



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

To all Members of Uttlesford District Council, you are hereby summoned to attend the meeting of the District Council to be held as shown below to deal with the business set out in the agenda.

Chief Executive: Peter Holt

## Council

**Date:** Tuesday, 19th July, 2022

**Time:** 7.00 pm

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

**Chair:** Councillor H Asker

**Members:** Councillors A Armstrong, G Bagnall, S Barker, M Caton, A Coote, C Criscione, C Day, A Dean, G Driscoll (Vice-Chair), D Eke, J Emanuel, J Evans, P Fairhurst, M Foley, R Freeman, N Gregory, N Hargreaves, V Isham, R Jones, A Khan, P Lavelle, G LeCount, P Lees, M Lemon, B Light, J Lodge, J Loughlin, S Luck, S Merifield, E Oliver, R Pavitt, L Pepper, N Reeve, G Sell, G Smith, M Sutton, M Tayler and J De Vries

### **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.

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The Council Chamber is subject to capacity limits and seats will be available on a first come first serve basis. Please contact Democratic Services if you wish to reserve a seat. Contact details and further information on public speaking arrangements can be found overleaf.

# **AGENDA**

## **PART 1**

### **Open to Public and Press**

- 1 Apologies for Absence and Declarations of Interest**

To receive any apologies and declarations of interest.
- 2 Minutes of the previous meetings** 6 - 17

To receive the minutes of the previous meetings.
- 3 Chair's Announcements**

To receive any announcements from the Chair.
- 4 Reports from the Leader and Members of the Executive** 18 - 31

To receive matters of report from the Leader and members of the Executive.
- 5 Questions to the Leader, Members of the Executive and Committee Chairs (up to 30 minutes)** 32 - 34

To receive questions from members for the Executive and committee chairs.
- 6 Matters referred from the Executive and the Council's committees**

To consider any reports referred from the Executive and the Council's committees and receive questions and answers on any of those reports.
- 7 Matters received about joint arrangements and external organisations**

To consider matters concerning joint arrangements and external organisations.
- 8 Scrutiny Committee Annual Report** 35 - 40

To consider the Scrutiny Committee's Annual Report.
- 9 Governance, Audit and Performance Committee Annual Report** 41 - 48

To consider the Governance, Audit and Performance Committee's Annual Report.

**10 Stebbing Neighbourhood Plan** 49 - 158

To consider whether to recommend to Council that the Stebbing Neighbourhood Plan be formally made as part of the statutory development plan for the District.

**11 Household Support Funding** 159 - 163

To consider the Household Support Funding report.

**12 Stansted Airport Scrutiny Review: Independent Report of the Stansted Airport expansion planning application** 164 - 203

To consider the report regarding the Independent Report reviewing the Stansted Airport planning application.

**13 Stansted Airport Scrutiny Review: Lessons Learned Action Plan** 204 - 222

To consider the report regarding the Stansted Airport Scrutiny Review: Lessons Learned Action Plan.

## **MEETINGS AND THE PUBLIC**

Following the lifting of Covid-19 restrictions, and in accordance with the Council's risk assessment, Council, Cabinet and Committee meetings have returned to in-person and are held in the Council Chamber. However, due to social distancing measures and capacity considerations, those wishing to listen to or watch meetings will continue to be encouraged to access the live broadcast until further notice.

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Members of the public and representatives of Parish and Town Councils are permitted to speak or ask questions at this meeting and can do so in person. If you wish to make a statement, you will need to register with Democratic Services by midday two working days before the meeting. There is a 15-minute public speaking limit and 3 minute speaking slots will be given on a first come, first served basis.

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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.

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# Agenda Item 2

**ANNUAL COUNCIL MEETING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 17 MAY 2022 at 7.00 pm**

Present: Councillor A Coote (Chair - outgoing)  
Councillors A Armstrong, H Asker (Chair), S Barker, M Caton, C Criscione, C Day, G Driscoll, J Emanuel, J Evans, P Fairhurst, M Foley, R Freeman, N Hargreaves, V Isham, R Jones, A Khan, P Lavelle, G LeCount, P Lees, M Lemon, B Light, S Luck, S Merifield, E Oliver, R Pavitt, L Pepper, N Reeve, G Sell, G Smith, M Sutton and J De Vries

Officers in attendance: P Holt (Chief Executive), B Ferguson (Democratic Services Manager), J Reynolds (Monitoring Officer) and A Webb (Director - Finance and Corporate Services)

Also present: E Corke (East Anglia Children's Hospices - EACH)

## C1 REMARKS OF THE OUTGOING CHAIR

Councillor Coote, the outgoing Chair, welcomed everyone to the meeting. He thanked Council and said he had enjoyed his time in the chair. He said he had particularly enjoyed visiting schools across the District.

## C2 ELECTION OF THE CHAIR

The Chair called on nominations to elect a Chair of Council.

Councillor Sell nominated Councillor Fairhurst; this was seconded by Councillor Caton.

The Leader of the Council nominated Councillor Asker for the position of Chair of Council. Councillor Jones seconded the proposal. There were no further nominations.

The Chair called on the proposer and seconder of each nomination to speak in support of their chosen candidate.

Councillor Sell said he had nominated Councillor Fairhurst as a long standing member who had left his mark on the council. He had a number of qualifications and skills that were highly suited to the role, including being an Advocate of the Courts of South Africa and a professional mediator, and he urged members to support the nomination. Furthermore, he said that the long standing convention of sharing this civic role between political groups had not been adhered to, and he urged the next Chair to act non-politically.

Councillor Caton said he had nominated Councillor Fairhurst as an experienced member who would act impartially in the Chair. He said he believed the Chair

should be politically neutral to ensure all groups worked together in the interests of the Council.

The Leader said she had nominated Councillor Asker for the role of Chair due to her composure, professionalism and confidence. Due to these qualities she felt Councillor Asker would be an excellent, balanced and non-contentious Chair.

Councillor Jones commended the nominations and said all the speeches had been positive. He said he believed Councillor Asker would make an excellent Chair and urged members to support her candidacy.

Councillor Caton called for a vote by ballot; this was superseded by the Leader's call for a recorded vote.

The Chair moved to a recorded vote; the result was as follows:

<b>Voting Councillor:</b>	<b>Nomination for Chair:</b>
Armstrong	Asker
Asker	Asker
Barker	Fairhurst
Caton	Fairhurst
Coote	Asker
Criscione	Abstain
Day	Asker
De Vries	Asker
Driscoll	Asker
Emanuel	Asker
Evans	Asker
Fairhurst	Fairhurst
Foley	Asker
Freeman	Asker
Hargreaves	Asker
Isham	Fairhurst
Jones	Asker
Khan	Fairhurst
Lavelle	Asker
LeCount	Asker
Lees	Asker
Lemon	Abstain
Light	Fairhurst
Luck	Asker
Merifield	Asker
Oliver	Fairhurst
Pavitt	Asker
Pepper	Asker
Reeve	Asker
Sell	Fairhurst

Smith	Abstain
Sutton	Asker

The result was declared with 21 votes for Councillor Asker and 8 votes for Councillor Fairhurst, with 3 abstentions.

RESOLVED to elect Councillor Asker as the Chair of Council.

**C3 CHAIR'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor Asker took the Chair and made the statutory declaration of acceptance of office.

**C4 ELECTION OF THE VICE-CHAIR**

Councillor Reeve nominated Councillor Driscoll to be Vice-Chair of the Council. This was seconded by Councillor Freeman.

Councillor Caton nominated Councillor Fairhurst to be Vice-Chair of the Council. This was seconded by Councillor Sell.

Councillor Reeve said he was fully supportive of Councillor Driscoll's nomination; he was a hardworking and conscientious colleague who always spoke directly to the matters at hand.

Councillor Freeman supported these comments and said Councillor Driscoll's impeccable integrity made him a very worthy candidate for the position of Vice-Chair.

Councillor Caton and Sell both commended Councillor Fairhurst and urged members to support his candidacy. Councillor Sell said Councillor Driscoll would be the fifth R4U Chairperson if elected to the role at next year's annual meeting.

A vote was taken by a show of hands.

RESOLVED to elect Councillor Driscoll to be Vice-Chair of the Council.

**C5 VICE-CHAIR'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

The Vice-Chair made the declaration of acceptance of office.

The Chair thanked Councillor Coote and presented him with a portrait to commemorate his year in the Chair. He was invited to say a few words on his chosen charity.

Councillor Coote said his chosen charity was the East Anglia Children's Hospices (EACH) who carried out vital work across the region. He said they had



worked hard to raise money for EACH but unfortunately had faced difficulties during the pandemic.

Ms Corke, speaking on behalf of EACH, thanked Councillor Coote and his wife for their hardwork and proactive fundraising. She said EACH were very grateful for their contributions.

Councillor Foley, Chair of Council in 2020-21, was also thanked as he had been unable to accept his portrait at the previous Annual Council meeting due to Covid-19 restrictions.

## **C6 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Bagnall, Dean, Eke, Gregory, Loughlin, Lodge and Tayler.

There were no declarations of interest.

## **C7 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting on 20 April 2022 were approved as a correct record of the meeting.

Councillor Barker asked whether the letter had been despatched as agreed to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to change the law to allow councils the flexibility to hold meetings which they deem appropriate within agreed rules and procedures regarding hybrid meetings.

The Chief Executive confirmed that the letter had been despatched.

## **C8 CHAIR'S ANNOUNCEMENTS**

The Chair said it was a great honour to represent the district. In their time as a Councillor there had been fifteen Chairs that came before them, some of whom were present in the Chamber today. She noted her respect for councillors and asked that the same respect be reciprocated throughout the Chamber during the forthcoming year. It was acknowledged that there were various viewpoints represented in the Chamber but all Members were working towards the betterment of residents.

The Chair said that the future of the district rested upon the next generation and that she would be focusing all fundraising projects this year to help the young people of Uttlesford. The Chair welcomed input from ward Members who could identify local need.

**C9 POLITICAL BALANCE 2022-23**

The Leader of the Council proposed approval of the report; she noted that the Standards Committee was not politically proportionate but represented all groups in the Chamber.

Councillor Fairhurst seconded approval of the report.

RESOLVED to achieve political balance by allocating seats on its committees as detailed in the report.

**C10 APPOINTMENT OF MEMBERS TO COMMITTEES OF COUNCIL 2022-23**

Nominations had been submitted for positions on the Council's Committees. These were set out in the report.

Councillor Hargreaves proposed approval of the proposed appointments and Councillor Jones seconded the proposal.

RESOLVED that membership of the Council's Committees be appointed as set out in the report.

**C11 APPOINTMENTS OF MEMBERS TO WORKING GROUPS OF COUNCIL 2022-23**

Nominations had been submitted for positions on the Council's working groups. These were set out in the report.

The Leader of the Council proposed approval of the proposed appointments and Councillor Jones seconded the proposal.

RESOLVED that membership of the Council's working groups be appointed as set out in the report.

**C12 APPOINTMENT TO THE ESSEX POLICE, FIRE AND CRIME PANEL**

Councillors Sutton and LeCount had been nominated to be the substantive and substitute representatives respectively of the Council on the Essex Police, Fire and Crime Panel.

Councillor Foley proposed and Councillor Armstrong seconded the nominations.

RESOLVED to appoint Councillor Sutton to be the substantive representative of the Council on the Essex Police, Fire and Crime Panel, and to appoint Councillor LeCount to be the substitute representative on the panel.

**C13        REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

The Leader of the Council announced that Councillor Coote had been appointed as the Portfolio Holder for Housing. She said that his passion for affordable and social housing would ensure success with the role.

**C14        MATTERS REFERRED FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**

There had been no matters referred.

**C15        MATTERS RECEIVED ABOUT JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

There had been no matters received.

*The meeting ended at 19:41.*

**EXTRAORDINARY COUNCIL MEETING held at COUNCIL CHAMBER -  
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on  
WEDNESDAY, 15 JUNE 2022 at 7.00 pm**

Present: Councillor G Driscoll (Vice-Chair)  
Councillors A Armstrong, S Barker, M Caton, A Coote, D Eke,  
J Evans, M Foley, R Freeman, N Gregory, N Hargreaves,  
V Isham, R Jones, A Khan, P Lavelle, G LeCount, P Lees, B  
Light, J Lodge, J Loughlin, S Luck, S Merifield, R Pavitt, L  
Pepper, G Sell, G Smith, M Tayler and J De Vries

Officers in attendance: P Holt (Chief Executive), B Ferguson (Democratic Services  
Manager), J Reynolds (Monitoring Officer) and A Webb (Director  
- Finance and Corporate Services)

**C16 VICE-CHAIR'S INTRODUCTORY REMARKS**

Councillor Driscoll, the Vice-Chair, chaired the meeting in the absence of Councillor Asker. He welcomed those present to the meeting.

He asked Members to acknowledge the achievements of all those in the district who had been recognised in the Queen's Honours List. He commended Jan Menell, local resident, parish councillor and Honorary Alderwoman of Uttlesford District Council and Annie Roberts, another local resident and long standing parish councillor who were both awarded the British Empire Medal. He thanked them both for their wonderful contributions to the local and wider community.

**C17 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Asker, Bagnall, Criscione, Day, Dean, Emmanuel, Fairhurst, Lemon, Oliver, Reeve and Sutton.

The Vice-Chair welcomed back Councillor Eke to Full Council.

Councillor Isham declared a non-pecuniary interest as a member of the Stansted Airport Watch group.

**C18 ACQUISITION OF SECTION 106 PROPERTIES BY THE HOUSING REVENUE ACCOUNT**

The Vice-Chair reminded Members that details pertaining to cost were commercially sensitive and the meeting would need to be moved into Part Two if such details were to be discussed. He said that the debate could remain open to the public if Members were content to only discuss the general principles of the purchase.

Members agreed that they were content to discuss the general principles in the first instance.

Councillor Coote spoke to the report and urged Members to accept the recommendations.

Councillor Hargreaves seconded the proposal.

Members welcomed the initiative.

Following questions from Members, the Leader of the Council confirmed:

- Following on from the pandemic the council house target was currently only short by forty seven properties.
- The right to buy option would be available after three years as per current government policy and this could not be changed by the District Council.
- Appropriate energy efficiency standards would be implemented following government guidance.
- The former depot site in Great Dunmow could not be internally transferred from the general fund to the Housing Revenue Account without evidence. The viability of the site would be considered. She noted that there were currently three parties potentially interested in the site.

Councillor Hargreaves confirmed that the proposal would be funded by the Housing Revenue Account.

Councillor Khan requested that the proposal be amended to ensure that the housing be built to adequate quality and be ring-fenced for social rent only.

Councillor Coote confirmed that the Housing Board had agreed to ask the Housing Revenue accountant to model social and affordable rent systems for comparison.

The Chief Executive clarified that no amendment was required as the recommendation before Members was to secure the purchase and did not bind them to either rent type.

Councillor Merifield confirmed that Housing Board had agreed to consider the rent and subsequently make a recommendation to Cabinet and then Full Council. She confirmed that affordable rent in Uttlesford is 25% below Housing Association rent.

Councillor Freeman said that the Council could ensure build quality of the affordable housing by requiring inspection by Building Control officers.

In response to a request from Councillor Light, the Vice-Chair recommended that the press and public be excluded from the meeting in order to facilitate discussion on the cost of the properties.

RESOLVED that under section 100I of the Local Government Act 1972 the press and public be excluded for the following item of business on the

grounds that it involved the likely disclosure of exempt information as defined in paragraph 3, part 1 of Schedule 12A of the Act.

In response to a series of questions, Council was informed:

- Borrowing would be sourced from the Public Loans Board on a fixed rate. As the Board set rates twice daily, a definitive rate could not be provided at this stage. The Public Loans Board was an appropriate lender as, ideally, the Council would retain these properties for up to 50 years.
- Land was included in the total purchase price outlined in the report.
- The purchase was cost effective due to the hard work of housing officers who had proactively pursued the opportunity.

Councillor Coote summarised the debate. He said it was vitally important that the Council continued to provide council housing.

The Vice-Chair moved to a vote. The proposal was carried unanimously.

RESOLVED:

- I. To note approval of the purchase by the HRA of 18 x 1 bed flats and 1 x 2 bed flat from Barratts Homes as per the details outlined in the restricted report.
- II. To endorse the acquisition and to authorise the required borrowing.

C19

## **STANSTED AIRPORT APPEAL COSTS**

Councillor Gregory, Chair of the Scrutiny Committee, was invited to comment before Councillor Evans presented the report.

Councillor Gregory reminded Members that the overall principle of the handling of the Stansted Airport application appeal was the subject of a nearly concluded Scrutiny review led by Councillor LeCount. His report would be considered by Scrutiny on 14 July 2022 and then by Full Council on 19 July 2022. He asked Members to focus their comments on the matter of the appeal cost award only.

Councillor Evans commended the report drafted by the Chief Executive in consultation with external legal advisors and the Monitoring Officer. He proposed approval of the recommendation set out in the report.

This was seconded by Councillor Armstrong.

Councillor Isham said that residents deserved to know how this situation had evolved. He took issue with the barrister's defence strategy and the limited input of Members outside of the Administration. He said Members who had questioned Condition 15 were ignored and were told that it was not legally possible for a councillor to have an active role in the defence. He said this situation could have been avoided if the Administration had demonstrated strong leadership.

Councillor Sell said this was a sorry day for the Council as the money could have been spent far better elsewhere. He said the decision to reject the application was the right one; it was the defence of the decision that had led the Council to this situation.

Councillor Smith said he found it ironic that Members were being asked to follow the officer's recommendation at this stage. He said he would not be able to vote due to the lack of information available on four of the nineteen valuation categories.

Councillor Hargreaves said that the costs would be funded from the Council's reserves and the expenditure would not impact on services. He said that Government restrictions imposed on the Council in relation to commercial investment expenditure were far more significant to the Council finances.

Councillor Caton said he was instinctively uneasy with the proposal as a lifelong objector to the Airport's expansion. Whilst there was logic to the recommendation, he would abstain from voting in line with his conscience.

Councillor Coote said that the Council had done what residents and the barristers had asked of them. He said that the Council had lost the appeal and that Members were obliged to approve the recommendations.

Councillor Pepper read out an email to the MP Minister for Aviation and Maritime by campaigning groups regarding concerns relating to the decarbonisation of aviation that had been circulated during the week. It urged the Government to halt airport expansions in the south east of England. She said the Council had been unlikely to win in the courts due to Government legislation.

Councillor Loughlin said she had been involved in both Planning decisions relating to the Stansted Airport application. She said she had originally been reluctant to overturn the decision but had felt it was correct to consider the application again in light of considerations relating to climate change. She spoke on Condition 15 and the judgement relating to the rejected Judicial Review. It was not right that Planning Committee members were not involved at the appeal stage.

Councillor Isham said it had been the Council's responsibility to brief the barrister so that he could represent the Council's wishes. He said that the Inspector would have been fully justified to close the hearing on day one after hearing the Council's opening statement.

Councillor Light requested clarification on the financial elements and requested that this was undertaken in Part Two. She said that she would not vote to give away public money to the airport.

Councillor LeCount said Member comments should be limited to the matter of award costs; the appeal procedure had been reviewed and a report would be considered at Scrutiny Committee on 14 July.

Councillor Foley said that a Member's first responsibility was to residents. He asked Members to participate in the vote.

Councillor Khan said that the political leadership responsible for the costs award lacked integrity and humility and had effectively excluded all Councillors other than Councillor Evans from involvement in the process, disregarding the Nolan Principles along the way.

The Leader of the Council said she took issue with comments regarding her integrity. She said that the Scrutiny Review would provide evidence in regards to the appeal process but the subject of this evening's debate was the legal obligation to resolve the appeal costs award as set out in the report.

In order to debate legally privileged details, the Vice-Chair recommended that the press and public be excluded from the meeting.

RESOLVED that under section 100I of the Local Government Act 1972 the press and public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 5, part 1 of Schedule 12A of the Act.

Members discussed elements of the report in relation to total cost, the particulars of the valuation costings set out at paragraph 18.4 and next steps.

The Vice-Chair requested that the meeting move back into Part One in order for the vote to be taken in public.

Councillor Evans concluded that the proposal enabled Members to discharge their legal obligations and he urged Members to approve the Chief Executive's recommendations.

Councillor Light requested a recorded vote.

The Vice-Chair moved to a recorded vote. This result was as follows:

Councillor:	For/Against/Abstain:
Armstrong	For
Barker	Abstain
Caton	Abstain
Coote	For
De Vries	For
Driscoll	For
Eke	For
Evans	For
Foley	For
Freeman	For
Gregory	For
Hargreaves	For
Isham	Abstain



Jones	For
Khan	Abstain
Lavelle	For
LeCount	For
Lees	For
Light	Abstain
Lodge	For
Loughlin	Abstain
Luck	For
Merifield	For
Pavitt	For
Pepper	For
Sell	Abstain
Smith	Abstain
Taylor	For

The proposal was carried with 20 votes for and 8 abstentions.

**RESOLVED:**

- I. To approve that the Chief Executive be given authority to make a CPR Part 36 offer (“the offer”) to STAL in respect of the planning appeal costs in the sum of £1,400,000 in full and final settlement (being comprised of £1,362,500 in respect of the claim for costs itself, £0 in respect of VAT and £37,500 in respect of interest).
- II. The Council agrees that the Chief Executive be given authority to make a payment on account of the offer in the sum of £1,000,000 direct to STAL.
- III. That Council agrees that, should STAL reject the offer in paragraph 2 above, the Chief Executive is authorised to propose to STAL that the matter is dealt with via mediation. Likewise, if STAL offer to resolve the matter by mediation then the Chief Executive is authorised to instruct external expert advice as needed and to enter directly into such mediation with STAL (noting that any settlement potentially arising from mediation over and above the sum authorised in paragraph 2 above would be subject to fresh approval by Council).

*The meeting ended at 20:57.*

# Agenda Item 4

**Councillor Richard Freeman,**

**Portfolio Holder for Council and Public Services**

**Full Council report - 19 July 2022**

## **COMMUNITY HUBS:**

All four UDC Day Centres were closed in 2020 because of the Covid pandemic. Three of these have now re-opened, as “Community Hubs” providing a range of facilities and services for their local population. They operate on a different business model to the former Day Centres, which were dependent upon a supporting staff from UDC. The new Community Hubs are run largely by volunteers, but with occasional financial support from UDC in the form of one-off grants.

The Stansted Community Hub is run by Stansted Mountfitchet Parish Council and located in a building which it owns. UDC has very recently made a grant to upgrade some of the facilities (mainly kitchen and toilets) when the day centre was recommissioned as a community hub.

Thaxted Community Hub is run by a newly formed Community Interest Organisation. Again, there are no staff paid for by UDC but we own and maintain the building.

The Community Hub in Great Dunmow is the least changed compared to its pre-Covid identity as a day centre. Like Thaxted, the building is owned and maintained by UDC, but it is run exclusively by volunteers. It continues to provide a similar range of services to locals as the former day centre.

The one Day Centre which has not been re-imagined or reopened is Saffron Walden. There are no premises available for a Community Hub – although there are several which are potentially suitable, particularly the Garden Rooms in Jubilee Gardens, where the former Day Centre was located. It is owned by UDC; currently empty and unused and has been since it was closed at the start of the Covid pandemic. In its current darkened state it is something of an eyesore, and projects a negative image of council-owned public property. The Jubilee Gardens in which it is located are heavily used by townsfolk and are owned and carefully maintained by Saffron Walden Town Council (SWTC).

SWTC has submitted a detailed proposal to run a re-imagined Community Hub in the centre of Saffron Walden. This would be very similar to the Thaxted, Great Dunmow and Stansted models. Run by volunteers and SWTC staff it would draw upon the model which works very well at Cornell Court (a commercial “assisted living” complex on the outskirts of the town).

SWTC has repeatedly requested permission to use the Garden Rooms to provide these services to the community, as have the local MenCap, Alzheimer’s Society and the Parkinson’s Society amongst others. Thus far these requests have always been refused, quoting the need for alternative uses. However, the rooms remain empty and unused, something of a blight on Jubilee Gardens and a poor reflection on UDC.

The SWTC proposal will be considered by Cabinet and Council in the near future, so hopefully the Garden Rooms will soon be usefully employed again, to the benefit of the community. Saffron Walden is the largest town in Uttlesford, with an estimated population of around 19,000 inhabitants, so a functional Community Hub in the town centre should be an immediate success

I append a more detailed report of the three functioning Community Hubs from the officer, David Toombs, who with Fiona Gardiner has been closely involved in their re-imagining and reopening post-Covid.

## **CAR PARKING**

An in-depth review of our car parks and how they are run is being carried out by a specialist firm ("Parking Matters"). It is funded by NEPP and will report in August.

## **TICKET MACHINES:**

Towards the end of 2021 we replaced most of the Cala coin-operated ticket machines with card-only machines made by IPS (a USA-based company). This choice was based on the advice and experience of the North Essex Parking Partnership (NEPP) with whom we partner for on-street parking and to which we sub-contract the management of our off-street parking.

The original Cala coin-operated machines date from 2003 and were past the end of their useful life.

The ticket machines in the Fairycroft Car Park in Saffron Walden are the only ones in the district which now accept coins (in addition to cards).

This adoption of card-only machines was brought about by the repeated break-ins to our cash machines. Breaking into a Cala ticket machine requires specialist knowledge, and the criminal must "go equipped" for the crime. The machines contain an armoured vault and gaining entry to this requires specialised knowledge and custom-made equipment. At least £7,500 in cash was lost, and each damaged machine costs around £1000 to repair. We suffered break-ins to nineteen of our Cala machines, at which point we elected to replace them with card-only units on a trial basis.

The transition to card-only machines was initially smooth but ran into difficulties a few months ago. The IPS machines started to refuse card payments. The manufacturers blamed this on the banks changing their security systems; the banks denied all responsibility. Up to one in five transactions were being refused, which is very frustrating for the customers.

An *impasse* formed between the manufacturer (IPS), the NEPP and the banks. Neither the officers responsible for parking in UDC nor I could make any headway towards a solution, and we have handed the matter over to our Chief Executive for resolution. The Chief Executive has established that this problem is not unique to

Uttlesford; the random non-acceptance of bank or credit cards is extant across Essex and beyond.

