which was funded by STAL, supplements the one already in place along Parsonage Road, Takeley. The Order came into effect on 15th March.*

36. Subject to sorting out any legal issues, STAL had offered to assist NEPP in the enforcement of parking restrictions in the Takeley area as an extension of the 24 hour / day parking enforcement it carries out within the airport, using its own vehicles. However, NEPP's camera car can only enforce bus stops and schools. STAL could not use a car to enforce on-street parking and NEPP have advised that cars are hard work administratively. NEPP also confirmed at the recent FPTF meeting that it does not need help enforcing yellow lines and is constantly recruiting to posts.

37. It is also possible for concerns about fly parking to be raised at the Stansted Airport Consultative Committee (STACC). DfT guidance advises that these committees are structured forums that provide an opportunity for the exchange of information between interested parties. They make recommendations to airport management and other bodies where appropriate, as well as giving an opportunity for a common understanding to be reached about airport operations.

This page is intentionally left blank

# Agenda Item 10

## **TASK & FINISH GROUP: PLANNING OBLIGATIONS AND CONDITIONS held at THE COMMITTEE ROOM, COUNCIL OFFICES on WEDNESDAY, 23 OCTOBER 2019 AT 2.00PM**

Present: Councillor J Evans (Chair)  
Councillor R Jones

Officers in attendance: N Brown (Development Manager) and B Ferguson (Acting Principal Democratic Services Officer)

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

Apologies for absence were received from Councillor Criscione.

### **2 REVIEW OF PROGRESS AND STEPS TO MOVE FORWARD**

#### Developer Contributions – Available Guidance

The Group discussed the 'Developer Contributions' guidance that the Council had issued in 2015, which had been produced in the context of the emerging Local Plan 2014. The primary role of this guidance was to secure affordable housing 'off-policy', specifically for those smaller developments which were composed of 15 units or less. The guidance was no longer in circulation as it held no weight or formal status, as demonstrated by Planning Inspectors giving the guidance no credence at appeals. The document also advised on Open Space policy e.g. developers to provide play areas etc. Whilst the guidance held no formal status, some developers did agree to these contributions in what could be described as a 'gentleman's agreement.' Therefore the Council removed the guidance from circulation, as declaring it invalid could have led to fewer contributions.

The majority of applications the Council received related to 10 houses or less, and therefore were exempt from Government's policy of no developer contributions towards affordable units for developments of 10 or fewer. One potential solution to a lack of contributions was the implementation of CIL, which was a more flexible way to achieving developer contributions.

The best mechanism to ensure conditions were unchallengeable during the planning process was a Supplementary Planning Document (SPD), although the Development Manager said this could not be put in place whilst the 'new' Local Plan was emerging. He said the proposed Local Plan would include obligations and conditions which developers would need to adhere to. Stipulations for Open Space would also be included and the policy would be taken to PPWG for scrutiny before a decision being taken at Cabinet in November.

#### Developer Contributions – Producing New Guidance

The Group discussed producing a guidance document on developer contributions. The new guidance would be written by the Planning Policy Team

Leader; it would not be based on previous guidance. The guidance would help to interpret policies but would also be required to have a mandatory effect.

In principle, the document would be:

- Determinative
- Informative
- Interpretative

The Group discussed Essex County Council's (ECC) policy towards developer contributions, with specific regard to education, and how UDC's policy differed in practice. For instance, UDC did not ask for education contributions from applications relating to commercial developments, whilst ECC did. The point was made that UDC were short changing the system as the contribution caps were set by the County.

Councillor Evans said he was aware of the pressure on capacity in primary schools and had spoken to Headmasters in his locality who felt they were not getting their fair share of developer contributions.

#### Open Space

The Group discussed the issue of developer's contributing to the maintenance of Open Spaces. There was agreement that consistency was required in terms of the length of time a developer would be asked to contribute towards the maintenance of these open spaces. There was agreement that 10 years was a sensible commitment. Following this term, the parish/town council would be asked to step in and maintain the space although there was acknowledgement that on occasion the parish/town council would need to be encouraged and convinced to take responsibility, particularly for smaller parishes where resources were an issue. A mechanism to do this would be to build in parish engagement during the S106 procedure checklist. If the parish did not want to take on the space during the initial process, a two year stopgap would be put in place during which time the parish could change its decision and take on the responsibility. There was agreement that parish/town engagement was key to this process and UDC needed to be on hand to assist parishes to help with additional responsibilities. The new guidance would include reference to the cost of maintenance e.g. "the bottom line".

#### SUDs

The Group discussed the issue of SUDs and were told that the cost of maintaining these systems were often adopted by ECC (as per the situation with highways). However, this was not always the case and on occasion drainage systems were picked up by town councils, but it was extremely unlikely that a smaller parish would consider the responsibility of maintaining drainage systems. The Development Manager said UDC did not currently seek contributions for SUDs but they should do so going forward. Members also discussed the issue of freeholding properties and SUDs; who was responsible for maintenance? The Development Manager said this was an issue as if the SUDs system related to

something like a retaining wall, all home owners on the relevant development could be liable to ensure the wall was maintained.

### Costings

The Group discussed seeking developer contributions for monitoring S106 agreements. The Development Manager said recent guidance stipulated that 5% of the total S106 agreement could be charged to the developer to fund monitoring costs. He said officers were trying to bring this policy.

### Parish/Town Engagement

Councillor Evans had received a report from Saffron Walden Town Council (SWTC) regarding the review on Planning Conditions and Obligations. SWTC wanted early engagement with the Council over S106 negotiations. The Development Manager said he agreed with the recommendations and acknowledged that the Council needed to improve engagement with parish/town councils. However, there were issues with allowing developers and parishes to meet during S106 negotiations as developers tended to offer contributions that were not compliant and it would be left to the planning authority to put a stop to this. It was agreed that a formal procedure needed to be drafted to set out the ground rules surrounding S106 negotiations, and that such an approach should be applied consistently when dealing with parish councils, although it was considered sensible to apply a different approach when dealing with town councils. The Development Manager said the best approach was one whereby both the parish and developer engaged through the Planning Authority in the first instance, and following a Planning Performance Agreement (PPA) further engagement could follow. He said PPAs were a potential solution to community engagement, particularly in cases where S106 contributions were involved.

There was agreement that local councils needed to be asked about what level of engagement they wanted throughout the planning process and at what stage this engagement would begin. Early engagement was seen as key as it could prevent problems and delays down the line.

### CIL

The Development Manager said a report would be going to PPWG to scope out the potential implementation of CIL.

### Report Templates

Report templates were under review and the Development Manager tabled an example from another authority. In particular, the section on S106 agreement was commended for setting out a clear discussion on the issues at hand.

The meeting ended at 4.00pm.

This page is intentionally left blank