After much persuasion, the manufacturers, IPS, have accepted they have a problem. They have a deadline to fix it, which expires on the 8<sup>th</sup> of July.

## **AIRPORT AND FLY PARKING**

We are working with NEPP and several householders near the airport to reduce the incidence of inconsiderate or illegal parking in residential areas. There are essentially two – and only two – options available through the NEPP for controlling unauthorised parking; one is to apply time restrictions (for example, half-hour in the middle of the day). The other is to introduce Residents Parking, which requires *bona fide* residents to purchase yearly permits.

Neither is completely satisfactory, but no system is. The problem is exacerbated by the very high cost of airport parking; it makes the fine for a parking offence an attractive alternative to paying the high cost of on-airport parking. I am exploring options for “uplifting” offending vehicles, but I do not expect NEPP to support this fairly draconian measure.

With the NEPP, we are improving “junction protection” where inconsiderate parking is a safety issue. This is especially the case in the estates around Takeley.

In collaboration with the National Trust, we have also greatly improved the protection of the soft verges around Hatfield Forest. During the Covid epidemic these were suffering from damage from vehicles left by dog-walkers using the Forest.

This exercise has been a success. One of the NEPP officers stated:

“We have not received any other negative feedback, including our own enforcement teams.

I believe that the scheme has had exactly the desired effect, controlling the sporadic, and often obstructive parking which used to occur, maintaining the access required to the area and specified points such as the gateways onto Forest land.

We have had to arrange small repairs to some of the lines, however this was expected given the time of the year that we had to introduce the scheme.

I think it’s an excellent example of the collaborative work that we have engaged in.

The “other negative feedback” refers to that from an individual who used to park across the emergency access points to the Forest. It no longer happens, because to do so now incurs an automatic and significant fine.

## **WASTE MANAGEMENT**

The move to Little Canfield of our waste collection teams has gone well, and the staff appear satisfied with their new facilities and location. Weekly domestic waste collections are working as normal, but I am working with the lead officer to make “exception” collections easier to arrange and manage. This is “work in progress”, to be reported to Council if we can make worthwhile improvements to how we manage “one off” collections and removals (for example, of fly-tipped materials).

**Cllr Richard Freeman**  
**Portfolio Holder for Council and Public Services**  
**7<sup>th</sup> July 2022**

## **APPENDIX**

### **Day centre highlight report. 6/7/22**

**Author: David Toombs**

Three of the district's former day centres are currently open and delivering services to residents and supporting partner organisations. Stansted is currently the only one offering the provision of food but there are plans for both Thaxted and Great Dunmow to offer the services in the future.

#### **Stansted Day Centre**

The centre is managed by Stansted Parish Council with "Touch Point" (a volunteer organisation) being the lead provider delivering the services and programmes.

Stansted originally request in excess of £40K grant support which included knocking through a wall and the refurbishment of toilets. The budget available for grants 21/22 could not exceed 45K in total so we agreed to part-fund the initial request to the sum of £22k.

The budget available in 22/23 will allow for further grants applications if deemed applicable. This will be communicated to all centres in September.

Touch Point deliver a number of essential and beneficial services at the Community Hub including the provision of food every (Thursday and Friday), bereavement cafes, free food distribution, strength and balance services and mental health support.

Stansted Community Hub has now received £22,000 of funding from UDC. This is most of a £26,060 sum agreed for the current financial year. It is being spent on capital items of kitchen equipment, refurbishment of the kitchen area, an upgrade of the ventilation system, and a new floor.

#### **Rowena Davey Community Hub**

The Great Dunmow Community Hub is based in the Rowena Davey Centre and delivers in excess of 15 activities each week which includes a weekly dementia café. Funding has been ring-fenced for the Rowena Davey Centre to support the provision of food and any improvements that need to be made to the current centre. Unlike our other two community hubs, the Rowena Davey Centre remained open with regular activity and has retained many of the functions prior to the pandemic (apart from the provision for food).

### **Thaxted Community Hub: “Pam’s Place”**

“Pam’s Place” is managed by a new Community Interest Organisation. (CIO). This consists of a largely volunteer team, including some of those involved in the Thaxted Day Centre pre-Covid.

Thaxted Community Hub has received £22000 funding to support initial set up and running costs. The centre is now open and delivering activities including a “Dementia Café” and Ukrainian support group. They are planning to provide food on a Wednesday & Thursday and are just waiting for relevant food hygiene inspections etc.

The funding has been used to re-upholster chairs, provide hygiene and safety equipment for staff and volunteers, and upgrades to kitchen equipment. A significantly improved floor has been installed, and much-needed decoration carried out. There has also been investment in training and systems for cash handling.

**Report Author: David Toombs**  
**5<sup>th</sup> July 2022**

**Councillor Arthur Coote – Portfolio Holder for Housing**  
**Report to Full Council: 19 July 2022**

I see housing in the social areas of our community as the number one area that must be improved over the coming decade. As the Portfolio Holder for this area I intend this first overview to be brief, however to also cover my main areas of concern in the sector, alongside some short term goals for myself and the Council to achieve as soon as possible.

In my meetings and discussions with the Officers who have responsibilities in the housing department, I have received detailed reports of our strengths and also some of our areas where we're not quite at the point of excellence we hope to achieve in the coming year. We are very good at collecting our rents, our rent arrears are well within the percentages any council would be pleased with. We are able to keep our rents of social housing below the affordable threshold. We have response times for enquiries within an accepted time frame, as set out by our policy. We have a hard working front and back office within the housing department, who help guide our community enquiries quickly and efficiently.

Our repair record of social properties are a work in progress, working within our shared contract with Norse we are well on our way to being able to meet 100% of our shared aims with Norse to all aspects of the agreed contract, we as a Council entered into early in this Council's lifetime. There have been difficult discussions regarding the partnership with ourselves and Norse over the last two or so years, mostly around reporting procedures that both Norse and ourselves have found difficult to find answers too. Most of this I personally put into two areas, one, our old way of reporting our housing repairs and statutory duties to our residents, which both parties have found difficult to progress to an accepted joint understanding of our partnership with Norse. Secondly I believe the structure agreed in the first place for our partnership, was and partly still is, short of detail on who oversees certain aspects of the reporting process. I personally believe that there is a missing tier of personnel between Department Director, senior Managers and the Norse reporting team. I intend to talk this through with the appropriate Directors, alongside our Chief Executive as soon as possible.

Moving on to in my view the most important part of our problem in our housing stock, is lack of it. Even taking in to account the two years of unprecedented loss of hours lost through COVID, we must work together as a Council to massively improve our building or securing more housing stock. In the first few weeks of my working within the Housing Department, I have seen the dedication of the Officers, Directors, and the Chief Executive in trying to support our community with more social houses. The deal with Barrett's, to secure our 19 homes in Dunmow is a great start, as I write we are hoping to secure several more later this month with the same builder. I have had several meetings with small developments, to question if there is potential for more small acquisitions along the same vein. One I am able to share at this early stage is the Alms houses in Saffron Walden. I have met three times with trustees in confidence to discuss if we can in partnership secure up to 18 one bedroom homes, alongside 2 two bedroom homes and 1 two bedroom bungalow. It's early stages, but



there is a possibility of a larger partnership also with up to another sixteen homes, if we can find an accepted way of partnership with the trustees. This will be a different way of providing social homes, to our normal, however we must be ready to look for all possible ways of bringing more of our community needs for social housing to Council for discussion. There are other discussions going on, and I will share with Council when these discussions are able to go public.

My last update will be to say how we are looking to update our present older homes also. We are at differing stages looking at our older stock, I was at Parkside in Saffron Walden two weeks ago along with Councillor Light and our Officer getting information on the brilliant update on this large redevelopment of this sight. There are several other sites that will be reported on over the next two to three months that we are looking to redevelop. My vision of the social housing for our area is for it to be of such a high standard, at affordable rents no one will want to exercise their right to buy. This must be a goal for us all and we can achieve this without banging heads with central government and trying to get them to amend their vision of right to buy. We can be the best landlords in the country providing the fastest repairs and most up to date environmental housing stock in the world, whilst offering the most cost effective service provided by our back room staff. All this would mean no need for our next generations to go for right to buy. They would have first class homes at a fraction of the price of inflated mortgages. Our residents would have more money to spend on their well-being and locally to energise our local economy, and our future generations would have a housing stock over and over to meet the needs of future generations. What a great legacy we as a Council can begin if we all work together for these outcomes. This report is a statement of intent, all it lacks is detail of how to achieve that intent. It is simple really, we as a Council just need to show courage and do something our country did after the last World War a commitment to social responsibility to houses for our community. I look forward to the coming months of working with Council to achieve these aims.

**Councillor Louise Pepper**

**Portfolio Holder for the Environment and Green Issues; Equalities**

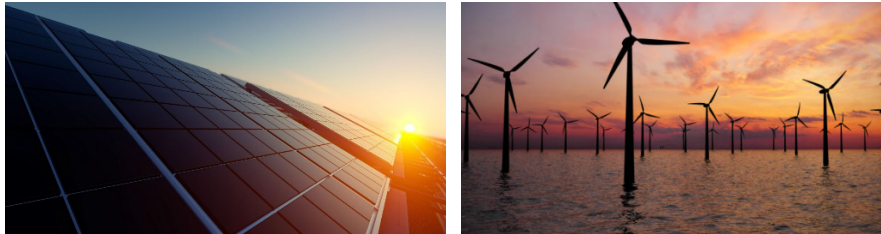
**Full Council report - 19 July 2022**

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***Environment & Green Issues July 2022 update***

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*“The world does not need to choose between solving the energy crisis and climate crisis, we can do both.”*



The world now had cheap alternatives available in the form of solar and wind power, which had plummeted in price. This should prompt governments and companies to push harder for renewable energy.

***Investing in large new oil and gas developments, would have little impact on the current energy crisis and soaring fuel prices but spell devastation to the planet.***

Big new exploratory projects for oil, gas and coal would take years to produce any fuel and could lock in high greenhouse gas emissions for decades.

The **UN Secretary General António Guterres** has called for an end to new fossil fuel projects, warning that climate change posed, *“an existential threat to us all – to the whole world. Main emitters must drastically cut emissions, starting now. This means accelerating the end of our fossil fuel addiction and speeding up the deployment of clean renewable energy.”*

**UTTLESFORD CLIMATE CHANGE UPDATE**

**NET ZERO COUNCIL**

**Little Canfield**



Our new council office in Little Canfield has a new vehicle recycling water wash facility installed, PV panels are placed on top of the new vehicle workshop, EV charging points installed, bird & bat boxes, tree & hedge planting, and indoor recycling bins.

**CLIMATE £1M COUNCIL FUNDING**

To assist with delivering our ambitious climate crisis action plan and the exciting Market Town Air Quality project in Saffron Walden, we are recruiting additional staff. This will include improving our ecologist capacity to help ensure

that we maximise opportunities around Biodiversity Net Gain. We are exploring ways to highlight issues that are critical to the district, such as the impact of drought and water abstraction on chalk streams.

We are developing a Community Environment Grant Scheme (something similar to our ward initiative scheme), enabling communities to push their own initiatives forward, this might include for local green projects like EV charging points, replacing LED lighting and biodiversity enhancements.

## AIR QUALITY/TRANSPORT

**Surface transport is responsible for 70% of our carbon emissions as a district.**

UDC's DEFRA AQ grant of £517,124 to deliver a novel Market Town Clean Air Initiative in Saffron Waldon, was featured in article in the East Anglia Bylines about our pilot project to improve air quality, boost health outcomes and support our climate change strategy.

Fully electric car sales grew substantially to 12% in 2021 but fossil fuel vehicles remain the most common choice of new cars and vans today and are likely to make up nearly half of new sales between now and 2030.

Evidence has shown that **MANY** medical conditions are exacerbated at times of peak levels of pollutants caused by heavy road traffic.



<https://eastangliabylines.co.uk/essex-town-fighting-poor-air-quality/>

## BIODIVERSITY

The UK is one of the most nature depleted countries in the world and the loss of our wild spaces means that bees do not have the nature they need to thrive. One-third of the UK's bee population has disappeared over the past decade- **yet 75% of the world's food supply relies on pollinators**. The need for more wild nature has never been more evident.

### Dunmow bypass



Nature has a natural way of regenerating itself. During the summer months, UDC leaves roadside verges for rewilding and when we do mow in September/October, flowers should have had a chance to shed their seeds and verges should look even better the following year. Dunmow bypass is evidence of this.

## ENERGY

## Housing energy use is responsible for 18% of our carbon emissions as a district.

In 2021, UDC was awarded government funding totalling £1,268,000 from the Green Homes Grant Local Authority Delivery (LAD) scheme - LAD2 £249k & LAD3 £919k, from the BEIS Department for Business, Energy & Industrial Strategy grant for energy efficiency grants up to £10,000 for low-income households.

The government offered a Green Homes Grant voucher scheme in Autumn 2020 however, it was scrapped six months later. Most homeowners were eligible for vouchers up to £5,000 and low-income households could receive up to £10,000. The LAD scheme (please see above) aims to raise the energy efficiency of low-income households. The Energy Hub managing the LAD2 project has been hit by delays, not only in the scheme commencing but also barriers with retrofit assessments and available supply chain. This scheme ends at the end of June 2022. However, they are seeking an extension. A transition into the Sustainable Warmth Scheme LAD3, will be delivered by the managing agent - Warmworks. <https://www.uttlesford.gov.uk/article/5769/Grants-and-assistance-for-householders>

## WASTE

On June 28<sup>th</sup> our Assistant Director for Environmental Services attended a GAP (Governance, Audit & Performance), committee meeting to provide a waste and recycling presentation.

Here is some of the information that was discussed.

KPI 14 Percentage of waste sent for recycling or composting

- 51.60% against a target of 52%
- Consistently around 50% for last 5 years

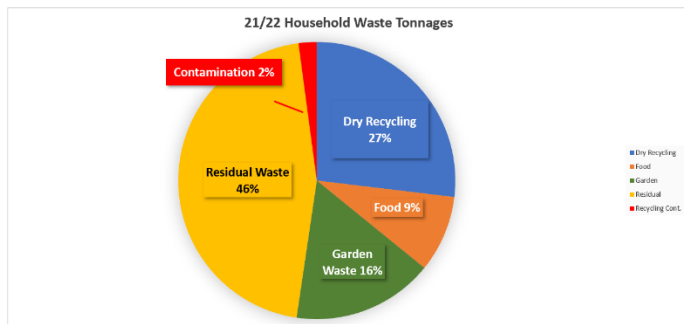
PI 34 Residual waste per household

- 400kgs per household against a target of 395kgs
- Slowly but consistently increasing

SI 08 Percentage of contamination

- 7.5% over last year – 18kgs per household.

### High level waste composition

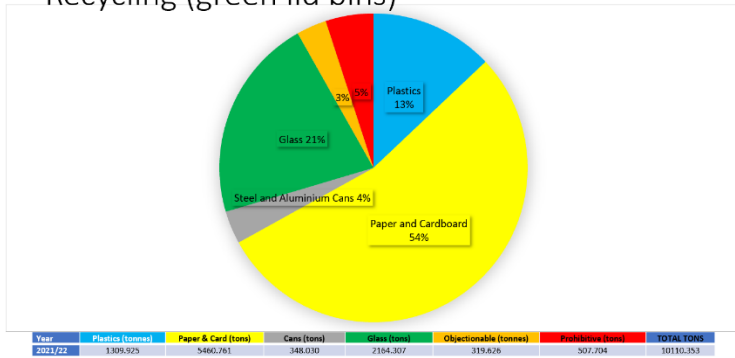


Contamination on overall waste arisings is 2%. Over the year the amount of contaminated waste produced by residents (**800 tonnes in total**) is equal to 44Kg of waste per household.

### Recycling Trends

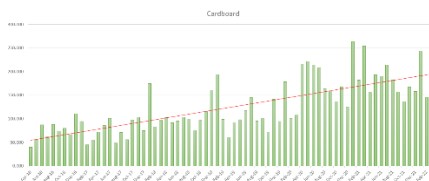
The quantity of food waste generated within the district has grown and thought to be connected to changing consumer habits during and after the pandemic.

## Recycling (green lid bins)

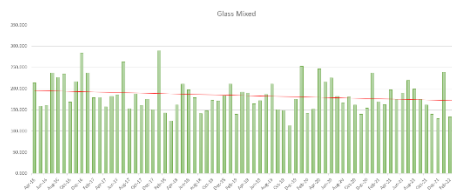


This pie chart above shows break down of materials by weight. One of the challenges of waste management relates to having weight-based targets, if this pie chart showed volume, plastics would be the largest segments and glass one of the smallest. This chart also shows the split between Objectionable materials (that are recycled) and Prohibitive (not recycled)

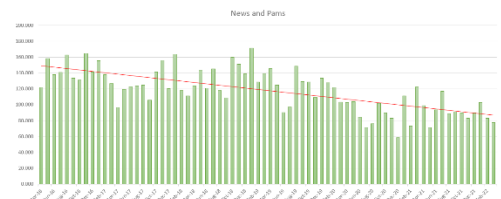
Cardboard trends



Glass recycling



Newspapers and magazines



**Cardboard** - this graph shows the gradual increase in cardboard recycling per week we have seen since 2016. This increase averages at about 100 tonnes per month or about 20 dust carts full. The amount of cardboard packaging materials has increased because of more online shopping.

**Glass** - The amount of home drinking has increased (probably down to more people working from home) but the weight collected has dropped slightly. This is due to product light weighting which is a result of companies trying to reduce their packaging (they are legally required to).

**Newspapers & magazines** - 60 Tonnes per month reduction over last 5 years but even more over the last 10 years. This has been largely down to most newspapers and some magazines moving online.

## Reduce, Reuse, Recycle e-newsletter

The latest edition of our newly launched Reduce, Reuse, Recycle e-newsletter is available now.



This month's topics include information on keeping recycling clean, [Blueprint to a Circular Economy](#) and the garden waste collection scheme, as well as links to lots of useful resources.

Residents can sign up to receive the newsletters here: [www.uttlesford.gov.uk/keep-me-posted](http://www.uttlesford.gov.uk/keep-me-posted).

## PLANNING & DEVELOPMENT

As a council, we want to aim to be as robust as possible and we will look at what other councils are doing to achieve best planning practice and we will include good local development examples in Uttlesford.

Burns Way in Thaxted (see below), is one good example where the section 106 has been turned into natural rewilding for the next 20 years and all homes (around 65), have solar panels.

### Burns Way Thaxted



Another example is a large development in Dunmow, where they have agreed 27% net biodiversity gain and they work alongside RSPB, which also help with the declining swift population by installing swift bricks.

ECC are working on a Developers' Charter and an action plan which aims to gain their commitment (for example), show homes and showcasing good (towards) net zero examples.

The County has just established a new Climate and Planning Unit which is setting up a network group initially for officers involved in climate Change with key districts in the first instance. The first meeting is the first start in setting up a raft of support to districts in both policy work, developer negotiations and development management.

## GLOBAL EMISSIONS KEEP RISING



<https://www.globalwarmingindex.org/>

With its own carbon advisor (CCC), warning that only two fifths of its carbon reduction plans are credible, it's clear that the UK government is falling woefully short on both honouring international climate change commitments and meeting its legally binding carbon targets.

<https://www.theccc.org.uk/publication/2022-progress-report-to-parliament/>

Clean energy investment is up but so is coal. There was a 20% rise in 2021 and 10% is expected in 2022 and this is likely to continue in 2023. Only 5% of investment made by the oil industry goes into green investment. If you wish to learn more about the energy crisis and world investment, I highly recommend watching the World Energy Investment 2022 webinar.

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**Equalities July 2022 update**

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*Cllr Louise Pepper, Portfolio holder for Environment and Green Issues, Equalities said, "It's important to be resolute in our commitment in tackling hatred, intolerance, prejudice, and discrimination in all forms and become a more united world because survivors of terrible atrocities carry a lifetime of pain and suffering."*

• **Community Listening Events**

- Exploring with district secondary schools their engagement with our next theme LGBTQ+ - provisional meeting arranged with SWCHS for 20<sup>th</sup> July. Both Helena Romanes and Joyce Frankland have expressed an interest in discussing the event too.
- Commemoration of Srebrenica <https://www.uttlesford.gov.uk/article/7929/Srebrenica-Memorial-Day-11-July> will be shared on the UDC website (please see above).
- National Pride month <https://www.uttlesford.gov.uk/pride-month>
- Essex Equality Network met on 23<sup>rd</sup> June 2022 scheduled to meet again September 2022
- Essex Faith Covenant met 27<sup>th</sup> June 2022, scheduled to meet again on 19<sup>th</sup> September 2022 – Annual Faith Covenant event to be hosted by Epping Forest District Council November 2022
- Drafting a business case to develop an Equality Health Impact Assessment workshop for SMT, working alongside Hayley Bennett to deliver the workshop sessions
- Exploring the possibility of training for Menopause Mentors with OTBM
- Draft Menopause Policy to be shared with SMT/CMT

**Armed Forces Covenant**

- The application for the ERS (Employer recognition Scheme) Silver Award submitted, awaiting outcome from MOD July 2022
- 20<sup>th</sup> June 2022 Flag raising for Armed Forces Day & successful Family Fun Day on SW Common hosted by Carver Barracks 25<sup>th</sup> June 2022
- Army Community Group met 23<sup>rd</sup> May 2022
- Armed Forces Covenant NEW Induction AFC e-learning module for LA's – shared with HR colleagues for consideration

**Thank you  
Cllr Pepper**



**One planet one race**

## Uttlesford District Council 19 July 2022

### Written Questions to Members of the Executive and Committee Chairs

#### Written responses to be published on 18 July 2022

**1. By Councillor Pavitt to Councillor Evans - the Cabinet Member for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan**

‘What is the Council doing to enable the Planning department to understand and accurately assess BNG (Biodiversity Net Gain) and hold developers to account for their baseline biodiversity reports and the gains they claim to achieve?

Sadly, the process is wide open to abuse and there are frequent reports of ‘copy & paste’ biodiversity reports produced by desk-based consultants.

For Uttlesford District Council to rely exclusively on external consultants is costly and fallible.

How far has the council advanced the appointment of a specialist Ecology officer to provide oversight and ensure targets are accurately set and achievable?

Such an officer will also provide much needed resource towards achieving the ecology aims of the Council’s Climate Change & Ecological Emergency declaration.’

**2. By Councillor Barker to Councillors Lees and Coote - the Leader of the Council and the Cabinet Member for Housing**

‘Can I please ask the Leader and the Cabinet Member for Housing what steps are being taken to amend the Housing Waiting List Scheme to ensure that exception sites in village locations, planned and carried through by Parish Councils such as High Easter, over many years, are built for and allocated to those identified in that Parish’s Housing Needs survey?’

**3. By Councillor Gregory to Councillor Pepper - the Cabinet Member for the Environment and Green Issues; Equalities**

‘Could I ask the Portfolio Holder for Environment, Green Issues and Equalities to:

1. Provide details in respect of the following: the cost differences between the procured "Green" utilities and previous standard utilities for each year of the contract period, split between gas and electricity; the due diligence undertaken in establishing the "green" nature of the utilities;



the verification process undertaken and the nature of any offsetting used to establish the "green" source of said utilities?

2. Explain the process of validation and verification undertaken to ensure any such offsetting is robust and accurate?'

**4. By Councillor Khan to Councillor Sutton, the Cabinet Member for Communities, Health, Youth, Public Safety, Emergency Planning and Liaison with the Police and Fire & Rescue Service.**

'Many of our residents will be impacted by the current cost of living crisis and we know that many families are under pressure, worried sick about the future and therefore seeking help with mental health services via our General Practitioners. Earlier this year Council agreed our motion to provide a one off £100 grant to nearly 1000 working households in Uttlesford to help towards their Council Tax bills in 2022/23 providing some assistance.

Can the Portfolio Holder inform us what specific action is now being taken in conjunction with the local Clinical Commissioning Group (CCG) to help residents with poor mental health due to financial worries?'

**5. By Councillor Smith to Councillor Hargreaves - the Cabinet Member for Finance and the Budget**

'In the December 2021 meeting of Council, both Cllr Sell and I asked for the Council to find ways to increase public participation in the LCTS consultation. Could you advise what additional methods of engagement are being used for the current consultation?'

**6. By Councillor Smith to Councillor Freeman - the Cabinet Member for Public Services**

'Could you provide an update to the Council on what progress has been made since the beginning of this year, in reopening a Saffron Walden day centre. When might the local community be able to have access to the types of facilities available in Great Dunmow, Stansted Mountfitchet and Thaxted?'

**7. By Councillor Dean to Councillor LeCount - the Chair of the Standards Committee:**

'It has recently come to my attention that the Standards Committee, of which I am a Member, has not met since the 16<sup>th</sup> March 2020. Moreover, I am aware that the Chief Executive Officer wrote to all Members last month that "an absolutely extraordinary number of Councillor-on-Councillor complaints" have been made.

Can the Chair of Standards please confirm the number of Councillor-on-Councillor complaints that have been made since May 2019, the number that have been upheld and a breakdown of the complainants by political grouping?

Secondly, when is the Standards Committee due to consider and publish a revised version of the Councillors Code of Conduct that has been talked about for some three years but has not yet been started?’

**8. By Councillor Caton to Councillor Pepper - the Cabinet Member for the Environment and Green Issues; Equalities**

‘The Corporate Plan commits the Council to deliver outstanding levels of transparency and accountability, and I note that that the Annual Report on UDC’s Greenhouse Gas emissions in the 2021/22 financial year was published in early June.

Firstly can the portfolio-holder please tell the Council why this Report was not considered by the Energy and Climate Change Working Party, the Cabinet or the Scrutiny Committee before being publicised in a party political press release and whether the data within the report was validated by external experts?

Secondly, I note that only about £80k of the £1m of revenue spending allocated towards Climate Change action has been spent to date. Can the Portfolio-holder please tell the Council what criteria are being used to assess applications from Parish Councils and other Community Groups for funding projects to tackle Climate Change at a local level within the District and who is responsible for determining any such bids for funding?’

# Agenda Item 8

**Committee:** Council

**Date:**

**Title:** Scrutiny Annual Report

Tuesday, 19 July  
2022

**Report Author:** Richard Auty, Assistant Director - Corporate Services  
rauty@uttlesford.gov.uk

**Lead Member:** Cllr Neil Gregory, Chair, Scrutiny Committee

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## Summary

1. There is a requirement under the Council's Constitution for the Chair of the Scrutiny Committee to report annually to Full Council.
2. This Annual Report summarises the key work of the Committee in the 2021/22 year and was considered by the Committee at its meeting on 26 May 2022. The information below reflects the position as at 31 March 2022 and therefore some matters may have progressed further since the report was written.

## Recommendations

3. None

## Financial Implications

4. There are no direct financial implications associated with this report.

## Background Papers

5. None

## Impact

- 6.

Communication/Consultation	The report provides a summary of the committee's work for all members
Community Safety	None
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

7. Despite the continued disruption caused by the Covid 19 pandemic on the Council during 2021/22, the Scrutiny Committee has continued to make a positive difference. The Committee has benefitted from being able to meet in person from the start of the year and has continued to progress workstreams, including bringing one major piece of work to conclusion.
8. The Committee continued its practice of splitting its scrutiny of the Local Plan process from the rest of its workload and has again held separate Local Plan-specific meetings.
9. The sections of the report below summarise the main areas of discussion and activity during the year.

## Planning Obligations

10. Scrutiny Committee began the first meeting of 2021/22 with the final report of the task and finish group set up to look at the Council's approach to planning obligations. The review was established to look at whether the Council is achieving the best outcomes for the district with regard to planning conditions obtained under S106 agreements.
11. The group, which comprised Cllrs Criscione and Jones, was set up in 2019 initially with Cllr Evans also a member until he was appointed to the Cabinet.
12. Following research, discussion and stakeholder consultation, the task and finish group compiled a series of recommendations which included formalising procedures for town and parish councils to provide input into planning obligations and clearer and consistent reporting of planning obligations through the Planning Committee.
13. The recommendations were endorsed by the Committee and subsequently approved by Cabinet. They have now been incorporated into the workstreams emanating from the planning review conducted by East of England Local Government Association-appointed consultants.

## Economic Recovery Action Plan

14. Towards the end of the previous year, Cllr Reeve as Portfolio Holder for the Economy, had presented the Economic Recovery Plan to the Scrutiny Committee, which set out how a £1 million budget would be spent over three

years to support economic recovery and growth in the district. The Committee supported the plan and considered it a well thought out piece of work, noting it had clear and measurable objectives.

15. A one-year action plan was then brought to Committee in May 2022, setting out the detail of how the aims of the Recovery Plan would be delivered in 2021/22.
16. The Committee endorsed the proposed spend of £347,000 and the priorities of the action plan, which were:
  - Business engagement and support
  - Information, advice and guidance
  - Skills and training
  - Creating jobs and inward investment
  - Creating a greener local economy
17. Areas of economic development activity that attracted particular questioning by the Committee included tourism, the availability and types of business support grants, the way data was being used to inform decisions and inward investment.
18. The Committee discussed economic development activity at two subsequent meetings during 2021/22 and noted substantial progress against all the key objectives.

### **Review of the Planning Service**

19. The Council commissioned a review of the planning service in 2020 from the East of England Local Government Association (EELGA). This work was in three strands, the first two addressing the preparation for the development of a local plan and the third strand covering the Council's Development Management service.
20. The review of the Development Management service was undertaken by two Associates of EELGA. This report relates to the third strand review and its subsequent report. The review of the development management service was undertaken by two Associates of the East of England LGA in late 2020 and early 2021 and the results were presented to the Scrutiny Committee ahead of their adoption by Cabinet.
21. The Scrutiny Committee considered it important to focus on how to move forward rather than spending time discussing what had happened in the past. The Committee heard from the Portfolio Holder Cllr Evans how there were eight main recommendations from the review and that an outline of the work already underway to address these.

22. Committee members expressed concern at the proposed timescales for reporting further progress and sought agreement from Cllr Evans that an update would be brought back to the Committee more quickly than initially proposed. Members also sought assurances around budgetary commitments to ensure the recommendations could be properly financed and matters including customer service and enforcement.
23. The Committee further considered the planning review in November 2021 and February 2022, so by the end of the 2021/22 year had received a detailed progress report setting out 85 actions, of which 35 were complete and a further 40 underway. Matters particularly highlighted through discussion between the Portfolio Holder and Committee members at these meetings included recruitment challenges, plans to standardise Planning Performance Agreements and timescales for improvement.

### **Stansted Airport Appeal**

24. In June 2021, the Scrutiny Committee agreed to a request from Full Council to review the Stansted Airport appeal process. The Committee opted to appoint a Task and Finish Group chaired by the Committee's Vice-Chair Cllr LeCount, albeit with the work conducted by independent professional advisors, using the appointed councillors as a reference group
25. The review was able to progress off-line while appeal cost negotiations were ongoing through much of 2021/22, and it is hoped to bring the final report to the committee and Full Council in the first half of 2022/23.

### **Climate Change Action Plan**

26. The Climate Change Action Plan was presented to the Scrutiny Committee in November 2021 prior to it going to Cabinet. This Action Plan provided detail to the broad aims set out in the Climate Change Strategy, which the committee had endorsed the previous year along with a series of interim climate change planning policies.
27. At the meeting, the Portfolio Holder Cllr Pepper set out some of the progress to date, including energy efficiency improvements to council houses, the commissioning of a cycling strategy and the completion of a biodiversity study to map environmentally important areas.
28. While welcoming the production of the action plan, which had been delayed by some months from its original publication date, a majority of Committee Members were concerned it was too aspirational and did not contain sufficient measurable outcomes. They voted not to recommend it to Cabinet but instead requested it was further reviewed and brought back to the Committee.
29. An amended action plan was re-presented at a meeting the following month, having incorporated some of the commentary from the Scrutiny Committee and this version was duly recommended to Cabinet for approval.

## **Corporate Plan and Delivery Plan**

30. The Scrutiny Committee considers the Corporate Plan and the one-year Delivery plan which sits underneath it annually. These are key Council documents which set out the priorities for the organisation and some of the major projects and workstreams that will be done each year in order to meet those priorities.
31. The Corporate Plan is presented along with the Budget papers in February, with the Delivery Plan following in March.
32. In 2021/22 the Committee also conducted a mid-year review of the Delivery Plan after expressing concerns in previous years of a lack of specificity in some parts of the document. They felt there were insufficient measurable targets and concerns were also expressed that their views had not been sufficiently taken into account when Cabinet approved the 2020/21 Delivery Plan.
33. At this review in October 2021, the Committee noted that business as usual items had been removed from the Delivery Plan and while some concerns remained about a disparity in the way different parts of the document were written, it was nonetheless in their view, an improvement on previous iterations.
34. A new Delivery Plan, for the 2022/23 year, was then taken to the March 2022 meeting. The Committee noted that actions had costed, measurable objectives and recommended the document to Cabinet for approval.

## **Medium Term Financial Strategy and Budget**

35. The full suite of budget papers were presented to the Committee in February 2022, prior to Cabinet and full Council. These papers included the Medium term Financial Strategy, Commercial Strategy, Housing Revenue Account, Capital Programme and General Fund Budget.
36. Among the key matters Committee Members discussed with the Portfolio Holder Cllr Hargreaves and senior officers were staff recruitment and resilience issues, proposed Council Tax and rent increases and the need to increase income and reduce expenditure in the coming years. The Committee voted to recommend the budget to Cabinet.

## **Local Plan**

37. In 2021/22 the Committee continued to scrutinise the process of getting a new Local Plan in place. Quarterly meetings consider project management progress reports to ensure the process is on track as well as feeding into the update to the Department for Levelling Up, Housing and Communities.
38. The Scrutiny Committee reviews the four elements of the Project Management system at each quarterly meeting and asks questions of the

Local Plan Manager. This process then allows the Committee the opportunity consider each quarterly update to Government about progress. The approach also enables the Committee to suggest any further action that the Council may wish to take to ensure the local plan is delivered on time in accordance with the Council's objectives. In this respect the Committee has adopted the style of a 'critical friend' in overseeing the Local Plan process.

39. The Local Plan Project Management system was agreed by Scrutiny Committee in early October 2021. The four quarterly meetings this year are summarised below:
- In June 2021, the Quarter 1 Project Management Report was considered. At that time there were 389 live tasks in the Project Plan and the overall status of the project was assessed as 'amber' subject to the successful procurement of the evidence base to support the plan and action being taken to address staff recruitment (posts which were later successfully filled). The Committee also noted the LPLG and Cabinet actions to consider the emerging vision, objectives, and preliminary outline strategy for the plan.
  - In September 2021, the Quarter 2 Project Management Report was considered. At that time live tasks had increased to 559 with overall status assessed as 'amber'. At that time, the main risks related to changes in senior staff at the Council (these posts were subsequently filled) and the appropriate briefing of members. At this time, a minor (8 week) change to the Local Plan timetable was agreed by the committee. This related to allowing members more time to review the emerging regulation 18 Local Plan.
  - In December 2021, the Quarter 3 Project Management Report was considered. At that time live tasks had increased to 831 with overall status assessed as 'amber'. At that time, Council budget pressures, had increased the risks of plan delivery (these subsequently reduced as increased budgetary certainty for the Local Plan was achieved) and risks around the work on the development options to inform the plan were discussed.
  - In March 2022, the Quarter 4 Project Management Report was considered. At that time live tasks had reduced to 722, as more tasks were completed than started while approaching the regulation 18 consultation. The overall status was assessed as 'amber', with the main risks being identified around the identification of the preferred option(s) for inclusion in the plan, completion of evidence in a timely manner, and recruitment to posts in the team. A further minor adjustment to the Local Plan timetable was agreed, of approximately 4 weeks, this was to allow time to explore variations on the emerging strategy and to ensure that the Council had the time to produce the best Local Plan it could.
40. Scrutiny Committee is intended to focus on the process elements of the Local Plan, while the Local Plan Leadership Group makes recommendations to Cabinet on the policy content of the plan.



# Agenda Item 9

**Committee:** Council

**Date:**

**Title:** Governance, Audit and Performance Annual Report

Tuesday, 19 July 2022

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

rauty@uttlesford.gov.uk

**Lead Member:** Cllr Edward Oliver, Chair, Governance, Audit and Performance Committee

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## Summary

1. There is a requirement under the Council's Constitution for the Chairman of the Committee to report annually to Full Council.
2. This Annual Report summarises the key work of the Committee in the 2021/22 year and was considered by the Committee at its meeting on 28 June 2022.

## Recommendations

3. None

## Financial Implications

4. There are no financial implications associated with this report.

## Background Papers

5. None

## Impact

- 6.

Communication/Consultation	The report provides a summary of the committee's work for all members
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

7. The Governance Audit and Performance Committee has continued its role to provide oversight of various functions of the Council and in 2021/22 was able to return to in-person meetings.
8. The Committee's work covers in the main matters relating to external and internal audit, governance matters, changes to the Council's Constitution, electoral changes and monitoring performance and risk.

## External Audit

9. In November 2021, the Committee discussed the options in appointing new external auditors at the end of the current five-year appointment term in 2023. The current auditors are BDO.
10. The Council had two options for the procurement of the external auditor appointment: to either establish an auditor panel and conduct its own procurement exercise, or to become an opted-in authority with Public Sector Audit Appointments Limited (PSAA), which would carry out the full procurement process on behalf of all opted in eligible authorities.
11. The Committee agreed with the officer recommendation that continuing with this latter approach was most appropriate for the Council, and made this recommendation to Full Council.
12. The annual audit of the Housing Benefit Subsidy Claim for 2019/20 was completed by BDO and presented to the Committee in September 2021.
13. For the third year, the error rate was so low that the Council actually gained subsidy payment rather than having to repay the Department for Work and Pensions due to processing and calculation errors. The Council's accuracy rate was over 99 per cent on a total claim value of £12.2 million.
14. By the end of the 2021/22 year, the Statement of Accounts for 2019/20 remained in draft due to an ongoing investigation. Whilst the outstanding issue does not relate directly to the Council's finances, it does mean that the Council's last audited and approved financial balances were 2018/19. Consequently, the intervening years' annual opening balances are unaudited estimates and therefore subject to change upon final external inspection. The external audit of the 2020/21 accounts is still in progress.

## Internal Audit

15. During 2021/22, GAP received several reports from Internal Audit, updating them on progress against the plan and high-risk issues identified.
16. The Internal Audit Report on Governance of Grants to Community Organisations presented in June 2021 detailed the outcome of the review, highlighting two high priority recommendations on Grant Policy and Procedures and Grant Funding Terms and Conditions, plus four medium priority recommendations. A service update on progress being made against the recommendations was presented to GAP in November 2021, where it was reported that a new Grants Policy was being developed to improve the control framework and that once in place, Internal Audit would undertake a formal follow-up assessment.
17. The Internal Audit Annual Report 2020/21 detailed the work undertaken during the 2020/21 financial year and provided details on the high risk and priority issues which could impact on the effectiveness of the internal control environment, risk management and governance arrangements across the Council. It provided an overall annual opinion of “moderate assurance” that demonstrated the Council’s systems for control, risk and governance were generally adequate with some improvements required.
18. Although falling outside the 2021/22 year that this report covers, it should be noted that at its first meeting of the 2022/23 year, the committee received the 2021/22 Annual Report, in which the council was given an audit opinion of “limited assurance” due to a number of significant control weaknesses, including one critical and 14 high priority, had been identified during 2021/22. Work is, or has already been, done to address all of these issues.
19. The Internal Audit Strategy 2021-23 covered how the service will be delivered and developed, as a key component of compliance with Public Sector Internal Audit Standards. It outlines the service’s mission statement and goals, the key internal audit outputs and the measurements of success. Progress made against the strategy will be reported back to GAP through the Internal Audit Annual Reporting mechanism.
20. The Internal Audit review of the Council’s internal governance arrangements with Uttlesford Norse Services Limited (UNSL), and management treatment response plan was presented to GAP in November 2021. Since then, GAP has received further updates in respect of this area of work.
21. In addition to the above, Internal Audit provided an interim report of its work in January 2022 which summarised what the service had undertaken since April 2021 and set out the forthcoming work to the end of March 2022.
22. The Internal Audit Plan 2022/23 was approved by the Committee in March 2022. This document is based on a prioritisation of the audit universe using a risk-based methodology, including input from the Council’s Corporate Plan, Corporate Risk Register, along with discussions with Council staff including senior management, plus consideration of local and national issues and risks.

It ultimately supports the delivery of an annual audit opinion that can be used by the Council to inform its governance statement, and which concludes on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.

23. In June 2021, the Committee considered and approved the Local Code of Corporate Governance 2021 and the Draft Annual Governance Statement (AGS) 2020/21 for publication with the Statement of Accounts. The Local Code sits within the Constitution and the AGS is a Council-wide self-assessment of the current in-year arrangements. For 2020/21, this included CIPFA guidance recommendations to reflect Covid 19 implications throughout the statement. The AGS also set out identified governance areas for improvement or monitoring during 2021/22 which included:
  - Ensuring that the Council aligns effectively and efficiently with the Fighting Fraud and Corruption Locally Framework 2020.
  - Implementing recommendations from the Governance Review Working Group.
  - Reviewing the Council's alignment with Financial Management Code
  - Member Training and Induction
24. In line with Public Sector Internal Audit Standards, GAP approved the Internal Audit Charter in March 2022, which sets out the purpose, authority, and responsibility of the Internal Audit activity and establishes Internal Audit's position within UDC, including the Audit Manager's reporting lines, authorisation to access to records, staff and physical properties relevant to the performance of engagements, and also defines the scope of Internal Audit activities.
25. GAP also received the refreshed and revised Counter Fraud & Corruption Strategy 2022, and its Action Plan for delivery, in March 2022. Given the various changes in personnel across the Council since its last update in 2019, it was a pertinent opportunity to review, refresh and update the Council's approach to Counter Fraud to ensure it is in line with best practice, CIPFA's guidance on Managing the Risk of Fraud and Fighting Fraud and Corruption Locally.
26. The 2022 Counter Fraud Strategy encompasses key principles such as acknowledging the responsibility for countering fraud and corruption, identification of fraud and corruption risks, provision of resources to implement the strategy and the action to be taken in response to fraud and corruption.

## **Constitution**

27. During 2021/22 the Committee was asked to consider two constitutional matters.
28. In the 2020/21 year, the Committee had been asked to consider proposed changes to the Council Procedure Rules in respect of the time permitted for questions to the executive and committee chairs at meetings of Full Council

(Rule 2.4). On the recommendation of GAP, Full Council agreed to trial the proposed Question Time scheme for two meetings.

29. The scheme was trialled at the Full Council meetings held on 20 July 2021 and 5 October 2021.
30. At its meeting on 28 September 2021, the Committee agreed to establish a Task & Finish Group to review the pilot scheme and to make a final recommendation regarding Rule 2.4. The Task & Finish Group was composed of Councillors Driscoll, Emanuel and Khan.
31. On 8 November 2021, the Task & Finish Group considered a report summarising member comments regarding the pilot scheme and the headline areas to be reviewed. The Group agreed that the new scheme was an improvement on the previous question time procedure, and minor revisions were recommended rather than full-scale changes. Specifically, there was support for the written question and answer aspect of the procedure, as the Group felt that the quality of answers provided at Full Council had greatly improved and there were fewer questions that required answering outside of the meeting.
32. In terms of altering the pilot scheme, the Group did introduce a mechanism for responding to questions that had not been answered within the 30-minute time limit, as well as permitting urgent questions on matters that had occurred on the day of meeting.
33. GAP Committee endorsed the Task & Finish Group's recommendations on 22 November 2021 and final approval was granted to amend the Constitution at Full Council the following month.
34. On 30 March 2022, GAP Committee were presented with four constitutional recommendations from the Planning Committee Working Group relating to the Council's planning function and operation of the Planning Committee.
35. The first recommendation related to the Member call-in procedure for planning applications; the window for call-in was reduced from five weeks to four.
36. The second related to the provision of mandatory annual training for Planning Committee members.
37. The third related to the Scheme of Delegation to the Assistant Director of Planning and Building Control.
38. The fourth recommendation proposed a minor change to the Public Speaking protocol, whereby applicants or agents would not be provided the right to speak at Committee if their application was recommended for approval and no one was speaking in objection to the application.
39. GAP Committee recommended these proposals without change to Full Council, where final approval was granted to amend the Constitution on 20 April 2022.

### **Community Governance Review of Parishes**

40. The Committee considered a report on 28 September 2021 about the results of the initial consultation on a community governance review of all parishes

within Uttlesford. This was as part of the legal timetable approved by the Committee in October 2020. The report presented all comments received during the stage one consultation period, as published on the Council's website.

41. The review allowed anyone to make comment on the current arrangements of parish councils. A number of comments were received from parish councils themselves and interested members of the public. The review allowed changes to be made to a parish's membership size; parish name; whether it should be warded or de-warded and its boundary. Also, any area without a parish council had the opportunity to request that a parish council be created.
42. The proposals included a number of comments, including the reduction in membership of two parish councils (Clavering and Chrishall); a change in the name of Elmdon and Wenden Lofts to incorporate Duddenhoe End; a proposal to move Mole Hill Green to Broxted parish and for Chickney parish to move under Henham Parish Council. Three proposals were put forward from parish councils themselves to re-align boundaries due to major planned housing development – these being between Great and Little Chesterford; Elsenham and Henham and between Saffron Walden Town Council and Swards End Parish Council. The latter also included some proposals to increase the Town Councils membership and merge two wards together.
43. Members sought clarification on the Saffron Walden proposals where there was no agreement between the Town Council and Swards End Parish Council. In the event of the planning development going ahead a further interim review could be undertaken to determine a possible boundary change. The report was agreed which enabled the final consultation stage to commence during October.
44. The Committee receive the stage two final comments in a report on 22 November 2021. The report set out further comments received on the initial proposals and had the final recommendation of the Electoral Services Manager on each proposal.
45. All the proposals set out in the final consultation were approved. Regarding Saffron Walden Town Council, the Committee agreed to increase the size of the Town Council by just two additional seats and not four as initially presented. The change to merge Castle with Little Walden was supported.
46. Members were reassured that there were no consequential district ward changes because of the proposals. Changes in the membership size of the three parish areas would take effect from the May 2023 elections, with other approved changes taking effect from 1 March 2022, as set out in the legal Order that was made following the review. Statutory bodies were subsequently notified.

## **Performance and Risk**

47. At its first meeting of 2021/22, the Committee ended its monitoring of the Covid PIs which were introduced to monitor the impact of the pandemic on key council services in recognition of the gradual return to pre-pandemic working arrangements.

48. From September, the Committee instead received the regular quarterly reports on all Key Performance Indicators and Performance Indicators.
49. Chief among concerns raised by Committee members during these discussions were the impact of the pandemic and economic climate on debt, housing and employment, including specific issues such as the number of people in temporary accommodation, benefits claim rates and Council Tax collection rates.
50. During 2021/22 the Chief Executive proposed a change in focus for the Committee with regard to its monitoring of Council performance. Going forward, the Committee would be asked to participate in a “deep dive” of certain service areas, engaging in a qualitative discussion of service performance. There would also be a greater use of comparative data from statistical near neighbours. This new approach would be developed through 2022/23.
51. The Committee also reviews the Council’s Corporate Risk Register. The 2021/22 revised Corporate Risk Register was presented in June 2021. The register, which sets out the key cross-cutting risks most likely to impact on the Council’s ability to fulfil its functions, was updated to include a risk related to the climate emergency. A further update during the year saw explicit reference to the risks relating to borrowing and investments in light of government changes and then in January 2022, a further risk was added covering contracts and partnership management. This risk was introduced by the Corporate Management Team following concerns about the Uttlesford Norse Contract. Managing this risk will ensure the council is effectively monitoring all current contracts and service agreements; making expectations clear on standards, quality and performance levels for both contracted and partnership services.

## **Annual Reports**

52. The committee receives annual reports on the PFI contract for the leisure centres and the findings of the Local Government Ombudsman.
53. With regard to the PFI contract, the annual report outlined matters including the contract structure and the impact of the Covid 19 pandemic on leisure services including the reopening of the centres following lockdown.
54. The main focus of the discussion was in relation to the potential relocation of Helena Romanes School in Great Dunmow, customer satisfaction statistics and the end of the contract in 2035.
55. The Local Government and Housing Ombudsman’s annual report was presented to the Committee in September 2021. The report summarised complaints relating to the Council’s services dealt with by the Ombudsman’s office for the year ended 31 March 2021 as well as the complaints and compliments received by the Council in the same period.
56. There had been four complaints received by the Ombudsman and the Council had been found at fault in relation to one case, the details of which were reported to Full Council in July 2021.

57. There had been 175 Stage 2 complaints dealt with internally, of which 52 had been upheld and 27 formal compliments received during the period.

### **Contract Procedure Rules**

58. The Council entered into a shared service agreement with Chelmsford City Council for procurement at the beginning of 2021/22 and revised Contract Procedure Rules were recommended by GAP to Full Council for approval in June 2021.
59. The Rules set out the Council's processes and procedures for all contractual commitments for goods and services and changes included a streamlined process for exceptions, an updated bribery and corruption statement and updated procurement methods that do not require a tender or advertisements.

### **New arrangements for Statutory Senior Officer Disciplinary Procedures**

60. The Committee approved a proposal to amend the disciplinary procedures for the Council's statutory posts – the Head of Paid Service, the Monitoring Officer and the S151 Officer.
61. The amendments brought the procedures in line with current legislation and guidance from the Joint Negotiating Committee, the national body which negotiates pay and conditions, and saw the creation of three new bodies in the event of any disciplinary action being required – an Investigating and Disciplinary Committee, an Appeals Committee and an Independent Panel.



<b>Committee:</b>	Council	<b>Date:</b>	Tuesday, 19 July 2022
<b>Title:</b>	Stebbing Neighbourhood Plan		
<b>Portfolio Holder:</b>	Councillor John Evans, Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan		
<b>Report Author:</b>	Demetria Macdonald Planning Policy Officer <a href="mailto:dmacdonald@uttlesford.gov.uk">dmacdonald@uttlesford.gov.uk</a>		

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## Summary

1. The Localism Act 2011 introduced a right for communities to draw up neighbourhood plans. Stebbing Parish Council, with support and advice from the District Council, has produced a neighbourhood which has subsequently undergone a successful independent examination and Referendum. This report considers whether the Stebbing Neighbourhood Plan should be **made** (the Neighbourhood Plan legislation's term for adopted) by Uttlesford District Council as part of the statutory Development Plan.
2. A neighbourhood plan once "made," forms part of the statutory development Plan and sits alongside the Uttlesford Local Plan Adopted 2005. Should planning permission be sought in areas covered by the adopted Stebbing Neighbourhood Plan, the application must be determined in accordance with both the neighbourhood plan and Local Plan unless material considerations indicate otherwise.

## Recommendations

3. To recommend to Council that the Stebbing Neighbourhood Plan (**Appendix 1**) be formally **made** as part of the statutory development plan for the District.

## Financial Implications

4. The examination cost £7,670.52 and the Referendum cost £5,509.45 were initially funded by Uttlesford District Council. The Council will be able to claim up to £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC) which will cover the cost of the examination and referendum.

## 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 plan has undergone significant community involvement in its preparation.
Community Safety	The plan deals with community safety and will have a generally positive effect on residents' health and wellbeing through its objectives and policies.
Equalities	The Plan aims to meet the needs of all residents in the Parish. The Examiner considered this Basic Condition and concluded that the Plan does not breach and is otherwise compatible with EU obligations and human rights requirements.
Health and Safety	The Plan and policies promote the health and well-being of the residents.
Human Rights/Legal Implications	This matter has been considered by the Examiner under Basic Conditions and concluded that the NDP does not breach and is otherwise compatible with EU obligations and human rights requirements.
Sustainability	The plan deals with sustainability of the parish and the Examiner confirmed the sustainability of this Plan.
Ward-specific impacts	Stebbing
Workforce/Workplace	None

## Situation

7. The parish of Stebbing was designated as a neighbourhood plan area on 8 June 2016. The Neighbourhood Plan Group gathered evidence and undertook significant consultation. Pre-Submission consultation under Regulation 14 was undertaken between 1 October and 7 December 2020. Public Consultation (Regulation 16) undertaken by the Council from 19 July 2021 to 28 September 2021.

8. The Stebbing Neighbourhood Plan was submitted for Examination on 22 November 2021. The examination was conducted via written representations as the Examiner decided that a public hearing would not be required. The Examiner's Report, detailing recommendations was received on 11 February 2022.
9. On 29 March 2022 Cabinet having considered each of the recommendations made by the Examiner resolved that the Stebbing Neighbourhood Plan be modified as set out in the Examiner's Report and progress to Referendum.
10. A referendum was held in Stebbing Parish on Thursday 23 June 2022 posing the following question to eligible voters:

*“Do you want Uttlesford District Council to use the neighbourhood plan for Stebbing to help it decide planning applications in the neighbourhood area?”*
11. **48%** of registered electors recorded votes, 551 votes were cast of which 534 **or 97%** were in favour of 'Yes' and 17 **or 3%** votes in favour of 'No'. It was therefore declared that more than half of those voting had voted in favour of the Stebbing Neighbourhood Plan.
12. In accordance with the Neighbourhood Planning Regulations, following the outcome of the referendum it is now for the District Council to **'make'** the neighbourhood plan so that it formally becomes part of the development plan for Uttlesford District Council.
13. Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the requirement for a local planning authority when it comes to making a neighbourhood plan. It states that:

*“(4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made –*

  - (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and*
  - (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held.*

*(6) The authority are not to be subject to the duty under subsection (4) (a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention of the rights (within the meaning of the Human Rights Act 1998).”*

14. As a result of the outcome from the referendum and in accordance with the aforementioned legislation the Council is legally required to bring the plan into force following the successful referendum. It is recommended that the plan is formally made by the Council to become part of the development plan for the district and to help determine applications in the parish.

## Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
That the Neighbourhood Plan is not made within 8 weeks of holding a successful Referendum.	Little – The Stebbing Neighbourhood Plan is being considered for adoption well within 8 weeks of the Referendum held on 23 June 2022.	The Council will be in breach of its statutory duty under the Town and Country Planning Act 1990 and be open to a Judicial Review.	The Council must adopt the Stebbing Neighbourhood Plan within the statutory 8-week period since there are no legal challenges.

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.

# STEBBING NEIGHBOURHOOD DEVELOPMENT PLAN 2019 - 2033

REFERENDUM VERSION

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St Mary the Virgin - Parish Church of Stebbing; View from the South East outside Red Lion House

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## FOREWORD

From The Chair of Stebbing Parish Council

A first-time visitor to Stebbing might well consider it to be a quintessential English village. With its fascinating buildings and rich heritage, the village remains small enough to merge naturally into the local countryside. A historical settlement, Stebbing is recorded in the Domesday Book and there is strong evidence of earlier Saxon and Roman occupation. The layout of the village has changed little over the centuries.

Now, with so many changes threatening the area, Stebbing Parish Council shares its Residents' desire to contribute to the future of our village, particularly towards potential development, the environment and amenities.

It is intended that the Neighbourhood Plan shall contain and seek realistic, constructive and shared visions for the future of our Community, which reflect our thoughts, concerns and wishes.

The Neighbourhood Plan will incorporate objectives and policies on everyday issues and offer positive and balanced guidance for the future development of the Parish to benefit the wider Community.

The Parish Council considers the Neighbourhood Planning process will support and strengthen the local Community, enabling not only the preservation and protection of Stebbing but also to make it an even better place for Residents to live, work and enjoy.

Signed:

Councillor Judith Farr  
Chair

# CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION

## A. Introduction

1.1 The Stebbing Neighbourhood Development Plan (abbreviated to Plan or NP) sets out a vision for the area of the Parish of Stebbing and contains planning policies for the use and development of land within it during the period 2019-2033. It will form part of the statutory Development Plan for the administrative area of Uttlesford District Council (UDC), being the Local Planning Authority for the District. The purpose of the Plan is to guide development within the Parish and provide guidance to any interested parties wishing to submit planning applications for development within the designated Neighbourhood Area (as shown on Map 1).

1.2 The statutory UDC Development Plan comprises the 'saved' policies of the Uttlesford Local Plan (ULP), adopted in January 2005, which were intended to cover the period to 2011. The Development Plan also includes the Essex Minerals Local Plan 2014 (MLP) and Essex and Southend-on-Sea Waste Local Plan 2017 (WLP). The UDC Local Plan is now considerably out of date by virtue of the National Planning Policy Framework (NPPF), but remains part of the Development Plan until superseded by a new adopted Local Plan.

1.3 UDC prepared and submitted a draft Local Plan to the Secretary of State in Summer 2014, but this was subsequently withdrawn following the conclusion of the examination Inspector that it was not sound. A second draft Local Plan was subsequently submitted on 24th January 2019. This included an extension of the West of Braintree Garden Community (WoBGC), as proposed by Braintree District Council (BDC), into Uttlesford District. The WoBGC formed one of three new Garden Communities proposed in the Publication Draft Section 1 Shared Strategic Local Plan for North Essex<sup>1</sup>. The extension of the proposals into Uttlesford would have been located entirely within Stebbing Parish and would have had a fundamental and adverse impact on the area and local community.

1.4 Following the initial stages of the examination into the submitted Uttlesford Local Plan, UDC received a letter dated 10th January 2020 from the appointed Inspectors. This stated that they were not persuaded that there was sufficient evidence to demonstrate that the proposed Garden Communities, and thus the overall spatial strategy, had been justified. Consequently, the Inspectors stated they "cannot conclude that these fundamental aspects of the plan are

sound". They found that they "are of a view that withdrawal of the plan from examination is likely to be the most appropriate option". UDC subsequently decided at an Extraordinary Council meeting on 30th April 2020 to withdraw the Plan and to start a new Plan 'from scratch'. In addition, on 15th May 2020, the Inspector examining the North Essex Authorities' (NEAs) Shared Strategic Section 1 Plan wrote to the NEAs setting out his findings and conclusions on the Plan. He found that the proposed Colchester/Braintree Borders and WoBGCs were not justified or deliverable. Consequently, the Plan's spatial strategy was unsound. The Inspector recommended two options: either to remove both of these GCs through proposed main modifications, or to withdraw the Plan. The NEAs subsequently agreed the former and following consultation of proposed main modifications in August and September 2020, the Inspector's final report dated 10th December 2020 recommended adoption of the Section 1 Plan. BDC formally adopted the Plan on 22nd February 2021. Meanwhile, UDC is progressing with a series of consultations on various topics, including a new 'Call for Sites'. The current UDC Local Development Scheme anticipates submission of the New Local Plan in August 2023 and adoption in July 2024.

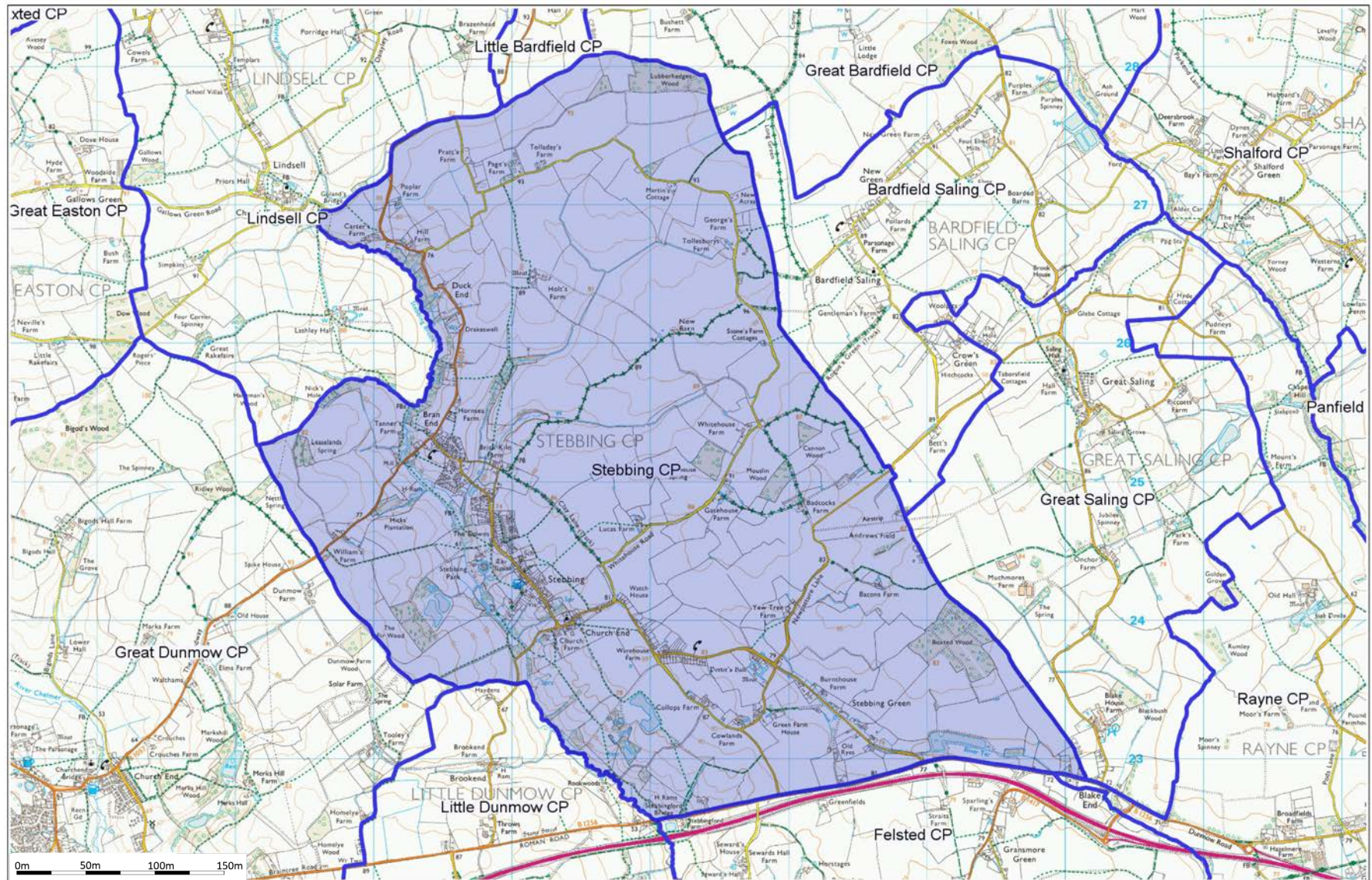
1.5 Residents will be aware that the 2019 submitted UDC Plan included proposals that would have fundamentally affected Stebbing Parish and neighbouring parishes. As there is no requirement for a Neighbourhood Plan to be prepared or examined against emerging policy, this Neighbourhood Plan was drafted to be at variance with the then emerging UDC Local Plan with regard to the proposed extension of the WoBGC into Stebbing Parish. This was considered to be fully justified for two reasons:

- 1) until the respective North Essex draft Plan and the UDC draft Plan were found to be sound by the Inspectors there was uncertainty over the future of the proposed WoBGC; and
- 2) to reflect the very strong and overwhelming views of Residents in the Parish who objected to the WoBGC.

1.6 Consequently this NP has been prepared to be in general conformity with the relevant strategic policies of the adopted ULP 2005, the MLP 2014 and WLP 2017, and the NPPF 2021 where appropriate. These strategic policies are set out in the table at Appendix A.

Footnote 1: The North Essex Authorities (NEAs) comprise Braintree District Council, Colchester Borough Council and Tendring District Council.

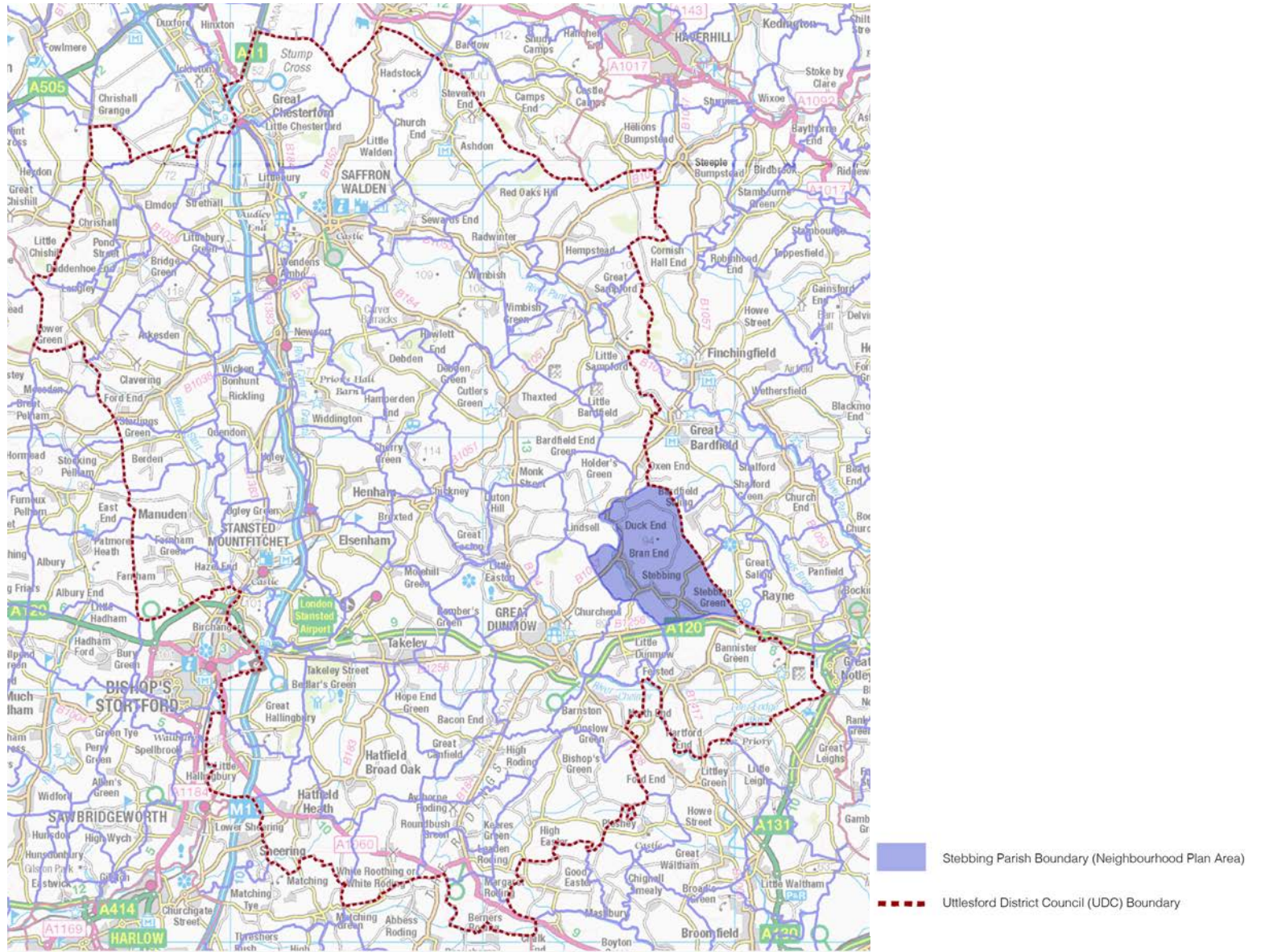
CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION



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Map 1 - Designated Neighbourhood Area for Stebbing Parish

# CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION



Map 2 - Stebbing Parish in the context of the UDC boundary

# CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION

## B. Policy Context

1.7 Planning Law requires that applications for planning permission must be determined in accordance with development plans, unless material considerations indicate otherwise. In the absence of an up-to-date adopted Local Plan, then the 'saved' policies of the 2005 Uttlesford Local Plan (ULP), the MLP 2014 and WLP 2017, together with policies in this Neighbourhood Plan, will be used as the basis for the determination of future planning applications within the Parish. Additionally, the NPPF 2021 will be a material consideration in dealing with planning applications.

1.8 The Plan must also conform to the Government's 'Basic Conditions' as set out in the Town and Country Planning Act 1990<sup>2</sup> and explained further in the Basic Conditions Statement (EB18). In summary it must:

have regard to national policies and advice contained in advice issued by the Secretary of State;

contribute to the achievement of sustainable development;

- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union obligations;
- meet prescribed conditions and comply with prescribed matters (eg. the various legal requirements for the Plan, and the requirement that it must satisfy e.g. regarding consultation, excluded development, etc.); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

It should also be noted in relation to the 'Basic Conditions' that UDC on 21st January 2021 determined that the NP does not require an Environmental

Assessment (as required by Regulation 11 of the Environmental Assessment of Plans and Programme Regulations 2004). Also UDC carried out an Habitats Regulations Assessment (HRA) Screening Assessment in September 2020 and determined that the NP is not likely to result in significant effects on any European site (EB18 & 19).

1.9 With regard to national policies and advice, the Government establishes planning policies for England through the NPPF, which was last updated on 20th July 2021, and sets out how the policies are expected to be applied. The NPPF is supported by Planning Practice Guidance, which is published on-line and regularly updated. The NPPF stresses that the purpose of the planning system is to contribute to the achievement of sustainable development. At high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>3</sup>.

### Achieving Sustainable Development

1.10 The NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy;
- b) a social objective- to support strong, vibrant and healthy communities; and
- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment.

## CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION

1.11 The Government advises that *"these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework ..... Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area"*.

Consequently, so that development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11 NPPF 2021 refers).

1.12 This guidance underpins the purpose, preparation, detail and suite of policies contained in this NP.

1.13 The Parish of Stebbing is considered by its Residents to be a very attractive and appealing place in which they feel privileged to live, bring up their families, enjoy leisure pursuits, work and enjoy their retirement. The Residents wish its special qualities to be protected and this Plan seeks to ensure that any future development is of a scale that is manageable, that will safeguard and enhance local services and facilities, be in suitable locations and that it will respect and enhance the important and valuable characteristics of the historic and natural environment described further below.

1.14 The key issues and threats faced by the Parish in preparation of this Plan are explained in paragraphs 1.3-1.5 above. These circumstances resulted in delaying the publication of the earlier Regulation 14 draft NP.

1.15 Specific landscape policies are being included in this Plan that seek to protect the setting of the main village itself and the hamlet of Stebbing Green. The Parish Council has been advised by independent heritage consultants<sup>4</sup> that the special historic character of Stebbing Green with its distinctive openness is worthy of designation as a Conservation Area. Additionally, the consultants identified the land between Stebbing Green and Boxted Wood to warrant designation as a "Green Wedge" in order to respect the open and undeveloped nature of the open valley side to preserve or enhance the setting and distinctive character and appearance and individual identities of the Stebbing Green

Character Area, Boxted Wood (an ancient woodland), the listed heritage assets and Historic Environmental Record sites.

### C. Purpose and Structure of this Plan

1.16 In due course, once the existing saved strategic policies of the 2005 Local Plan have been replaced by a new adopted Local Plan, it may require a review of this Plan to ensure that it is in broad conformity with the new development plan. However, because of the timescales involved in preparation, consultation, submission, examination and adoption of a new Local Plan, this will not be for several years. However, Chapter 13 of the NP provides details of monitoring and review in order to respond as necessary to changing circumstances.

1.17 The Policies contained herein are set out to guide future development within the Parish. The Plan and its Policies are considered to be robust, being positively prepared, justified, effective and consistent with national policy. In particular the Plan has been prepared and its policies drafted with the objective of contributing towards the promotion and achievement of sustainable development through the three component parts (para 1.10 above). It has been prepared on the basis of sound evidence and the results of public consultation within the Parish over the period of preparation.

1.18 Preparation of this Plan and formulation of its Policies have been strongly influenced by the need to address the fundamental issues of concern to the majority of local Residents, namely to support and enhance the existing community and its facilities, to control and manage the impact of potential development upon the assets of the landscape environment, wildlife habitats, historic environment and setting, and the overall wellbeing and quality of life in the Parish.

## CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION

### D. The Neighbourhood Plan Area

1.19 Stebbing Parish Council decided on 11th February 2016 to make a Neighbourhood Plan for the Parish. Being a qualifying body under s66(g) of the Town and Country Planning Act 1990 and Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council applied on 26th April 2016, to UDC for the Parish of Stebbing to be designated as a Neighbourhood Area. On 8th June 2016, the Parish of Stebbing was designated by UDC as the Neighbourhood Area for Stebbing, as shown on the plan in Map 1. Map 2 shows Stebbing Parish in the context of the UDC boundary. The Neighbourhood Area covers the entire Parish of Stebbing.

### E. The making of the Plan

1.20 A Steering Group made up of unpaid volunteers, all of whom are resident in the Parish, including four Parish Councillors, was approved by the Parish Council as a suitable body to prepare a draft Plan. The composition of the Steering Group changed little during the Plan preparation period. It first met on 19th May 2016 and its Constitution and Terms of Reference were made on 7th June 2016. For the majority of the plan preparation period, the Steering Group met twice monthly, once in public session and once informally by way of a working group session. The Parish Clerk acted as Secretary to the Steering Group. Unfortunately, delays in the submission and examination of the emerging Local Plan and potential conflict with its proposals delayed its production, beyond the control of the Parish Council.

1.21 Additionally, advice and guidance was provided to the Steering Group at various stages by Mrs Rachel Hogger, a Chartered Town Planner, and Principal of Modicum Planning Ltd, whose services were provided and paid by UDC (pursuant to their statutory obligation to assist communities to develop and establish Neighbourhood Plans). She attended several meetings of the Steering Group, as well as those held for the community.

1.22 Acting on behalf of the Parish Council, the Steering Group was assisted

and advised as to both landscape and heritage matters by independent professionally qualified consultants who reported during 2016 and 2017. The Steering Group was also assisted by technical advice from Urban Vision Enterprise CIC (Urban Vision), independent consultants appointed by Locality as to the assessments of various sites put forward through responses to “Call for Sites” procedures and/or as identified to be appropriate for consideration by the Steering Group. The Steering Group carried out an initial assessment of a total of 21 sites that closely met the outcome of responses to the Community Questionnaire and the Plan objectives. Detailed consideration of the overall evidence base and the views of public consultation informed the proposals and policies set out in this Plan.

1.23 The Plan has been drawn up after extensive consultation with the residents and businesses of Stebbing, as well as others required to be consulted or interested in the future of the Village. The Steering Group took cognisance of the terms of the earlier NPPF 2012 paragraphs 183-185 and subsequent Section 3 of NPPF 2019 and NPPF 2021 paragraphs 15-16, which inter alia set out the importance of early and meaningful engagement with the neighbourhood and local interests in the strategy and concepts involved in the plan-making process. Consultation has been a continuous process culminating in the Regulation 14 and 16 procedures. Full details and a summary of the representations and responses received, together with copies of the site appraisals and reports relating to heritage and landscape matters were provided to UDC inviting comments and also to inform the preparation of the then emerging new Local Plan. Submissions were also made by the Steering Group to UDC upon the former draft Local Plan at the Regulation 18 and 19 consultation stages. These evidence base documents will also be relevant to inform the preparation of the next new Local Plan. Overall, consultation and keeping the local community regularly informed has been a continuous process, culminating in the Regulation 14 and 16 formal procedures. Full details and a summary of the representations received and responses thereto are contained in the Consultation Statement (EB14).





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Photo 1. View eastwards from Footpath 23 to Church End



Photo 2. View Eastwards from Footpath 23 to Church End

## CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION

1.24 The Policies contained within this Plan have been reached objectively, informed by national and local policy guidances, the evidence base and reflect the clear wishes and preferences of the Residents of the Parish of Stebbing, and also take into account the views of other consultees, where applicable.

1.25 Key issues of major importance to the community are the need to protect and enhance the landscape and heritage of the Parish, as well as to acknowledge that some limited, small scale growth is required to meet local housing needs and support and enhance the existing Parish services and facilities.

### Consultation: The views of Residents

1.26 The key views and issues identified by the community are summarised in Chapter 3. Analysis of responses to the main questionnaire in 2017 led to the drafting of a 'Vision' and Core Objectives for each key topic. Subsequent consultations endorsed the Vision and Objectives and key policy themes, as in **P** and **G** below. A consultation in late 2018 sought responses for a 'call for sites' exercise in order to consider and assess fully all potential sites that may be suitable for future development. This was effectively a 'mop up' exercise to consider any potential sites that had not been assessed in previous UDC consultations. Full details of the consultation and engagement exercises undertaken by the Steering Group with the Residents and others are included in the Consultation Statement. This explains how the views expressed at all stages have influenced and have been reflected in this Plan, in particular the formulation of the following Vision and Objectives. The Consultation Statement also includes the representations received at the Regulation 14 Consultation and the Parish Council's responses in preparing this Regulation 16 draft NP.

### **F. Our Vision for Stebbing**

1.27 The identification of the key issues and views of local residents and what they valued about living in the Parish, what they disliked and how they would like to see the area evolve over the next 15 years - together with the need to contribute towards promoting and achieving sustainable development - led to the

following Vision and formulation of the Core Objectives.

#### **Vision**

- In 2033, Stebbing will be a vibrant rural parish, with a strong sense of community, which has protected and enhanced its distinctive village, surrounding hamlets, ancient woodlands and agricultural character.
- Stebbing will be a parish which is proud to have retained, and be known for, its historical character, wealth of heritage assets and beautiful, tranquil landscape offering an abundance of open views and wildlife habitats.
- Housing development will be in keeping with the character of the Parish, positively contributing to its immediate surroundings
- Housing development will place particular emphasis on organic growth through small developments and affordable properties.
- Transport, telecommunications and social facilities will have been improved and be more widely available for all residents, young and old.

**G. Core Objectives**

- i. To conserve and enhance the heritage and distinctive historic character of the Parish, its village, surrounding settlements and each of their respective landscape settings.
- ii. To protect the key environmental features of the Parish including ancient woodland, high quality agricultural land, multi-functional green infrastructure including byways, bridleways, footpaths, hedgerows and wildlife sites and in so doing, improving health and wellbeing.
- iii. To protect the open landscape setting to the east of the settlements of Stebbing Green and the village of Stebbing.
- iv. To respect, preserve and enhance the character and setting of the various settlements and hamlets which make up the Parish and to protect their individual identities.
- v. To preserve the character of the quiet roads and lanes within the Parish for their continued safe use by walkers, cyclists and horse riders.
- vi. To maintain and support the existing strong sense of community in the Parish by retaining existing and encouraging additional community infrastructure, including the community store, the village Primary School, the village hall, the Church, the White Hart Public House and all other sports, social and recreational facilities.
- vii. To ensure that new housing and other forms of development meet the needs of the local parish community, including the need for accessible and affordable housing, starter homes, homes for older people and other specialist needs.
- viii. To retain and encourage new and diversified rural employment and support services where possible; to encourage homeworking and small scale local businesses.
- ix. To ensure that any new development is sympathetic to the character and beauty of the Parish in design and appearance matters and that it makes a positive contribution to its surroundings, with particular emphasis on small scale organic growth
- x. To address highway safety and parking issues, improve the potential for movement by non-car modes, including walking, public transport, cycling, improve the bridleway network and retain and develop the use of the village mini bus.
- xi. To promote, through the appropriate providers, effective, high level internet connectivity for all residents and businesses.
- xii. To explore with ECC as Highway Authority and UDC ways to improve transportation access for all residents to appropriate education and health services.
- xiii. To balance the amount of new development with the capacity and potential expansion of the village Primary School to meet the primary school education needs of the Parish.
- xiv. Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

(Note: this core objective applies to all topic chapters).

# CHAPTER ONE: INTRODUCTION, POLICY CONTEXT, CORE OBJECTIVES AND VISION

## H. How to read this document

1.28 Each section of this Plan covers a different topic. Under each heading, there is the context and justification for the policies, which provide the necessary understanding of the policy and what it is seeking to achieve. The policies themselves are presented in blue coloured boxes. Planning applications will be considered in the context of their consistency or conformity with these policies and other relevant material considerations. It is therefore advisable that, in order to understand the full context for any individual policy, to read it in conjunction with the supporting text.

1.29 At the end of some of the policy topic chapters there is a list of ‘non land use policy aspirations’. These are matters that have been suggested by the community but are not appropriate to include as policies in a Neighbourhood Plan which is focused on the *development and use of land*. They do, however, signal actions which could be taken forward by the Parish Council or others, or initiatives which could be funded by developer contributions or other sources of funding.

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### **The Plan has been structured in the following order of topic Chapters to reflect the Core Objectives and Vision:**

- Chapter 2. Context- Setting the Scene
- Chapter 3. Consultation
- Chapter 4. Heritage and Conservation
- Chapter 5. Landscape: the Countryside and Natural Environment
- Chapter 6. Housing and Design
- Chapter 7. The Economy
- Chapter 8. Community and Well-being
- Chapter 9. Transport
- Chapter 10. Housing Allocations
- Chapter 11. The Policies Map and Scheme of Neighbourhood Plan Policies
- Chapter 12. Projects
- Chapter 13. Implementation, Monitoring and Review

### Appendices:

- A Table of UDC Local Plan 2005 Strategic Policies
- B Historic England- schedule of Heritage Assets in Stebbing and Uttlesford Local Heritage List for Stebbing 2018.
- C Letter dated 17th July 2020 from UDC Planning Policy Officer responding to a request for an indicative housing requirement.
- D Glossary and Abbreviations
- E List of Evidence Base Documents
- F Equality Impact
- G Acknowledgements

**A. Parish Description**

2.1 Stebbing is a small rural parish made up of the core village community and surrounding hamlets, isolated houses and farmsteads, lying in the upper reaches of the Chelmer Valley. One of the fluvial constituents of the River Chelmer, Stebbing Brook, runs through its western side, flowing southwards to join the River Chelmer at Felsted. The surrounding countryside is predominantly arable and consists mainly of very good quality Grade II classified versatile agricultural land.

2.2 Its historic built environment, rural setting and attractive landscape, together with local facilities, make it a very popular and cherished community for its residents. Notwithstanding its proximity to the A120, the Parish has a strong sense of pastoral distinction and tranquillity. This is frequently remarked upon by residents and visitors from outside the Parish.

2.3 Stebbing lies towards the lower eastern edge of the UDC administrative area, some 3.5km to the east of Great Dunmow, 9km to the west of Braintree town, 5 km north of Felsted and 9 km to the south east of Thaxted, reached in each case via B classified roads. It is 2 km to the north of the A120 (dual carriage way) corridor, to which access is obtained at two points, approximately 6 km to the east and 6 km to the west. The B1256, formerly the A120, which marks the southern border of the Parish lies along the line of the Roman road leading from Colchester to St Alban's, once known as Stane Street.

2.4 The Parish has boundaries with eight other parishes, namely Lindsell, Little Bardfield and Great Bardfield to the north, Bardfield Saling and Great Saling to the east, Felsted, Little Dunmow and Flich Green to the south and Great Dunmow to the west.

2.5 The centre of the Village is linear, aligned north-west/south-east, and slender in form, which reflects its historic organic growth. This can be seen from the historic mapping of the Parish, the first being that drawn by Chapman & André in 1777 and subsequent editions of the Ordnance Survey.

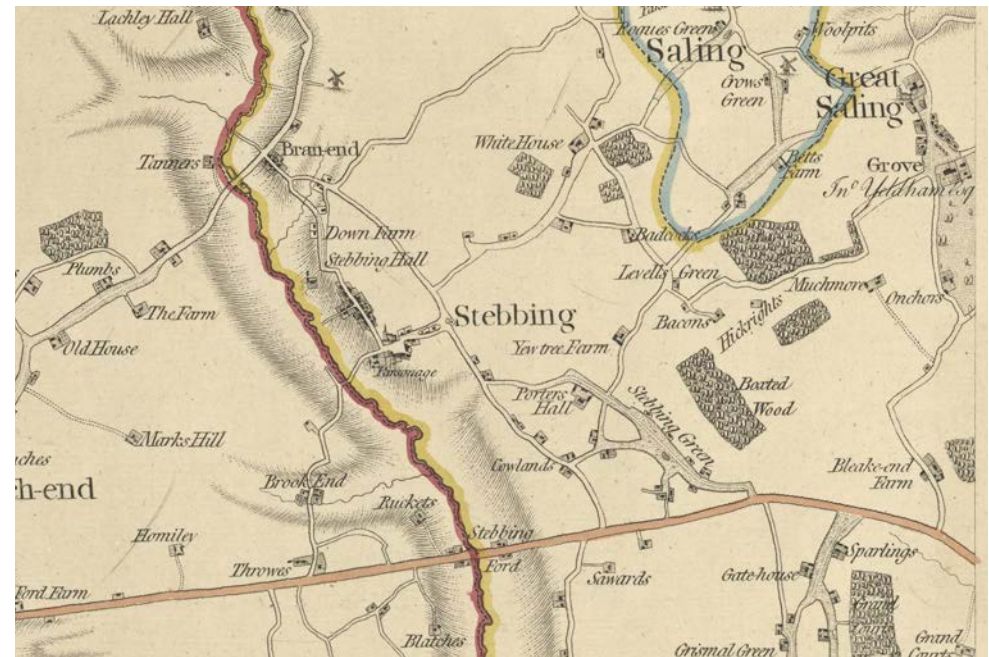


Fig 1: Extract Digital Map of the County of Essex 1777 by John Chapman & Peter André | Produced by Tim Fransen, 2018 | Digitised engraved sheets courtesy of Biblioteca Virtual del Patrimonio Bibliográfico



Fig 2: Extract Ordnance Survey Map (First Edition 1850)

## CHAPTER TWO: CONTEXT – SETTING THE SCENE



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Photo 3. Stebbing High Street- Aerial view from the Church looking North



Photo 4. Aerial View of Boxted Wood and part Southern and Eastern Boundary of Parish (former Stane Street) to right edge

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## CHAPTER TWO: CONTEXT – SETTING THE SCENE

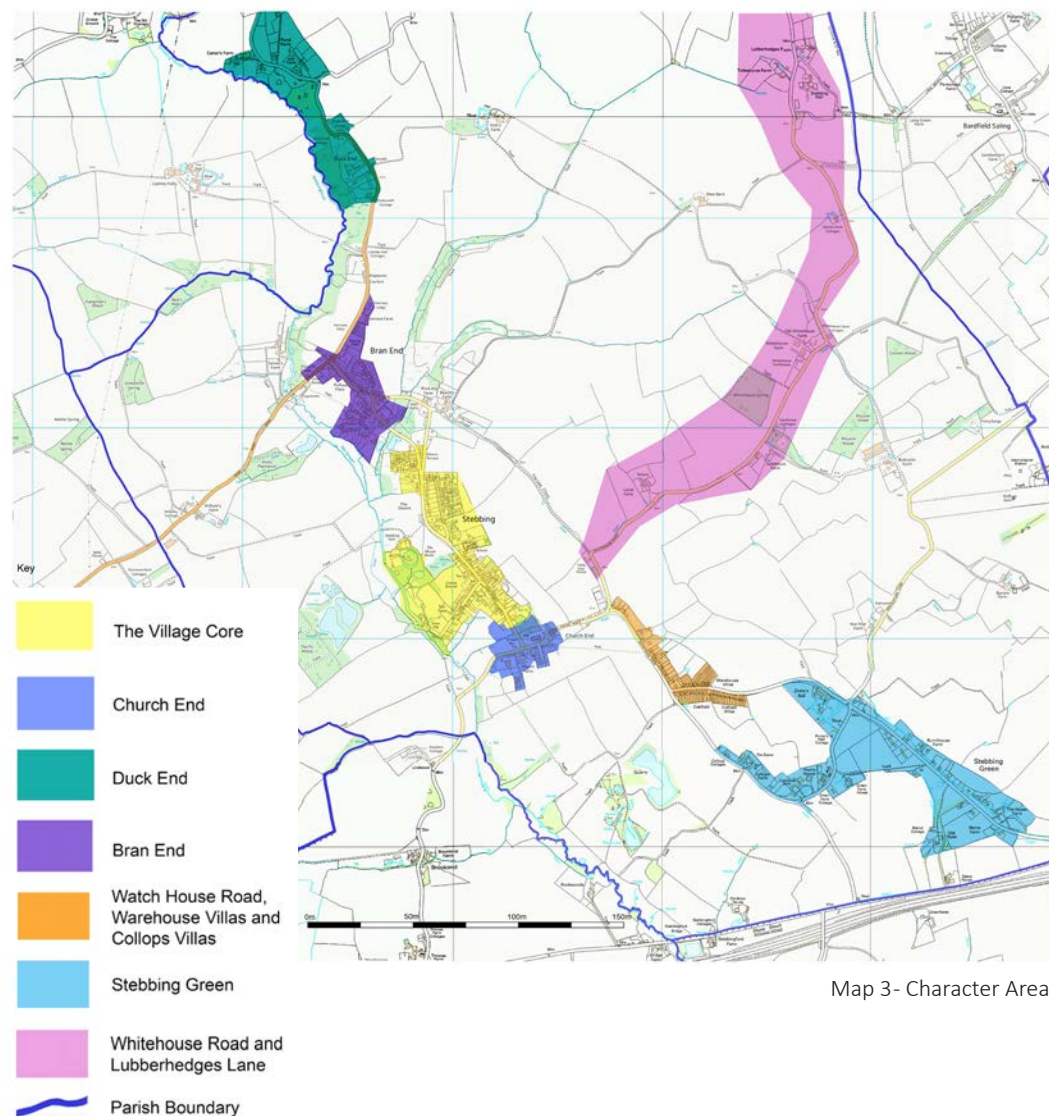
2.6 The Grover Lewis Associates' Heritage Assessment of the Parish, referred to in more detail in Chapter 4, provides a very useful and accurate description of the settlement form and character of 'Stebbing':

*"1.13 The settlement has a markedly linear form, aligned north-west/south-east, which has evolved by the conjunction of a series of hamlets that developed along the line of the Stebbing Brook. The latter flows southwards to meet the River Chelmer at Felsted. Whilst the hamlets are described as conjoined, there are modest breaks in development between Church End, which as the name suggests contains the imposing parish church of St Mary the Virgin, and the main body of the village to the north. North of the main body, Bran End and Duck End enjoy a degree of physical separation. To the south, Stebbing Green is effectively a freestanding hamlet, notwithstanding the presence of twentieth-century ribbon development to the north along Warehouse Road giving a degree of connection to Church End.*

*1.14 The direct distance from the northern end of Duck End to the southern end of Stebbing Green is almost five kilometres, with the winding road distance being considerably further. Whilst there are some modern twentieth-century cul-de-sac developments at Bran End and in The Downs area, to the north of the historic core on High Street, the majority of the village is made up of single-plot development along a single meandering village street.*

*1.15 With the exception of Stebbing Green, the linear village occupies higher land to the immediate east of the Stebbing Brook, which has formed a relatively narrow, steep sided valley along the western edge of the parish. From the Stebbing Brook, the land rises gently eastwards up the valley side. To the east and south-east of the main built-up area, the surrounding land is notably flatter than the valley of the Stebbing Brook."*

2.7 This description includes six of the seven broad character areas as shown on Figure 3, which are identifiable by their geographical location/road name, general appearance and development form. These are:- The Village Core - Church End - Stebbing Green - Watch House Road - Warehouse Villas and Collops Villas - Bran End - Duck End, and additionally - Whitehouse Road and Lubberhedges Lane.





## CHAPTER TWO: CONTEXT – SETTING THE SCENE

2.8 The latter is characterised by dispersed and scattered groups of dwellings and farms, including several listed buildings, served from an attractive narrow meandering country lane from Church End/Watchhouse Road via Whitehouse Road and Lubberhedges Lane to the B1057 at Duck End.

2.9 The Village Core and Church End is an area of particular importance and significance because it forms the existing designated Stebbing Conservation Area, as defined in the adopted Local Plan and shown on the Neighbourhood Plan Policies Map 18. It was designated by Essex County Council in 1977 and the boundary was reviewed in 1991 and is centred around the historic core of the Village and Church End. In addition there is a significant quality to both the setting of the main village and Stebbing Green, together with a total of 155 heritage assets within the Parish- including 152 listed buildings in total, one of which is Grade 1, six Grade 2\* and 145 Grade 2- and 3 Scheduled Monuments (SM). Many of these are scattered throughout the Parish but there are 67 listed buildings that lie within the Conservation Area, plus there is one Scheduled Monument, the locations of which are shown on Map 4. A schedule of all the heritage assets within the Parish is included in Appendix B. Further information on heritage is set out in Chapter 4.

2.10 Generally, there was little new building in the Parish in the 19th century, thus preserving the 16th and 17th century houses, and only a limited amount in the first half of the 20th century. One item of historical significance in the 20th century was the building of Andrewsfield Airfield in 1941. It is the only surviving Second World War airfield still in operation. At its height in 1942/1943, over 800 US Airmen were stationed around the airfield and it was the home of the iconic Flying Fortress and Marauder US bombers. Later in the war it housed both RAF and Polish air squadrons.

2.11 It is clear from views expressed through various public engagement events that it is essential to safeguard the setting and appearance of these historic assets from any inappropriately sited and/or insensitively designed development, and where possible new development and other interventions should seek to enhance the quality of the assets and their setting as reflected in Policy STEB1 (page 30).

2.12 The Parish is served by a Parish Council, established in 1894, currently made up of nine Councillors and is supported by the salaried Parish Clerk.

### B. Population, Demographics and Housing Stock

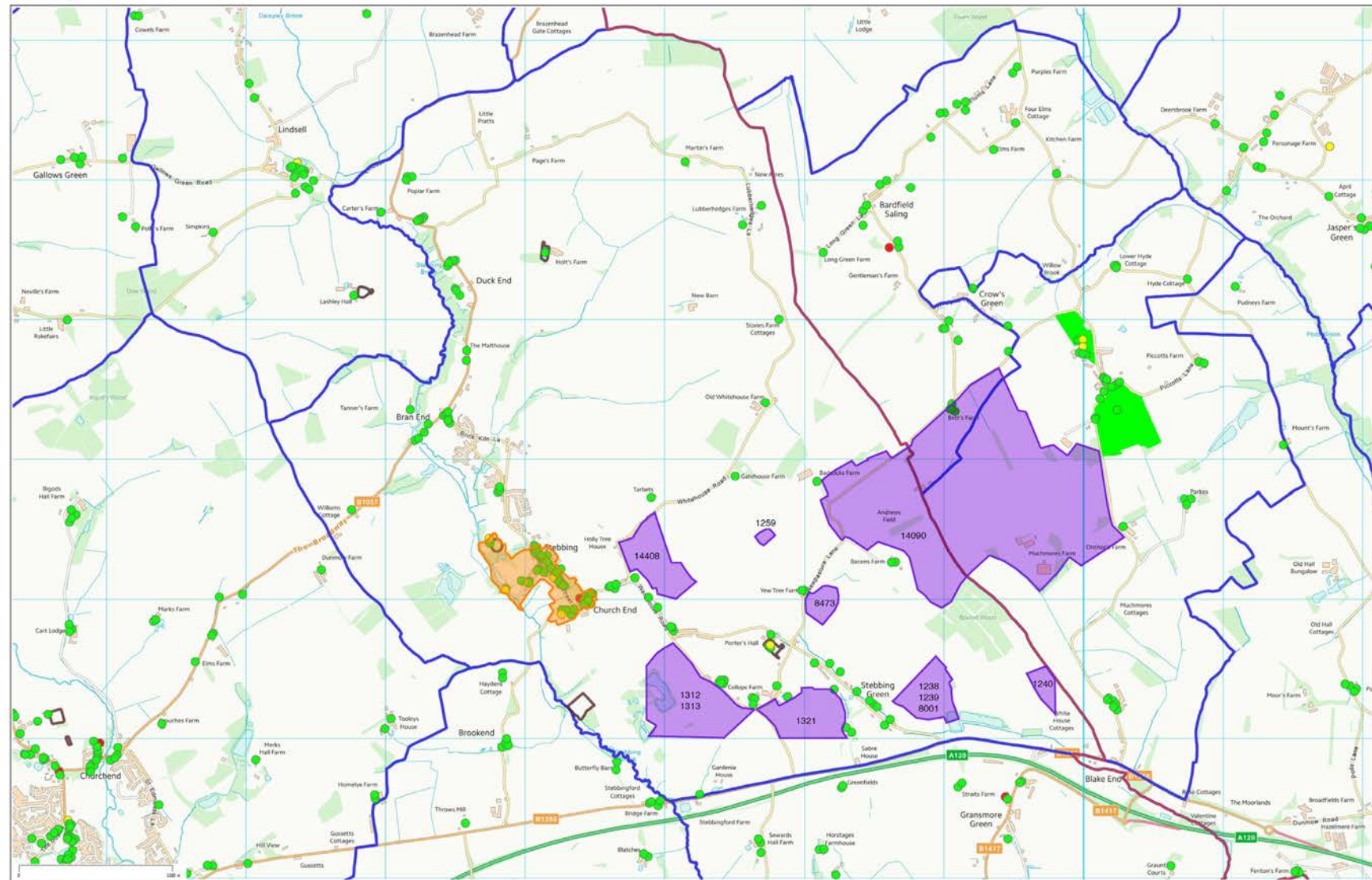
2.13 The linear nature of the built environment of Stebbing Village resulted in gaps between different areas of settlement (still denoted by differently named road signs at the approaches to them), so that many houses have views over open countryside or an attractive street scene, or both. Ribbon development and infilling has only occurred in the last third of the Twentieth Century and in this Century.

2.14 After World War One, a number of houses (“Homes for Heroes”) were built at Pulford Place, Downs Villas, Collops Villas and Warehouse Villas by Dunmow Rural District Council. After World War Two, municipal housing was built at Bran End Fields, again by Dunmow Rural District Council.






Photo 5. War Memorial at Junction of High Street and Watch House Road, Church End

# CHAPTER TWO: CONTEXT – SETTING THE SCENE



Key

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- Grade I Listed
- Grade II\* Listed
- Grade II Listed
-  Scheduled Ancient Monument
-  Conservation Area
-  Historic Environmental Record (Formerly SMRs)

**Map 4:** Conservation Area, Listed Buildings and Historic Environmental Records

CHAPTER TWO: CONTEXT – SETTING THE SCENE



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Photo 6. Stebbing High Street – lower part (view from the South)

## CHAPTER TWO: CONTEXT – SETTING THE SCENE

2.15 In the 1970s, six smaller dwellings (bungalows) were built by UDC at Bran End, intended for occupation by occupiers of larger Council owned property seeking to downsize. This did not occur and they are now mainly let to younger families. 16% of the Stebbing housing stock was constructed by the local authorities, much of which has subsequently been sold to their tenants under the “Right to Buy” schemes introduced by the Government in the 1980s. The breakdown of UDC owned property is as follows:

Type of Property	Number of Bedrooms	Total Number of Properties
Bungalow	1	6
Flat	1	2
Bungalow	2	8
House	2	14
House	3	21
House	4	3
Total		54

2.16 During the past two decades, approximately 16 agricultural grain stores and barns across the Parish have been converted to housing. Virtually all of the former agricultural tied cottages were sold in the 1970s and 1980s.

2.17 In the 2011 Census, the population of Stebbing was recorded as 1,300, occupying 551 dwellings, and making up 518 households, being an increase of 50 persons recorded in the 2001 Census. Residents aged 16 or more number 1,081.

2.18 There has been some small scale new housing development since 2011. There is no recent evidence of the increase in population since but it would be marginal. Current population occupancy density is low, namely of 0.7 persons per hectare (compared with the Essex and England average of 4 persons per hectare).

2.19 The available Census data shows that there is a high level of home ownership and correspondingly low proportions of social and private rented housing, with 51.9% of houses being detached, compared with 30.4% for Essex. There is a preponderance of 3 and larger bedroomed properties, with very little choice of 1 and 2 bedroom properties and flats. 54.9% of all dwellings are in Council Tax Bands E-H, compared with 28.7% for the County of Essex.

2.20 The age profile in 2011 of the Residents was a mean age of 43.7 years with 19.2% over age 65 compared with 16.4% nationally. The number under age 45 was 45.7% compared with 58% nationally. The net increase in population within the Parish between 2001 and 2011 has been less than 2%, attributable to new housing constructed in that period.

2.21 At 2011, of the 551 dwellings in the Parish, 361 were detached, 218 semi-detached or terraced, and there were 15 flats, maisonettes or apartments and 5 caravans or other mobile/temporary structures. There is a high level of home ownership: 80.6% were either owned outright or with a mortgage; 8.5% were social rented (7.9% from UDC and 0.7% from others); and 9% private rented and 1.8% living rent-free. The average household size was 2.6 persons, with 7.2 average rooms per household and 3.6 bedrooms per household. 73.9% of all residents aged 16 to 74 were economically active, of whom 2.4% were unemployed and 2.3% students.

2.22 A housing needs survey was carried out by RCCE in March 2015 with the help of Stebbing Parish Council. The response rate was 19% (compared with the average county rate of 25%). 63% of the respondents were supportive of a small development scheme if the need was identified. Several respondents indicated that there was a need for “affordable housing”. RCCE recommended that 2 x one bedroom units and 1 x two bedroom units be considered as potentially to be provided by a Housing Association in conjunction with a discussion with the Parish Council.

2.23 However, despite this recommendation by RCCE to provide 3 units of affordable housing to meet local needs, the actual provision has been delivered at the new Ploughman's Reach development and a further 7 affordable units are committed in the scheme on land east of Warehouse Villas. Further detail is set out in paragraphs 6.1 and 6.2.

2.24 Stebbing is a popular place to live and the limited increase in the number of new dwellings in recent years has contributed to house prices which are higher than average in this part of Essex. This has an impact on younger people wanting to remain in the Parish and older people wanting to 'downsize' within their existing community. These concerns were highlighted in the Parish residents' survey. The Plan's proposals to address this issue are set out in Section 6 – Housing and Design.



Photo 7. St Mary the Virgin looking south west from Clay Lane

## CHAPTER THREE: CONSULTATION

### A. Community Engagement and Consultation

3.1 Full details of the consultation and engagement with residents of the Parish in the preparation of this Plan are set out in the Consultation Statement, which is a vital part of the Evidence Base. The following sets out a summary.

3.2 The principal platform for engaging the Community in the Plan was via on-going information given via the website (created exclusively for the purposes of this Plan) i.e. [www.stebbingneighbourhoodplan.co.uk](http://www.stebbingneighbourhoodplan.co.uk). Comments and responses were invited from Residents electronically and at various face to face opportunities presented. Full particulars of engagement and consultation are set out in the Consultation Statement.

3.3 A number of meetings, consultations and presentations were held in order to inform and solicit the views of Residents. This helped to identify the key issues which were of concern to the community, primarily derived from responses to the Main Questionnaire, that also led to the formulation of the Vision and Core Objectives. Further questions/comments were invited at various events, with members of the Steering Group on hand to respond to suggestions and comments made.

3.4 An initial brief questionnaire, accompanying an explanatory leaflet as to the purposes and aims of a neighbourhood plan for Stebbing, was distributed to Residents in Summer 2016. Further, in April/May 2017, a very detailed illustrated questionnaire was produced by the Steering Group. It was hand distributed and collected by volunteers to/from every household in the Parish. It set out 31 questions (with sub questions), two maps of the Parish/Village and responses were sought and spaces allowed for freehand comments. This resulted in a very comprehensive (92%) rate of response. This provided the Steering Group with very clear and comprehensive feedback from the Residents as to those matters and issues of key concern and the potential scale and type of growth appropriate for the Parish. A summary of the key responses received is shown on Figure 3. A subsequent Questionnaire was also prepared and responses sought to the potential designation of Local Green Spaces. A copy of the Main Questionnaire

and a full analysis of responses is to be found in the Consultation Statement.

3.5 The Steering Group held monthly public meetings during much of the plan preparation period with actions and minutes being made available on the NP website. There has been a general invitation to make comments at any stage of the plan-making process, with all emerging documents posted promptly on the website. Positive comments were frequently made to the Steering Group by Residents as to the quality, standard and relevance of reports and the other presentation materials put before them from time to time.

3.6 The outcome of the various feedback comments from the community assisted in identifying those topics and matters that required detailed analysis and assessment through the gathering of the comprehensive evidence base. In turn, this led to the drafting of the Vision, Core Objectives and Policies contained in this Plan that are all founded on and supported by the comprehensive evidence base. Further updates and revisions were made to the NP following the Regulation 14 consultation, as described in the Consultation Statement.



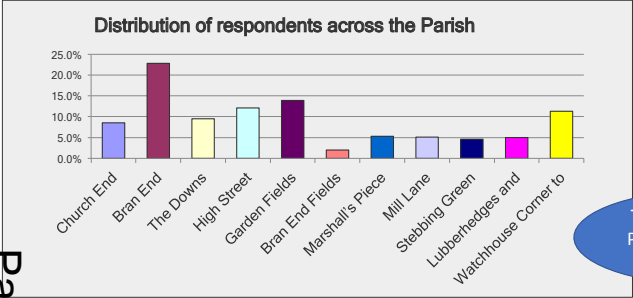


**STEBBING NEIGHBOURHOOD PLAN  
SUMMARY OF QUESTIONNAIRE RESULTS**

In April 2017 Stebbing Neighbourhood Plan Steering Group distributed questionnaires to all 558 houses in Stebbing Parish.



**532 responses were received.**



57% of respondents have lived in the Parish over 10 years.

68% of respondents plan to continue to live in the Parish for 11 years or more.

The Neighbourhood Plan is not just about the main village!

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77% felt there could be up to 5% growth in the number of houses (up to 27 houses) in the Parish over the next 15 years.

53% felt that the village itself should not be allowed to expand outside the current built up area.

44% would prefer a number of smaller developments, but only 4% would prefer one large estate.

90% felt that the proposed West of Braintree garden settlement would be a bad /very bad thing.

Preferences were for 2-3 bedroom houses, then bungalows, then 4/4+ bedroom houses.

86% agreed that all new houses should be built with off street parking spaces at a ratio of one space per bedroom.

72% agreed that there is a need for a car park to serve the village.

82% agreed / definitely agreed that the speed limit in Stebbing High Street should be 20mph.

92% agreed/strongly agreed that the village minibus service should be made available to visit doctors and supermarkets.

Over 90% agreed the Parish needs more high speed internet access and better mobile phone coverage.

Stebbing's landscape environment, wildlife habitats and historic environment are all important/very important to over 95% of respondents.

81% agreed there was not enough for teenagers to do in the Parish.

Figure 3: A summary of the key questionnaire responses

## CHAPTER FOUR: HERITAGE AND CONSERVATION

### A. Core Objectives

- i. To conserve and enhance the heritage and distinctive historic character of the Parish, its village, surrounding settlements and each of their respective landscape settings.
- ii. To protect the key environmental features of the Parish including ancient woodland, high quality agricultural land, multi-functional green infrastructure including byways, bridleways, footpaths, hedgerows and wildlife sites, and in so doing improving health and wellbeing.
- iii. To protect the open landscape setting to the east of the settlements of Stebbing Green and the village of Stebbing.
- iv. To respect, preserve and enhance the character and setting of the various settlements and hamlets which make up the Parish and to protect their individual identities.
- v. Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

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View of House Facade in High Street

### B. Historic Context

- 4.1 Stebbing, like many villages in this part of North West Essex, has escaped wholesale modernisation and retained the fabric of the past in its church and heritage assets. This visual link to its history represents both its charm and heritage.
- 4.2 Stebbing, lies in the south west corner of the old Saxon Hundred of Hinckford. Stebbing Brook marks the western boundary of the Hundred. The name Stebbing, which is Saxon, was written in the Domesday book in a Latinised form as 'Stibinga' and 'Stabinga.'
- 4.3 Prehistoric finds have been relatively few and scattered. The first settlements can be traced with certainty are Roman. In 1950 Roman remains were found in a large field forming part of Porters Hall Farm. Excavations revealed a complex of buildings and ditches including workshops and a bath house. Half a mile to the south east the remains of a small Roman Villa was discovered near Boxted Wood and in 1988 adjoining the villa the remains of a Roman Malt House was excavated and recorded by Essex County Council.
- 4.4 When the Normans arrived in 1066 the village had probably been in existence for three or four hundred years and was held by Siward, a Saxon Thegn. It is almost certain that by this time the settlement pattern of housing and fields were already established. By 1086 two Norman Lords, Henry de Ferrers and Ranulf Peverell are recorded in Little Domesday as holding the village between them.
- 4.5 A weekly market and annual fair were granted to Henry de Ferrers by Edward III in 1338. The market does not appear to have been successful for long, but the fair survived in to the 20th century.





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Photo 8. View Westwards from cattle-grid on Footpath 21 and main avenue gateway to Stebbing Park

## CHAPTER FOUR: HERITAGE AND CONSERVATION

4.6 The present parish church, dedicated to St. Mary the Virgin, was built almost entirely in the 14th century on the site of a much older church building. It forms the cover of this Plan. It is a fine example of the decorated style of architecture and contains what is almost a unique feature, a carved stone rood screen of which there are only 3 in the world.

4.7 In the late 13th and early 14th centuries, the manor of Porters Hall was built up by the local Porter family, but by the 15th century its lands had passed to the Capel Family who became the Earls of Essex. So by the middle of the 16th century there were three Manors: Stebbing Hall, Porters Hall and Prior's Hall. Stebbing Hall was by this time held by the Earls of Essex, who remained the major landowners in the parish until 1901. Prior's Hall was owned by the Knights Hospitallers.

4.8 The cloth industry seems to have been one of the key factors in the wealth of the parish from the 15th to the 18th centuries. Many listed buildings that survive in the village owe their birth to the wealth this industry created and their preservation to the poverty that followed its decline. The cloth industry often provided employment for several members of the same family so its demise at the end of 18th century left agriculture as the main economic generator. Today, arable agriculture remains an important feature of the landscape and is an activity conducted by farmers mainly owning or operating large scale units, principally using contracted labour and very modern equipment.

4.9 By 1862, there was a National School (Anglican) and a British School (Non-Conformist) in the village. In 1876 the Stebbing School, administered by a School Board, opened its doors to all the children of the Parish and continues to thrive as a Primary School, albeit currently at full pupil capacity.

4.10 As referred to in paragraph 2.9 there are 152 listed buildings in the parish, most are grade II, only one is Grade I, the church of St. Mary the Virgin, and six are grade II\*, namely the old manor houses of Prior's Hall, Porters Hall and Stebbing Park, the Friends' Meeting House, Town Mill, and Tan Office Farmhouse.

4.11 The Mount, situated at Stebbing Park (known historically, in manorial terms, as Stebbing Hall), is classified as a Scheduled Monument (SM), being a Norman Motte with surrounding moat. The moated sites of Holt's Farm and Porters Hall are the other two SMs in the Parish.

4.12 There was little new building in the 19th century, thus preserving the 16th and 17th century houses, and only a limited amount in the first half of the 20th century. It was only the gradual spread of commuting, started in the 1960's, by new residents who were to earn their living outside Stebbing that created housing demand and the growth of speculative development that led to the introduction of the modern estate housing that currently exists at Garden Fields, Bran End Fields, Brookfields and Marshall's Piece.



Photo 9. View of House Facade at Church End



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Photo 10. High Street (from Church End) view from South: 1912

## CHAPTER FOUR: HERITAGE AND CONSERVATION

### C. Heritage Assessment

4.13 The heritage environment of Stebbing has proved to be one of very great importance to the Residents with 95% of Residents in their answers to the relating question in the Main Questionnaire responding that the landscape environment, wildlife habitats and historic environment of Stebbing were either “very important or important”.

4.14 UDC included in the Stebbing Conservation Area Appraisal and Management Plan (2010) a summary description of the more significant heritage assets of Stebbing. In view of the acknowledged importance of heritage to the Residents, the Steering Group on behalf of the Parish Council, commissioned an independent expert Heritage Assessment of the Parish from Grover Lewis Associates who submitted their report in August 2017. In paragraph 5.1 of the Summary of the Heritage Assessment it states:

*“Stebbing is a very characterful historic village that has retained its distinctive historic morphology. Well over half of the listed buildings in the parish are located beyond the boundary of the Stebbing Conservation Area, which reflects the fact that the village’s historic character goes much wider than its historic core. In particular, it is surprising that the distinctive character of Stebbing Green has not been recognised with conservation area status. Stebbing has accommodated a degree of twentieth-century development, but the village has not been subject to the harmful effects of large scale suburban expansion”.*

It is an aspiration of this Plan to seek the formal designation by UDC of Stebbing Green as a Conservation Area.

4.15 The report considers the impact on the heritage assets of Stebbing of the potential development of various sites including those referred to in the ‘call for sites’ process and those evaluated and under consideration for allocation in the emerging NP. It follows the guidance set out in the NPPF and assesses the impact of potential development sites on the significance of the designated heritage assets, including the contribution made by their settings.

4.16 The report concludes that none of the nine sites considered: *“would result in direct harm to built heritage assets, if developed. In all cases potential harm is limited to indirect harm as a result of impact on setting. The tight urban townscape of the historic core along the High Street, which results in there being very few views out of the town to the surrounding countryside and conversely, very few views of the listed buildings that line the High Street from the surrounding countryside, mitigates impact on some of the village’s heritage assets. However, the open nature of much of Stebbing makes heritage assets in those more open parts more susceptible to harm as a result of development within their setting”* (para 5.3). The Heritage Assessment concludes that development of all but one of the nine sites considered would result in some degree of adverse heritage impact and harm to the significance of heritage assets. The only site where development would have a neutral impact on heritage assets is at Brick Kiln Lane (para 5.5).

4.17 The evidence base and findings of the Heritage Assessment, together with the Landscape Sensitivity and Capacity Appraisal, were fully taken into account in the subsequent Site Appraisals Assessment as referred to in detail in Chapter 10. These reports and the views of Residents also assisted in formulating Policy STEB1 below. Both these documents should be used to inform proposals and planning applications should explain how they have been taken into account in formulating proposals, where appropriate.

**Policy STEB1 : Respecting Stebbing’s Heritage – Design and Character**

All development proposals will be required to preserve and whenever possible contribute positively to Stebbing’s distinctive character. Proposals will be supported where they satisfy the following:-

- In the Stebbing Conservation Area and the Stebbing Green Character Area, as designated by this policy and shown on the Policies Map (Map 17), by recognising and reinforcing Stebbing’s vernacular architectural heritage through sensitive design including choice of materials, height, scale, spacing, layout, orientation and design.
- Outside the Conservation Area by contributing positively to the street scene where overall design, choice of materials, height and scale are sympathetic and complement neighbouring buildings and are sensitive to the open and rural character of the Parish.

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Where they conserve or enhance and are sympathetic to the setting of the heritage asset (as listed in Appendix B) and its setting, as well as its wider context and location within the historic core of the village.

- Where they retain or enhance existing vegetated boundaries, particularly those of intact hedgerows and trees. Opportunities should be sought to restore local landscape structure through appropriate new tree and hedge planting and any unavoidable loss of trees and hedges should be wherever possible offset by new planting.

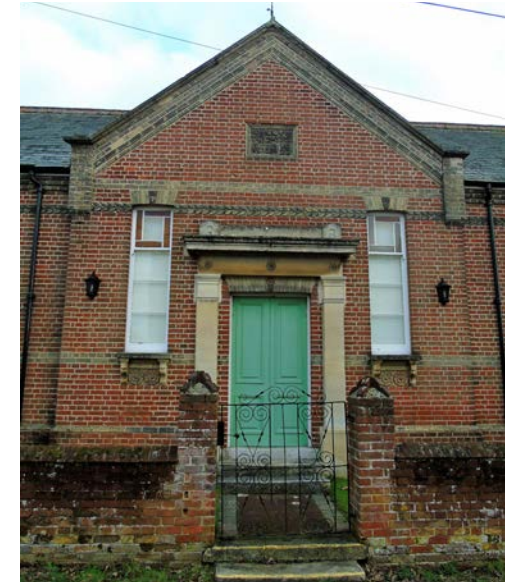


Photo 11. Village Hall- Mill Lane



Photo 12. Friends’ Meeting House (listed Grade 2\*): 1674- west side of

## CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

### A. Core Objectives

- Page 86
- i. To conserve and enhance the heritage and distinctive historic character of the Parish, its village, surrounding settlements and each of their respective landscape settings.
  - ii. To protect the key environmental features of the Parish including ancient woodland, high quality agricultural land, multi-functional green infrastructure including byways, bridleways, footpaths, hedgerows and wildlife sites, and in so doing improving health and wellbeing.
  - iii. To protect the open landscape setting to the east of the settlements of Stebbing Green and the village of Stebbing.
  - iv. To respect, preserve and enhance the character and setting of the various settlements and hamlets which make up the Parish and to protect their individual identities.
- To preserve the character of the quiet roads and lanes within the Parish for their continued safe use by walkers, cyclists and horse riders.
- Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

### B. Landscape Setting And Characteristics

5.1 The Steering Group, early in its deliberations, considered that the Parish is very fortunate to have among its valuable assets and characteristics the landscape features of Stebbing Brook, the valley form surrounding it and the open farm plateaux to the north and east of the Village. This was described fulsomely in a report entitled The Essex Landscape Character Assessment carried out in 2008 on behalf of UDC (and others) by Chris Blandford Associates. The features can clearly be identified on the topographical Contour Plan at Figure 5. As summarised in The Landscape Partnership (TLP) Landscape Appraisal (referred to in paragraph 5.3), the landscape is characterised by the following types:

- Valley side landscapes that provide a setting and backdrop to the historic elements of Stebbing village, Bran End and Church End, including the Grade I listed Church and Conservation Area;
- Open agricultural landscapes that contribute to the setting of Stebbing village, the Warehouse Road hamlet and Stebbing Green; and
- Land that provides important breaks, necessary to maintain the historic settlement pattern of discrete hamlets within the village, eg between Watch House Road and Church End.

5.2 As referred to in the Heritage Assessment: *“The settlement has a markedly linear form, aligned north-west/south-east, which has evolved by the conjunction of a series of hamlets that developed along the line of the Stebbing Brook .... Whilst the hamlets are described as conjoined, there are modest breaks in development between Church End..... and the main body of the village to the north.”* The assessment goes on to acknowledge that the other main character areas do enjoy various degrees of physical separation. It is considered important to protect the more modest breaks, or gaps, in order to retain the individual identities of the Church End, the Village Core and Bran End Character Areas. This therefore justifies the ‘Important Open Gaps’ in Policy STEB6 and as shown on the Policies Map (17) and some of the Local Green Space designations (Map 9).

5.3 The Steering Group requested the Parish Council to commission a specific Landscape Sensitivity and Capacity Appraisal on a more detailed scale from specialist consultants, The Landscape Partnership (TLP), who reported in March 2017 ('The Landscape Appraisal'). The purpose of the study was to assist the Parish Council in making informed decisions as to whether any future development could be absorbed into the landscape, and if so, what scale of development would be appropriate and what mitigation measures might be required to ensure that there would be no unacceptable residual effects on the landscape.

# CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

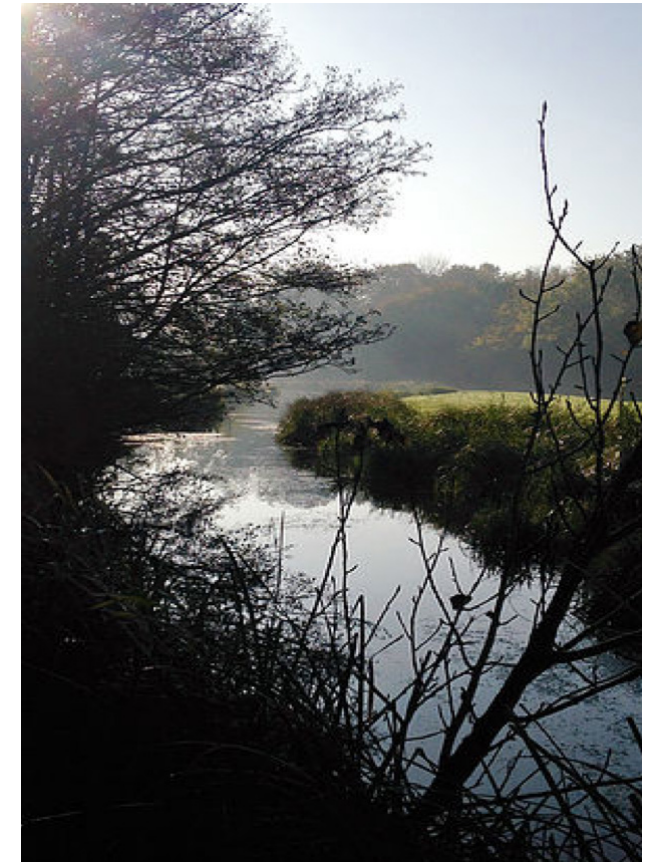
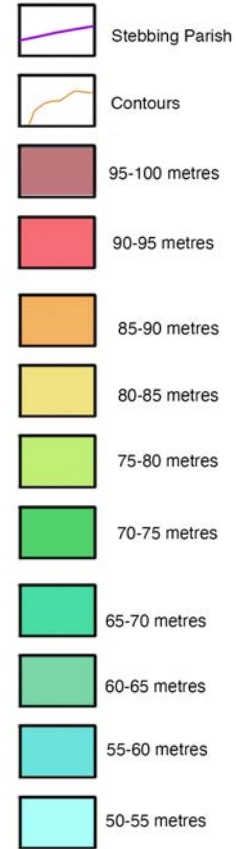
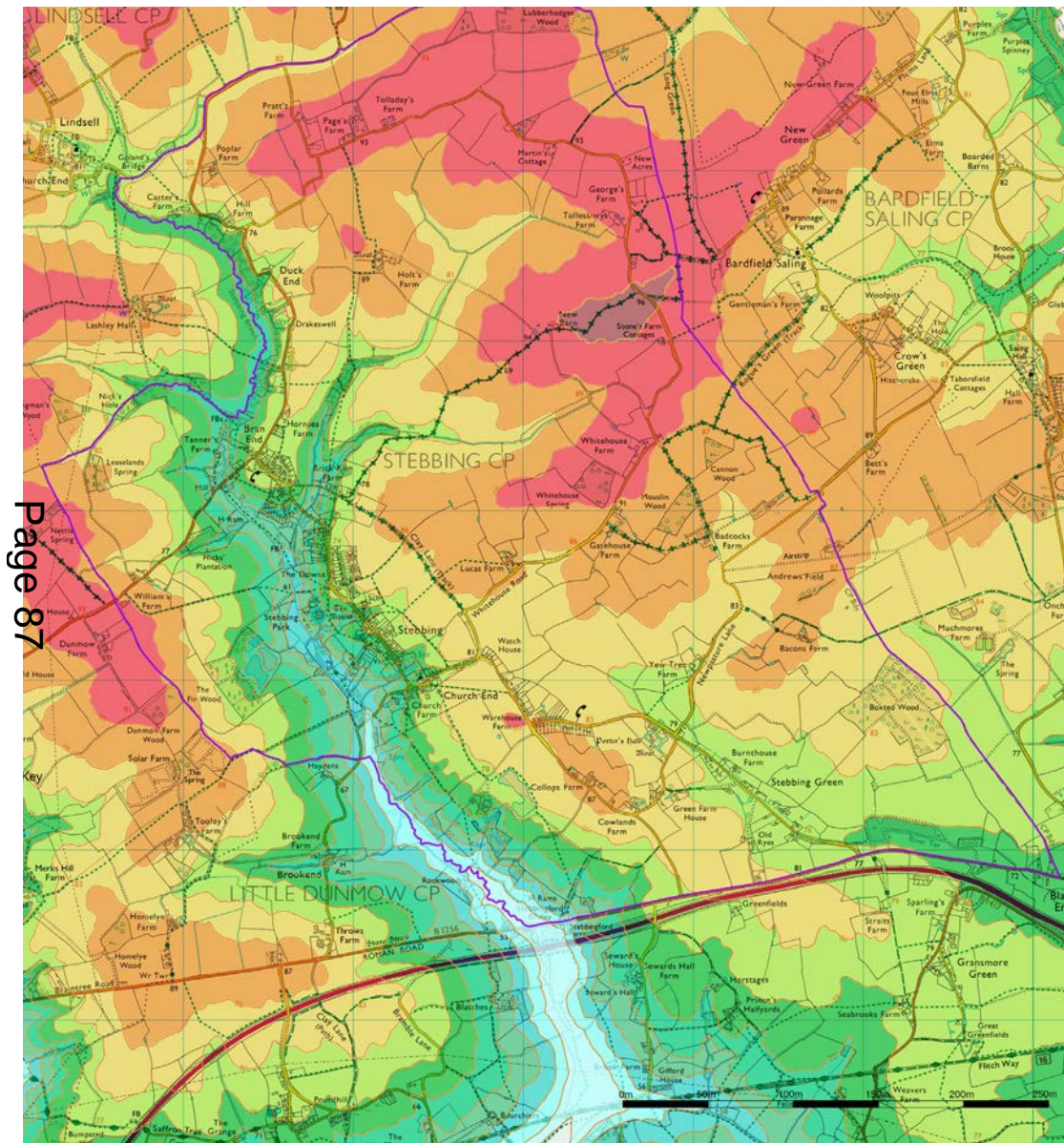


Photo 13. Stebbing Brook and Valley Floor  
View to the south from FP12 at bridge over Stebbing Brook

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Map 5: Contour Plan

## CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

5.4 The Landscape Appraisal analysed and identified parcels of land within the Parish having high, medium-high, medium and low landscape capacity to accommodate development, based on the criteria and assumptions set out in the report. Five parcels were identified as having a medium capacity to accommodate development. These were located immediately adjacent to the existing settlement fringes, where they responded to the landscape features and visual characteristics present. The analysis found that most landscapes within the Parish had Low or Medium-Low capacity to accommodate development, as shown on Figure 8 of the Appraisal.

5.5 As referred to in paragraph 1.15, the Landscape Appraisal advocated the proposed designation of a "Green Wedge or Buffer"- being a safeguarded swathe of open countryside- which would protect the setting of Boxted Wood, an ancient woodland at the top of the Stebbing Brook valley slope; the setting, distinctive character and appearance of the hamlet of Stebbing Green and its listed buildings; and preclude harmful incursive development on the valley form and plateau land lying to its East. This area also includes sites identified in the Historic Environment Record.

5.6 The detailed analysis and assessment of the area is set out in Section 4g of the Landscape Appraisal. This includes an analysis of:

- the extent of visibility north-eastwards from Stebbing Green;
- the extent of visibility north-eastwards from Warehouse Road hamlet;
- the extent of visibility southwards and south-westwards from the plateau top;
- the sense of leaving Stebbing Green and arriving at the airfield/plateau top from points on inter-connecting transport routes; an analysis of publicly accessible routes between Stebbing Green and the airfield from where the separation can be physically experienced.

5.7 Taking all these considerations into account, TLP recommended the extent of land indicated to be designated as a "Green Wedge or Buffer" on their Figure 6 in order to safeguard the area from harmful development and achieve the purpose and objectives above. Additionally, since the Landscape Appraisal was undertaken, there have been changes of circumstances, as referred to in paragraphs 1.3-1.6.

Furthermore, there has also been a strong body of support for the retention of Andrewsfield Airfield both for its historic interest, ie. it was the first US base in the UK in WWII, and it is also a popular and valuable private flying and pilot training facility. Following applications by both Stebbing and Great Saling Parish Councils, UDC and BDC designated Andrewsfield as an Asset of Community Value (ACV) in June 2020. This will also provide an additional layer of protection from speculative development beyond the proposed Green Wedge/Green Buffer.

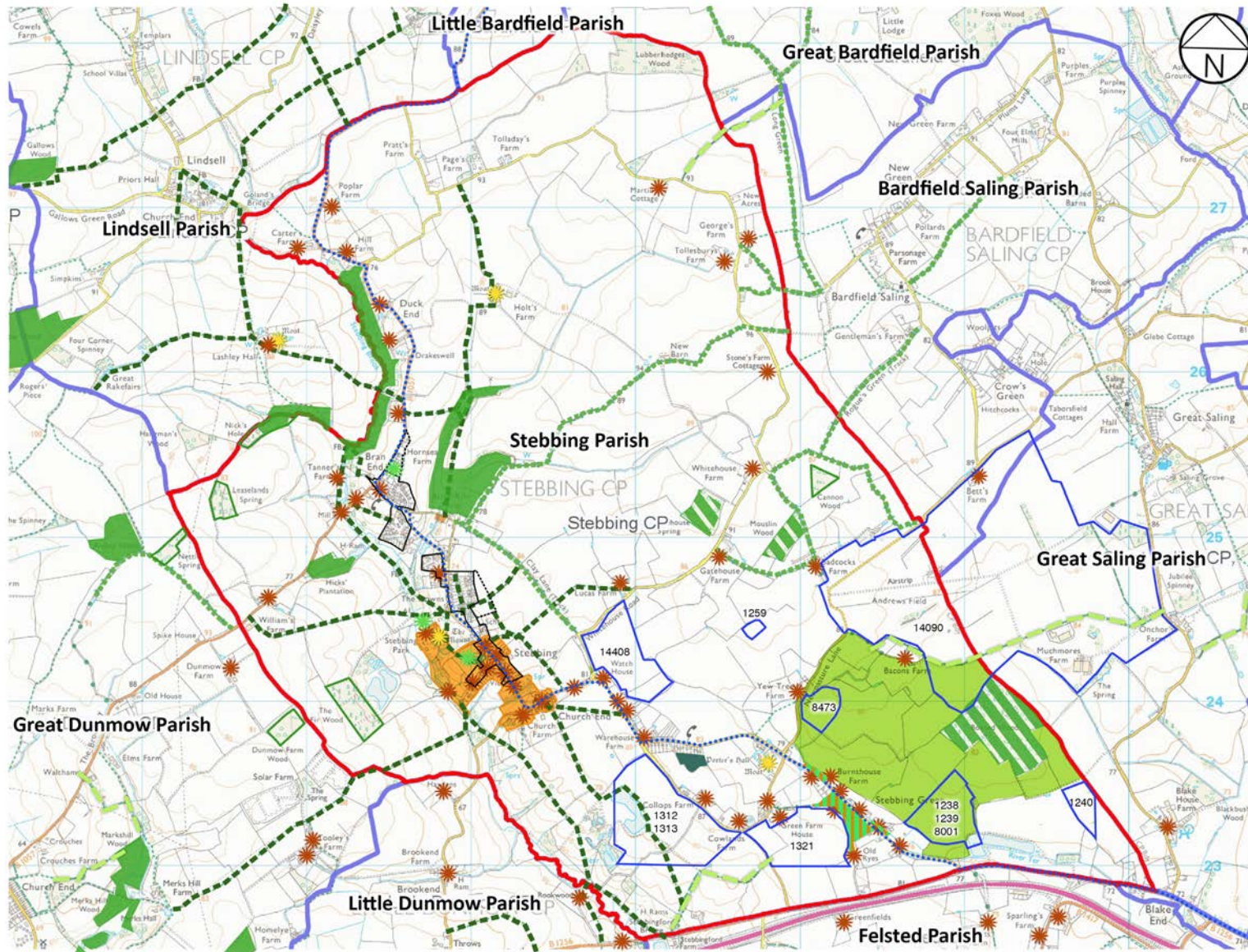
5.8 Although there have been changes in circumstances during the preparation of this Plan, there is still strong justification to protect the setting and special distinctive character and appearance of Stebbing Green and Boxted Wood from any inappropriate development, as set out in Core Objectives (i)- (iv). However, in response to comments made by UDC at the Regulation 14 stage, the extent and rationale for the Green Wedge has been reconsidered. As a consequence, the proposed extent of the Green Wedge as recommended by the Landscape Appraisal has been reduced in area to focus on that considered necessary to protect the special distinctive character of Stebbing Green and its relationship in the landscape with Boxted Wood ancient woodland and the areas of Historic Environmental Record. (Maps 4, 6 and 17). The Protection of the Green Wedge Policy STEB5 and its defined area are also justified by being consistent with the NPPF's stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside (NPPF para 174).

5.9 The very important nature and quality of the Stebbing Parish landscape together with the need to protect and enhance heritage assets, as referred to in the previous Chapter, was amply recognised by the Residents in their responses to the Main Questionnaire, which are summarised in the Consultation Statement (EB14). Map 6: Opportunities and Constraints Plan takes both these major considerations into account. This analysis has been a key input to the evidence base and the formation of the Core Objectives and policy.



# CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

-  Stebbing Parish
-  Ancient Woodland
-  Important Woodland
-  Local Wildlife Site
-  PROW - Potential for improving the maintenance of PROW's within the village to improve the pedestrian experience and connectivity to surrounding areas
-  Byway
-  Bridleways
-  Green Wedge/Green Buffer to maintain the open setting of Stebbing Green and Boxted Wood and prevent coalescence
-  Area of open space and sport and recreation with opportunity for enhancement
-  Adjoining Parish Boundaries
-  Development Limit as shown on Proposals Map - Adopted Local Plan 2005
-  Proposed extension to Development Limit as shown on Stebbing Inset Map - Uttlesford Regulation 18 Local Plan 2017
-  Existing bus routes through the village - Potential to improve these links by providing a more frequent service
-  Conservation Area
-  Listed Buildings
-  Scheduled Ancient Monument
-  Football
-  Stebbing Green
-  Historic Environment Record (Previously SMR)

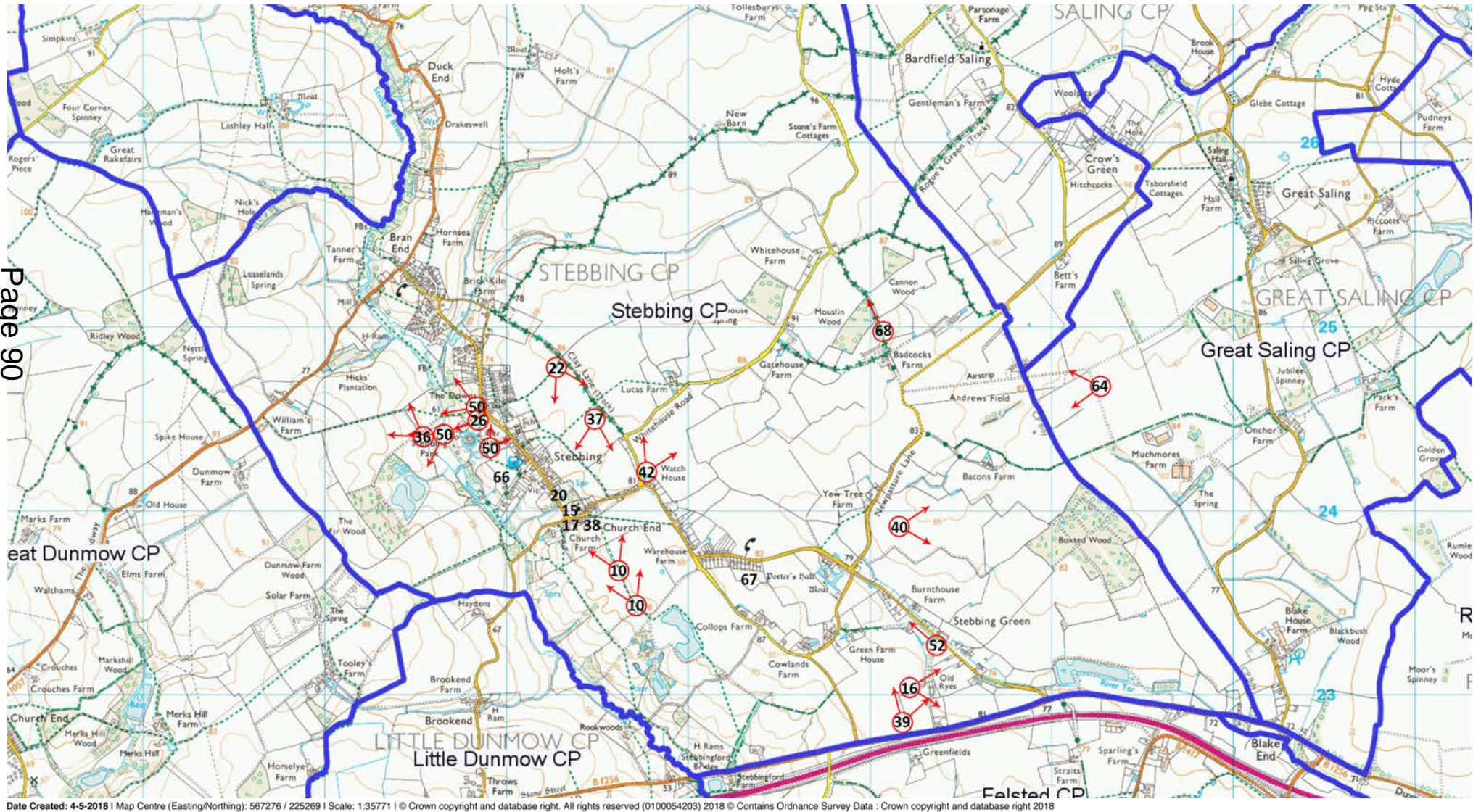


Date Created: 4-5-2018 | Map Centre (Easting/Northing): 567229 / 225111 | Scale: 1:24688 | © Crown copyright and database right. All rights reserved (0100054203) 2018 © Contains Ordnance Survey Data : Crown copyright and database right 2018

- SMR 14408 - South of Lucas Farm
- SMR 1259 - Porters Hall
- SMR 8473 - Cropmarks SE of Yew Tree Farm
- SMR 14090 - Andrewsfield WWII Airfield
- SMR 1312 and 1313 - West of Collops Farm
- SMR 1321 - South of Cowlands Farm
- SMR 1238 and 1239 and 8001 - Stebbing Green Roman Mill
- SMR 1240 - South of Boxted Wood

# CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

The photographs within this document provide views of Stebbing and its surrounds. The locations at which these photographs have been taken are identified by the page number of this document and as shown on Map 7 below.





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Photo 14. Views of the Stebbing Brook Valley North and West – a view of a rural meadow landscape and part of the upper Chelmer



Photo 15. Views of the Church– an impressive view of the dominating church and tower from the north east



Photo 16. View from Church End – a view of a rural landscape and the upper Chelmer Valley.

## CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT



Photo 17. Views over Stebbing Green towards Boxted and Mouslin Woods – a view of woods and a rural buffer, previously subject to the proposed West of Braintree Garden Community



Photo 18. Boxted Wood (from the West)

## CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

### C. The views:

5.10 Protection/safeguarding of the views shown on Map 8 will:

- i) ensure that the community of Stebbing, made up of its core components, namely The High Street, The Downs, Bran End, Church End, Duck End, Warehouse Villas and Collops Villas, Whitehouse Road and Lubberhedges Lane and Stebbing Green, each maintains its local identity and character;
- ii) reflect the importance and impact of the Stebbing Brook and its valley form on the landscape, setting and character of Stebbing; and
- iii) protect important views of the rural landscape, heritage assets and woodland.

### Page 96 National Policy Guidance

5.11 Since the main Questionnaire and publication of the Landscape Assessment, the Government published both in 2018 and subsequently in July 2021 revisions to the NPPF. The latter provides up-to-date guidance on conserving and enhancing the natural environment. The main points of significance to Stebbing are as follows:-

- Protecting and enhancing valued landscapes, sites and biodiversity or geological value and soils;
- Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and

- In the context of determining planning applications, development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

5.12 Additionally, paragraphs 101-103 of the NPPF provide guidance on the designation of Local Green Spaces through local and neighbourhood plans. This allows communities to identify and protect green areas of particular significance. The local Green Space designation should only be used where the green space meets the criteria set out in paragraph 102, ie where it is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, eg because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- c) local in character and not an extensive tract of land.

5.13 The Steering Group carried out a series of surveys of potential local green spaces for designation and followed the NPPF guidance. The details of the surveys and assessments are included in the document at EB17 to justify the proposed designations included in Policy STEB 3, and as shown on Map 9. Local Green Space, as designated on the Policies Map (17), will be protected and where possible, enhanced.

5.14 Taking into account all the above NPPF guidance and also the recommendations of the Landscape Appraisal, including the advice to provide a Green Buffer between Stebbing Green and Boxted Wood as key material considerations, justifies the following suite of policies relating to landscape, the countryside, the natural environment and local Green Space designations.





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Photo 19. View looking towards Whitehouse Road

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### Essex Green Infrastructure Strategy (2020)

5.15 The NP has taken into account the recommendation of Essex County Council (ECC) regarding the relevant guidance contained in the above document regarding public spaces. The purpose of the strategy is to take a positive approach to enhance, protect and create an inclusive and integrated network of high-quality multi-functional green infrastructure in Greater Essex. This acknowledges the many benefits provided by Green Infrastructure (GI), including contributing to an individual's health and wellbeing. As a consequence of ECC advice, core objective ii has been revised to refer to 'multi-functional green infrastructure' and a new Policy STEB2 has been added as follows:

#### STEB2 | Green Infrastructure and Development

Proposals will be encouraged that seek to conserve, and where appropriate enhance the green infrastructure of the Parish, demonstrating how they:

- Conserve and where appropriate enhance designated green spaces and/or create new green/open spaces where appropriate.
- Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public Rights of Way, and cycle, footpath and equestrian networks.
- Enhance the visual characteristics and biodiversity of green spaces in close proximity to the development through biodiversity/environment net gain.
- Ensure their landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the GI Network.
- Meet the ANGSt standards<sup>5</sup> and what they can do to address any local deficiency in provision of green space.
- Take into consideration the principles of Sustainable Drainage Systems (SuDs) and natural flood management techniques, which will enhance biodiversity and ecosystems.
- Consider the multi-functional use and benefits of local green spaces as part of the GI network.

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Footnote 5: Natural England's ANGSt Standard guide can be viewed through the weblink below:  
[https://webarchive.nationalarchives.gov.uk/20140605111422/http://www.naturalengland.org.uk/regions/east\\_of\\_england/ourwork/gi/accessible\\_natural\\_green\\_spaces\\_standard\\_angst.aspx](https://webarchive.nationalarchives.gov.uk/20140605111422/http://www.naturalengland.org.uk/regions/east_of_england/ourwork/gi/accessible_natural_green_spaces_standard_angst.aspx) or [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/357411/Review8\\_Green\\_spaces\\_health\\_inequalities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/357411/Review8_Green_spaces_health_inequalities.pdf)

#### STEB3 | Identified Woodland Sites and Wildlife Sites

The Ancient Woodlands of Boxted Wood, Mouslin Wood, Nick's Hole and Fir Wood, important woodlands plus Local Wildlife Sites of high biodiversity value, as shown on Map 6, and historic hedgerows within the Parish and their settings are to be protected and any development which impacts upon them must contribute to, rather than detract from, their biodiversity and setting value.

#### STEB4 | Local Green Space

The following spaces, as shown on Map 9 and the Policies Map, are designated Local Green Spaces, in accordance with NPPF paragraphs 101-103, being considered to be demonstrably special to the Parish of Stebbing and accordingly justify designation. The proposed spaces are:

- a) Mill Lane Recreation Ground and Cricket Field
- b) Alcott Field (Recreational Area and Football Field)
- c) Pulford Field (Recreation Area and Football Field)
- d) Village Allotments (The Potton Memorial Allotment)
- e) Field opposite Stebbing Primary School
- f) Field opposite The Downs
- g) The Wildflower Meadow, Stebbing Green (Daphne Rogowski Bequest)

#### STEB5 | Protection of Green Wedge

The area between Stebbing Green, New Pastures Lane, Boxted Wood and the Braintree District Council boundary, as shown on Map 6 and the Policies Map (Map 17), is designated as a Green Wedge. Any development within the Green Wedge should respect the open and undeveloped nature of the open valley side to preserve or enhance the setting and distinctive character and appearance and individual identities of the Stebbing Green Character Area, Boxted Wood, the listed heritage assets and Historic Environmental Record sites.

## CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

Development proposals will only be supported in the Green Wedge if they are accompanied by a Landscape and Visual Impact Assessment and a Heritage Impact Assessment that demonstrate:

- how the predominant open nature of the landscape is retained;
- that there is no harm to the setting of Stebbing Green;
- that there is no loss or deterioration of Boxted Wood unless there are wholly exceptional reasons and suitable compensation exists as described in the NPPF; and
- that there is no harm to heritage assets.

### Policy STEB6 | Important Open Gaps

The narrow open gaps separating the Character Areas of Bran End and Church End with The Core Village, as shown defined on the Policies Map (17) are important to retain in order to protect the individual identities and appearance of the three Character Areas and to prevent coalescence. Development proposals will only be supported in these designated Important Open Gaps if they are accompanied by a Landscape and Visual Impact Assessment and a Heritage Assessment that demonstrate:

- how the open nature of the gaps are retained; and
- that there is no harm to the setting and appearance and identity of each of the three Character Areas.

### Policy STEB7 | Important and Protected Views

Development proposals must respect views in and out of the village that contribute to the setting and appreciation of the visual qualities of the historic core of the village, its setting and the surrounding landscape.

Development proposals must have regard to the Stebbing Landscape Sensitivity and Capacity Appraisal, March 2017. They will not be supported if they adversely affect or harm the key views into and out of the historic core. The key important and protected views are shown on Map 8 and are as follows:

1. Panoramic view of Church End from Footpath 23
2. View from St Mary's Church yard towards valley of Stebbing Brook
3. View from east of High Street towards meadow separating Church End from Village High Street
4. View northwards from High Street towards The Downs
5. View from The Downs towards Stebbing Park
6. View from The Downs towards The Mount
7. View from The Downs towards valley of Stebbing Brook and Hicks' Plantation
8. View westwards from The Downs to ponds and valley separating Stebbing Village Core from Bran End
9. View from Footpath 22 westwards towards Church End
10. Panoramic view from Warehouse Road northwards towards Whitehouse Road and Andrewsfield
11. Panoramic view westwards from New Pasture Lane/Andrewsfield towards Warehouse Road
12. Panoramic view to north-east from Stebbing Green towards Andrewsfield and Boxted Wood
13. Panoramic view northwards from Stebbing Green towards Boxted Wood

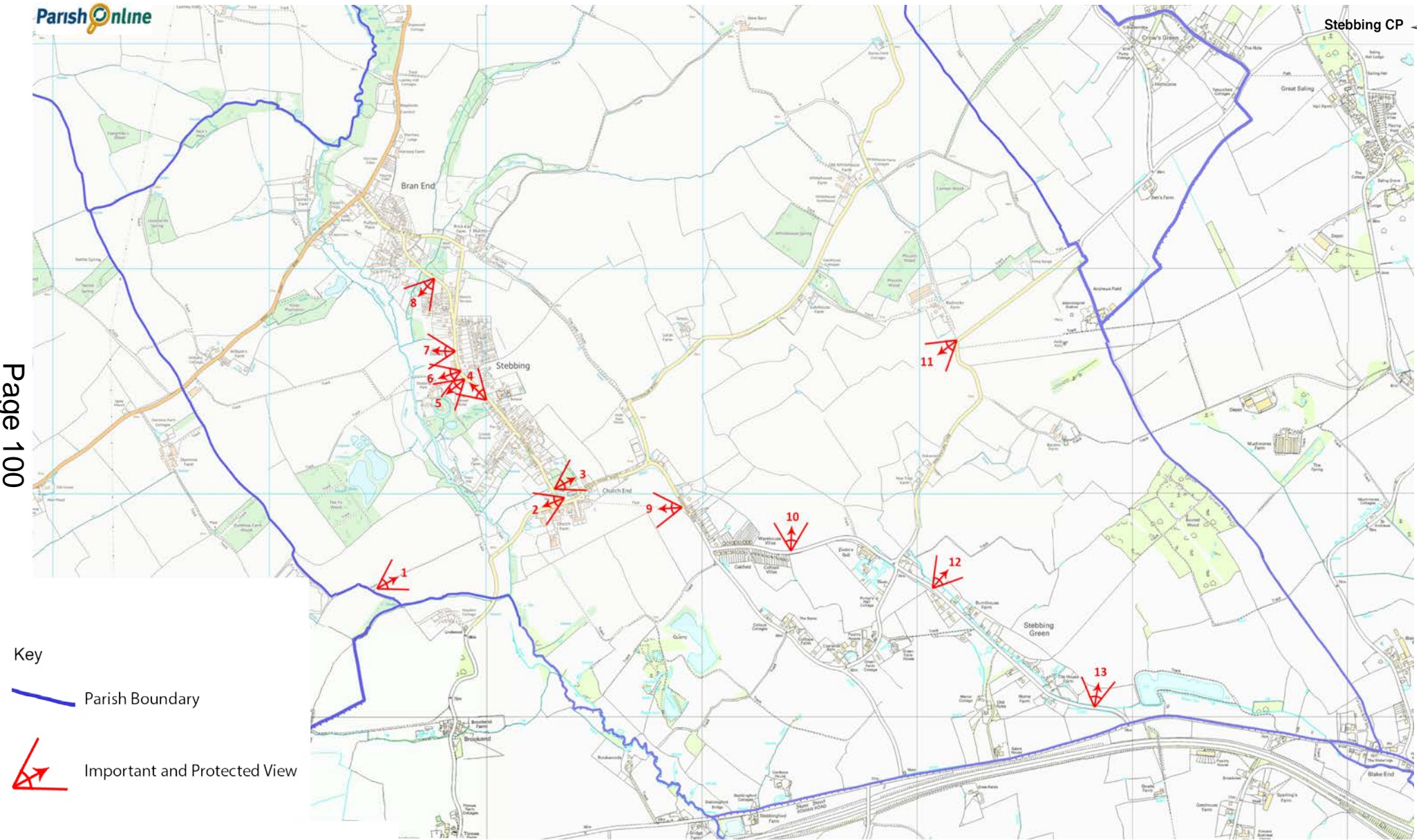
Development proposals falling within these views will be expected to be accompanied by a Visual Impact Assessment.



# CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

ParishOnline

Stebbing CP

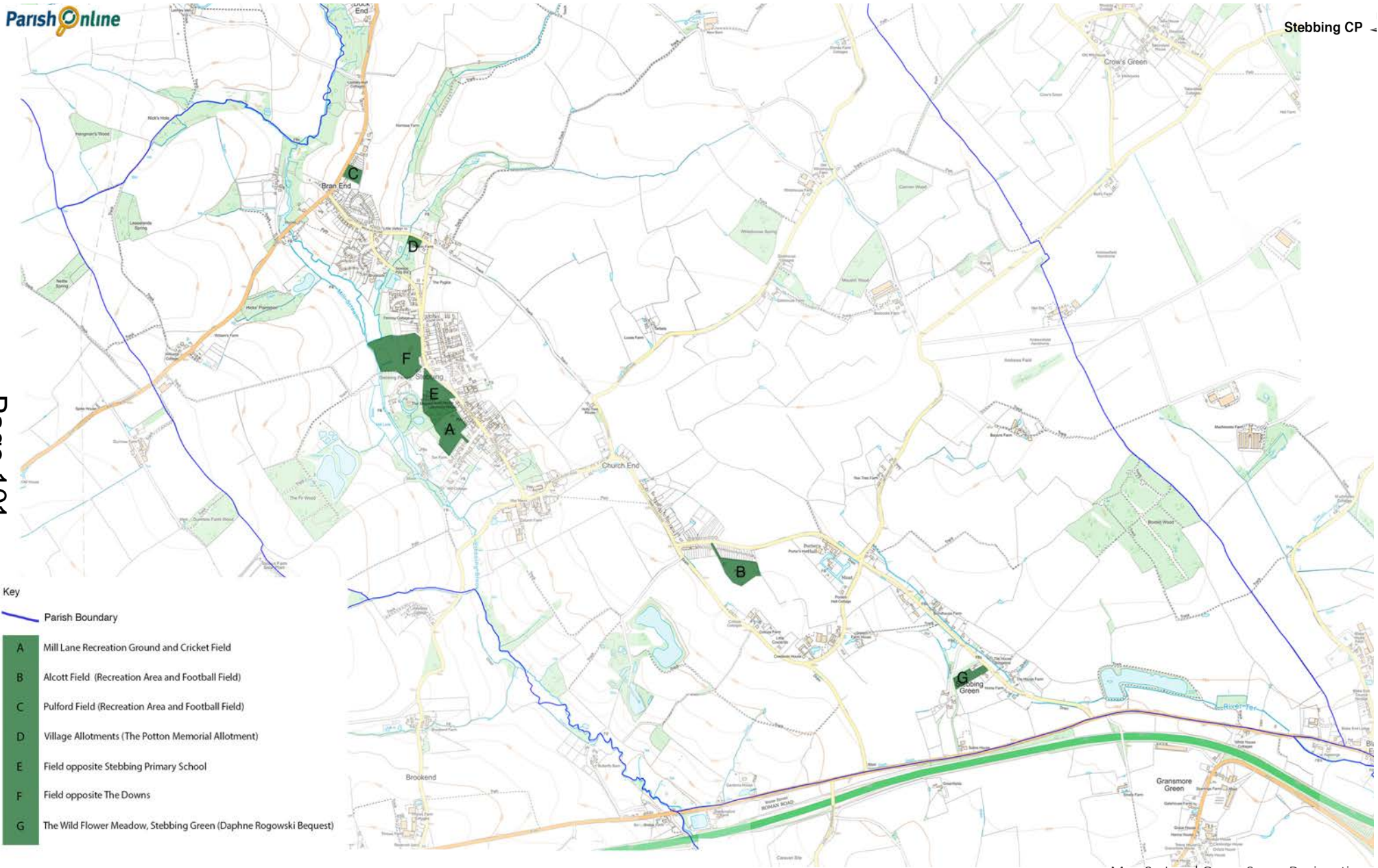
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- Key
-  Parish Boundary
  -  Important and Protected View

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Map 8: Important and Protected Views



Map 9: Local Green Space Designations



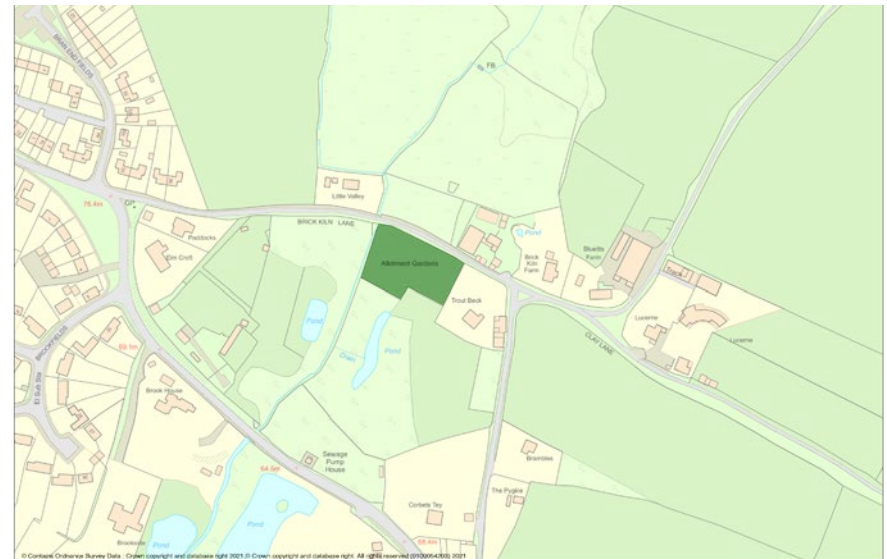
A - Mill Lane Recreation Ground and Cricket Field



B - Alcott Field (Recreation Area and Football Field)



C - Pulford Field (Recreation Area and Football Field)



D - Village Allotments (The Potton Memorial Allotment)

Local Green Space Designations- Inset Maps



E - Field opposite Stebbing Primary School



F - Field opposite The Downs



G - The Wild Flower Meadow, Stebbing Green (Daphne Rogowski Bequest)

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5.16 The suite of policies is therefore justified in order to:

- i. Maintain the historic and visual separation of the important undeveloped gaps between the settlements of the High Street at the core of the Village, The Downs, Bran End, Church End, Stebbing Green and Duck End so as to reinforce the strong sense of place and respecting the open views prevailing. These separations are shown on the Policies Map (17) and cumulatively they create the unique and essential character of the settlement groups forming the village.
- ii. Maintain an area of separation by way of a defined continuous Green Wedge as shown on the Policies Map (17), lying to the north and south west of Stebbing Green, thus maintaining the landscape setting both of Stebbing Green and the core Village;
- iii. Respect local landscape quality ensuring that open views and vistas are maintained wherever possible from all angles and properly take into account the Stebbing Landscape Sensitivity and Capacity Appraisal;
- iv. Conserve or enhance heritage assets (including listed buildings) and their setting;
- v. Prevent impact on horizons taking into account building heights and design;
- vi. Retain existing trees and hedgerows, being an integral part of the landscape character;
- vii. Deliver enhancements to the landscape character;
- viii. Protect and enhance facilities for recreation, sport and play or important informal and formal open spaces and including Public Rights of Way, to benefit health and well being;
- ix. Safeguard the retention of Andrewsfield Airfield (to the extent within Uttlesford) for its historic interest and its community value as a flying and pilot training facility and Clubhouse facilities; and

- x. Reflect guidance prepared by ECC in the Essex Green Infrastructure Strategy (2020) to take a positive approach to enhance, protect and create an inclusive and integrated network of high-quality multi-functional green infrastructure, including their contribution to Residents' health and wellbeing.

5.17 There are 12 Local Wildlife Sites within the Parish shown partially on Map 6, which are as follows:

- Ufd260 Nick's Hole
- Ufd261 Hick's Plantation
- Ufd262 Poplar Farm, Duck End Special Roadside Verge
- Ufd265 Bran End Meadows
- Ufd267 Stebbing – Bran End Verge
- Ufd269 Bran End
- Ufd270 Stebbing- The Downs Protected Roadside Verge
- Ufd277 Lubberhedges Wood
- Ufd278 Whitehouse Spring
- Ufd279 Mouslin Wood
- Ufd280 Stebbing Green
- Ufd281 Boxted Wood

5.16 Additionally, there are three Important Woodlands as shown on Map 6.



Photo 20. Stebbing Green



Photo 21. Cricket Pavillion - Mill Lane



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Photo 22. View Westwards from Footpath 10 towards Stebbing Brook



Photo 23. The Fir Wood, the valley form and Stebbing Brook- view to the west



Photo 24. View eastwards from Footpath 10 towards Stebbing Primary School

## CHAPTER FIVE: LANDSCAPE, THE COUNTRYSIDE AND THE NATURAL ENVIRONMENT

5.18 UDC has advised that a very small area of the southern-most area of the Parish, as shown on Figure 4 is situated within the identified Zone of Influence (ZoI) for the Blackwater Estuary Special Protection Area (SPA) and Ramsar site. This is a ZoI drawn to extend 22km from these European designations. Natural England (NE) advised all the local planning authorities affected by this and other such zones that any new residential development within the respective zones will have a likely significant effect on the sensitive features of the Estuary. As a consequence, a partnership of Authorities has produced the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy\* Supplementary Planning Document. This document was published for consultation between 10 January and 21 February 2020 and the SPD is now adopted.

5.19 The purpose of the overall Essex Coast RAMs is an initiative to raise awareness of the birds that feed and breed on the Essex coast, so that people can enjoy the coast and its wildlife without disturbing the birds. The Zones of Influence - there are several such designations in view of the length and characteristics of the extensive Essex coastline - are areas identified by surveys to be where the majority of visitors travel from to the Designated Habitats Sites on the Essex Coast. New homes built within the zones are likely to lead to more people visiting the Designated Habitats Sites with a potential to have an impact on the birds. Developers of all new homes within the ZoI are required to pay a tariff per dwelling through planning obligations attached to planning permissions, to contribute to the Essex Coast RAMs. These contributions will be used to spend on necessary measures to mitigate the likely significant effects from recreational disturbance, in accordance with the requirements set out in the SPD.

5.20 NE has provided UDC with a template for the purpose of recording and assessing development schemes that fall within the Blackwater Estuary ZoI. This includes a flow chart which concludes that for schemes which are not directly adjacent to a European designated site and, provided the scheme is of 100 units or less, the scheme will not have adverse impacts on the integrity of the European sites provided that mitigation is secured via a *“proportionate financial contribution”* which is *“secured in line with Essex Coast RAMs requirements”*.

5.21 As a consequence of the above requirements, it is necessary for the NP to include an appropriate policy obligation requiring commitment to such contributions for any potential *“windfall”* applications that may come forward within the ZoI. None of the proposed site allocations are affected and in reality it is considered very unlikely that any such windfall sites would come forward within the very small area of the ZoI within the Parish, but the policy is required as a safeguarding measure.

### POLICY STEB8 | Blackwater Estuary SPA and Ramsar site/Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)

Proposals for new dwellings within the zone of influence of the Blackwater Estuary SPA and Ramsar site will be subject to a financial contribution towards avoidance and mitigation measures as specified in the adopted Essex RAMs Supplementary Planning Document, to ensure the development will have no adverse effect on the integrity of the European site.

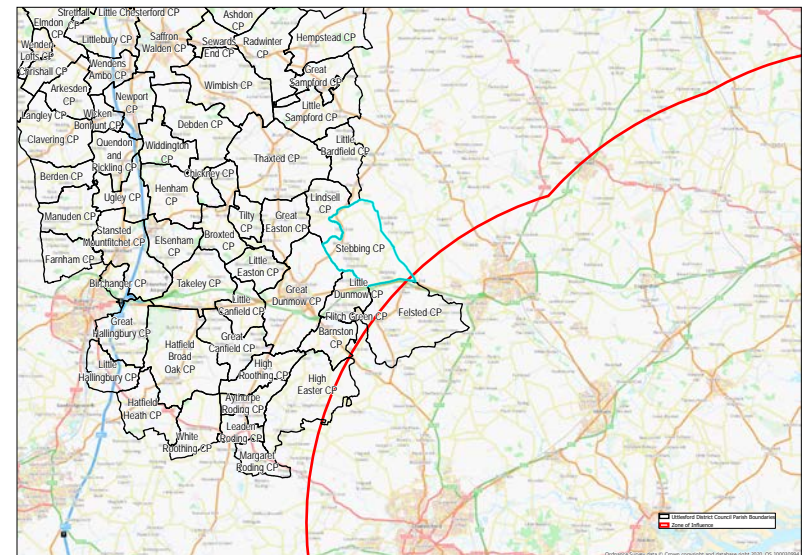


Fig 4: ZoI near Stebbing CP

\* normally abbreviated to "Essex Coast RAMs"



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Photo 25. Stebbing Green - Pond

## CHAPTER SIX: HOUSING AND DESIGN

### A. Core Objectives

- i. To conserve and enhance the heritage and distinctive historic character of the Parish, its village, surrounding settlements and each of their respective landscape settings.
- vii. To ensure that new housing and other forms of development meet the needs of the local parish community, including the need for affordable housing, starter homes, homes for older people and other specialist needs.
- ix. To ensure that any new development is sympathetic to the character of the Parish in design and other matters and that it makes a positive contribution to its surroundings, with particular emphasis on small scale organic growth.
- x. Reflect guidance prepared by ECC in the [Essex Green Infrastructure Strategy \(2020\)](#) to take a positive approach to enhance, protect and create an inclusive and integrated network of high-quality multi-functional green infrastructure, including the contribution to Residents' health and wellbeing.
- xiv. Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

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### B. Delivering a sufficient supply of homes

6.1 The current adopted ULP 2005 does not provide a future housing requirement for Stebbing and in this respect its housing policies are out-of-date. The former draft ULP identified Stebbing as a "Type A Village", as it has a Primary School, a Public House and a Shop. It identified 19 "Type A Villages" wherein UDC proposed to allocate 169 new homes in new sites during the Plan period. However, the submitted draft ULP provided no further guidance as to the level of growth planned for Stebbing over and above the proposed allocation of a site for approximately 30 dwellings on land east of Parkside and to the rear of Garden Fields with vehicular access from The Downs. This reflected the planning permission for 30 houses granted in 2015 which are now completed at 'Ploughman's Reach'. This includes 22 market homes and 8 affordable. The overall

mix as agreed by UDC comprises:-

2	x	1 bedroom units
7	x	2 bedrooms
12	x	3 bedrooms
5	x	4 bedrooms
4	x	5 bedrooms

Two of the units are bungalows and two are flats. Of the affordable, 4 units are for affordable rent and 4 for shared ownership.

6.2 In addition to the Ploughman's Reach scheme there are currently extant planning permissions for a number of dwellings, as described in the evidence base (EB16). This includes the 17 new homes granted outline planning permission in December 2019, subject to completion of a s106 agreement on land east of Warehouse Villas. This comprises 7 affordable units and an overall indicative mix of 2 x 1 bedroom units, 7 x 2 bedrooms, 8 x 3 bedrooms.

6.3 In view of the fact that the adopted ULP does not provide a specific future housing requirement for Stebbing and the submitted LP has now been withdrawn, there is no strategic policy to guide a housing requirement for the NP. As such, the NPPF at paragraph 67 states that where it is not possible to provide a requirement figure for the neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy for the local planning authority. Accordingly, the Steering Group acting on behalf of the Parish Council formally requested from UDC an indicative housing requirement figure for the NP.

6.4 UDC responded on 17th July 2020 confirming that “the Council currently considers that the indicative housing requirement for the NP area is **25 dwellings** between 2019 and 2033.” The letter states that the justification for this figure, in the absence of a new LP and no newly emerging plan, relies on housing figures from the withdrawn LP. However, it continues that the principle of a settlement hierarchy based on the relative sustainability of settlements in the district is likely to be brought forward in the new LP and will guide the housing supply distribution to towns and villages and that development in less sustainable villages, like Stebbing, should be limited.

6.5 The letter states that based on the two applications referred to in paragraphs 6.1 and 6.2 above that bring forward 47 dwellings “the requirement as set out in the withdrawn Local Plan has been met on sites of 6+ dwellings in Stebbing”. It notes that the draft NP allocates a minimum of 19 dwellings and a maximum of 25 up to 2033 on top of the 47 dwellings that have been partially or fully built. It continues that the indicative figure of 25 dwellings will make more efficient use of land resources and therefore it is considered that the draft Neighbourhood Plan identifies sufficient supply to meet the current indicative housing requirement for the neighbourhood area. The UDC letter in full is included in Appendix C.

6.6 Having established the proposed 19 to 25 dwellings for allocation in this NP that derive from its preparation, and having taken into account the views of the local community and guidance from the then emerging ULP, the decision was taken that specialist expert advice should be sought. Both a heritage assessment and landscape appraisal, as described in Chapters 4 and 5, were commissioned to assess the potential environmental capacity for new development in the Parish. Additional account was taken of other factors including both the views of the Steering Group and an independent assessment of sites put forward in the various call-for-sites consultations. Various site options were assessed using well tested good practice procedures to judge whether sites were suitable, available and achievable, as set out in the Evidence Base (EB15). The assessment also included sites within the Parish contained within the UDC Strategic Land Availability Assessment (SLAA). The Steering Group also issued a specific Parish 'Call for Sites'

exercise in the period June - August 2018. A further 7 sites were put forward and evaluated. In total 21 potential sites that broadly met the NP Objectives and Vision were assessed by Urban Vision Enterprise CIC in April 2019 (EB15) on behalf of the Parish Council.



Photo 26. View of Converted Former Chapel (Mill Lane) into Residential Three Storey Town Houses, included in UDC Local Heritage List.

## CHAPTER SIX: HOUSING AND DESIGN

6.7 Of six sites put forward in 2015 to UDC in the Parish two were in respect of the substantial development (12,000 houses) at Andrewsfield and Boxted Wood comprising WoBGC, and four in respect of a total of 31 houses in the vicinity of the Village, of which UDC found only a site for 6 houses to be suitable and achievable. Subsequently, in August 2016, two further sites were put forward as available for residential development: 1) West of High Street/South of Downs Villas (Plot A) for 17 dwellings and 2) Land West of High Street, South of Falcons (Plot B) for 50 dwellings. Both sites were considered to be unsuitable because they would not contribute to sustainable patterns of development by introducing built form in important gaps on the west side of the High Street with views across the valley. Additionally, the second site was rejected because of the potential impact on being within 100m of a Scheduled Monument. Since these assessments were undertaken the same sites have been found to be demonstrably special to the Stebbing Community. They are found in the LGS assessment to meet the criteria for LGS designation and are proposed to be designated in the NP as LGS (the full LGS assessment can be found at reference EB17).

6.8 The Steering Group also considered the more recent growth of the village and both existing commitments and applications pending during the preparation of the Plan. It also examined the possibility of development being possible on brownfield sites, but apart from a few small scale opportunities to rebuild or intensify existing residential curtilages, there are no realistic sites likely to come forward in the Plan period.

6.9 Therefore, in order to achieve the wishes of local residents and to meet the future needs of the Parish, it is proposed to allocate a range of small scale sites – as opposed to a large estate-type development or series of larger site - as set out in Chapter 10 Housing Allocations.

### C. Design

6.10 Adopted Policy GEN2- Design as set out in the ULP 2005 provides general guidance and criteria relating to design. The Essex Design Guide for Residential and Mixed Use Areas has been adopted by UDC as supplementary planning

guidance. In addition, UDC has adopted the Essex Parking Standards 2009 that were subsequently revised by the Uttlesford Local Residential Parking Standards February 2013. This requires dwellings of 4+ bedrooms to be provided with 3 spaces per dwelling, excluding garages if less than 7m x 3m internal dimensions. The current Essex Design Guide 2018 (EDG) <https://www.essexdesignguide.co.uk/> is an interactive web-based design tool that receives ongoing updates to ensure the content remains contemporary and effectively responds to Government policy and the challenges and opportunities in Essex. This lays foundations to ensure that the EDG responds to emerging challenges around Ageing Population, Digital and Smart Technology, Health and Wellbeing, Active Design and Garden Communities. It also recognises the importance of Neighbourhood Plans and provides a key planning and design resource to help inform Neighbourhood Plans, and encourages best practice in the design and layout of residential development. Therefore, residential proposals within the area of this NP should follow the best practice in design and layout. However, such guidance and practice should not inhibit innovative and pioneering design solutions and each proposal should be considered and determined on its individual merits. The NPPF Section 12- 'Achieving well designed places' stresses the need to create high quality buildings and places which is fundamental to what the planning and development process should achieve. As stated, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The Government also published in October 2019 a National Design Guide (NDG) to supplement the NPPF, which sets out the characteristics of well designed places and demonstrates what good design means in practice. The latest iterations of the interactive EDG incorporate key guidance from the NDG and other national design guidance..

6.11 Policy STEB1: Respecting Stebbing's Heritage- Design and Character is the principal NP policy relating to design of development proposals in order to preserve and contribute positively to Stebbing's distinctive character. This is complemented by the following design-related policies.

**Policy STEB9 | Design Principles and Location of New Development**

1. Development within defined development limits, allocated and infill sites

Proposals for new development that are of high quality design and in sympathy with the traditional built character of Stebbing will be supported where they are well-related to the existing pattern of development within:

- The defined development limits
- The allocated sites
- Infill sites

provided that the following criteria are met:

- a) they are in accordance with Policy STEB1 and relate well to its site and its surroundings;
- b) they respect and preserve the existing character of the village and local area or make a positive contribution to the distinctive character of the village as a whole and contribute to local character by creating a sense of place appropriate to its location; and
- c) there would be no material overlooking, overshadowing of, or other overbearing effect on neighbouring properties.

Development proposals should be informed by 'Building for a Healthy Life' (BHL) and other good practice principles including the Essex Design Guide and 'Building with Nature'.

Design and Access statements submitted as part of a planning application should include a Visual Impact Assessment and Built Heritage Statement where the proposal is adjacent to or may harm or impact upon a heritage asset.

2) Development within the defined countryside

This part of Policy STEB9 provides additional and up-to-date guidance on those sites that are also subject to Strategic Policy S7- The Countryside of the ULP 2005. In order to protect the intrinsic character of the countryside, support will only be given to proposals that comply with the following categories of development:-

- Agriculture, horticulture, forestry;
- Outdoor recreation;
- Other uses which need to be located in the countryside, including infrastructure provision required by a utility company to fulfil their statutory obligation to their customers;
- Affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way including some market housing necessary to secure the viable delivery of the affordable homes;
- Residential conversion of redundant or disused rural buildings, which will enhance their setting;
- Subdivision of an existing dwelling;
- Construction of new houses of exceptional quality meeting the criteria set in paragraph 80e) of the NPPF;
- Conversion of the existing buildings and the erection of well-designed new buildings for business uses;
- Infilling of small gaps in small groups of houses where development would be in character with its surroundings and with limited impact on the countryside;
- Priority will be given to new development on Previously Developed Land, as defined in Annex 2: Glossary of the NPPF 2021;
- The development and diversification of agricultural and other land-based rural businesses;
- Sustainable rural tourism and leisure developments which respect the character of the countryside;
- Accessible local services and facilities.

## CHAPTER SIX: HOUSING AND DESIGN

### Meeting Local Needs

6.12 Policy H2 of the withdrawn ULP sets out a policy for housing mix across the district. The results of the Parish Questionnaire highlight the importance that the NP provides for a choice and mix of housing across the Parish in order to meet needs and create a balance in relation to both choice and the mix of supply. The UDC Strategic Housing Market Assessment (SHMA) evidence identified specific mix requirements for the district as a whole for both market and affordable housing. It concluded that the majority of need for market housing is for 3 and 4+ bedroom houses whilst the need for affordable housing units is for 2 and 3 bedroom houses. Proposals that comply with the Government's First Homes scheme will be supported where appropriate.

### **Policy STEB10 | Meeting Local Needs**

Proposals for new housing development over 2 units should seek to include a mix of houses in size and type to reflect the existing and projected needs in the village. Particular support will be given to proposals which deliver discounted market housing as well as the needs of young families requiring 2 and 3 bedroom homes, together with meeting the needs of a growing ageing population in the Parish and the corresponding need for more homes suitable for lifetime occupation. Support will therefore be given to housing that is designed and constructed in a way that enables it to be adapted to meet the changing needs of its occupants over time, and that is compliant with the Building Regulations Part M4(2) and (3) standards.

Development schemes will be considered on a site by site basis and take account of the available evidence and market conditions.

6.13 Policy H6 of the withdrawn ULP sets out the percentage of on-site affordable housing that will be required throughout the District based on evidence from SHMA. This evidence is still relevant to this NP. An off-site contribution is not generally supported since the funding can often be diverted to projects elsewhere in the District, which provides no benefits to Stebbing residents. For this reason, STEB11 regards an off-site contribution as only being applicable in exceptional circumstances. In such cases, it is for the Applicant to demonstrate a suitable site

or project as the recipient of the off-site contribution.

### **Policy STEB11 | Affordable Homes**

Affordable housing will be provided in accordance with Uttlesford DC current policy on Affordable Housing. This requires development on sites of 10 dwellings or more or on sites of 0.5 hectare or more to provide 40% of the total number of dwellings as affordable dwellings on the application site and as an integral part of the development.

In exceptional circumstances, where the above requirement cannot be achieved, off-site provision and/or commuted payments in lieu of on-site provision may be supported where this would offer an equivalent or enhanced provision of affordable housing.

6.14 The tenure mix of affordable housing should reflect the most up to date Stebbing Parish local need evidence and viability on individual sites. It is proposed to explore with UDC the potential for a proportion of all new affordable housing in the Parish to be subject to local connection and to satisfy UDC's Local Connection Eligibility Criteria.

### Climate Change

6.15 All development within the Parish is expected to address the challenge of climate change and flood risk as advised in Chapter 14 of the NPPF. This will involve making best use of sustainable design and construction techniques, minimising the use of resources, mitigating against and being resilient to the impact of climate change and aim to be carbon neutral.

6.16 The ECC MLP and WLP also provide guidance with regards to sustainable development and in particular site construction and the generation of waste. For example, MLP Policy S4-Reducing the use of mineral resources, is a key policy that requires development proposals to demonstrate how mineral waste is minimised on sites, and is re-used and recycled through various measures set out in the policy.



**Policy STEB12 | Sustainable Design and Construction**

Proposals for non-residential new development shall, where appropriate:

- embed sustainable design and construction techniques;
- seek to optimise energy efficiency and target zero carbon emissions;
- adopt innovative approaches to construction of low carbon homes, including construction to Passivhaus standards;
- comply with relevant policy guidance of the MLP and WLP relating to sustainable development, including site construction and generation of waste; and
- provide systems that reduce water consumption and seek the re-use of grey water.

Flood Risk and Surface Water Management

6.17 New development should employ best practice approaches to Sustainable Drainage Systems (SuDS) involving a sequence of planted and constructed features designed to store and slow rainwater run-off by mimicking natural drainage. Other mitigation measures include active rainwater harvesting from roofs into water butts, soakaways, swales, rain gardens, greenfield run-off and permeable surfaces. These measures are designed to collect and hold water and then allow it to seep back into the ground or to water plants at a reduced flow rate.

6.18 ECC, as the Local Lead Flood Authority for Essex, has published guidance in SuDS Design Guide 2020 <http://www.essexdesignguide.co.uk/suds>, which should be referenced for the design of new development to manage flood risk and drought mitigation.

6.19 It should also be noted that the Environment Agency has advised that the NP area lies over a groundwater source protection zone. Therefore the sites proposed for allocation and other development proposals should comply with the NPPF requirement for dealing with land contamination (paragraph 183) and, where appropriate, carry out a Preliminary Risk Assessment to accompany planning applications.



Photo 27. Recent (2016) Housing development on High Street (south side); to left- house new build and right - reconstruction and extension



Photo 28. View towards High Street – looking east adjacent to the Downs



Photo 29. Recent (2016) redevelopment of agricultural barn (New Pastures Lane)

### Policy STEB13 | Managing Flood Risk and Drought Mitigation

To reduce the potential for flooding to occur in Stebbing Parish and mitigate against drought events, development proposals should:

1. Not increase flood risk (including fluvial and surface) on site or elsewhere;
2. Where possible, use effective existing or innovative technology construction and design techniques to reduce the risk of flooding, mitigate any impact of flooding and minimise surface water run-off;
3. Where ground conditions allow, ensure that sufficient hard external surface areas are permeable or that run-off water is collected by effective infiltration systems;
4. Where possible, collect and recycle grey water and incorporate water storage measures or 'rainwater harvesting' for high volume rainfall events and to minimise surface run-off;
5. Maximise opportunities to reduce the causes and impact of flooding through appropriate Sustainable Drainage Systems (SuDS). All SuDS proposals should be accompanied by a comprehensive management plan setting out the long term maintenance of and responsibility for SuDS features; and
6. Where possible include tree and shrub planting to reduce run-off, particularly along field boundaries.

### Renewables

6.20 Sustainable design and construction also involved use of renewable energy for domestic and commercial developments, such as solar panels, wind turbines, battery pods and community renewable heat initiatives.

### Policy STEB14 | Renewable Energy

Individual development or community-led renewable energy schemes will be encouraged within the neighbourhood plan area, including micro-hydro, photovoltaic or bio-mass projects, subject to the following criteria for the proposed development:

- The siting and scale are appropriate to its setting and position in the wider landscape;
- It does not give rise to unacceptable landscape or visual impact, either in isolation or cumulatively with other development;
- It does not harm the setting of listed buildings or other heritage assets;
- It does not create an unacceptable impact on the amenities of local residents; and
- It does not have an unacceptable impact on a feature of natural or biodiversity importance.

**A. Core Objectives**

- vi. To maintain and support the existing strong sense of community in the Parish by retaining existing and encouraging additional community infrastructure, including the community store, the primary school, the village hall, the Church, the White Hart Public House and its other sports and recreational facilities.
- vii. To retain and encourage new and diversified rural employment and support services where possible; to encourage homeworking and small scale local businesses.
- ix. To ensure that any new development is sympathetic to the character of the Parish in design and other matters and that it makes a positive contribution to its surroundings, with particular emphasis on small scale organic growth.
- xiv. Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

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**B. Socio-economic Profile<sup>6</sup>**

7.1 726 Parish residents are economically active and 249 are economically inactive. As Stebbing is a rural parish, it has very little light industry or commercial businesses, other than various small businesses run from homes of local residents, residential builders and specialist restorers, farming and farm related businesses such as animal feeds and equine suppliers. Some located within the Parish are business premises operating from farms, converted agricultural buildings and workspace within private homes.

7.2 Approximately 20 small businesses based in the Parish are run from home and approximately 70 residents are full and part-time home-workers. The poor quality of internet speeds and mobile phone coverage is seen as a hindrance to these businesses and in the responses to the Main Survey Questionnaire, 90% of residents raised this as a concern.

7.3 The village is a relatively affluent community with a total estimated weekly household income of £790, which is over 12% greater than the average for Essex. There is a high level of commuting in Stebbing. At the time of the 2011 Census, 50% of the working population travelled to work by car, with nearly 16% of employed people travelling more than 40km to do so.

7.4 However, the Covid-19 pandemic and Government requirement that all but essential employees work at home during the lockdown is likely to result in cultural change in the future working environment, with many people continuing to work from home for large proportions of time. The balance between the time working at home and travelling to workplace post lockdown will vary in each individual case between employer and employee, but there is likely to be a greater demand for improved workspace and appropriate facilities at home than before the pandemic. This has implications for future housing design. Homeworking also creates a number of benefits:

- It reduces travel and commuting to work, thus reducing traffic and carbon generation;
- It supports local services, such as the Village store and other facilities; and
- It encourages neighbourliness and community spirit through more social integration.

7.5 The Parish has a low unemployment rate as 69.7% of residents aged 16-74 are in employment, with only 2% of the population claiming Universal Credit. While the main employment sectors given are retail, education and construction, over half of those employed are in managerial, professional, or associate professional occupations. 16.7% are self-employed and 7.3% are home workers. Education levels are high with 34.1% of residents being educated to degree level (compared with the Essex and National equivalent statistics being 23% and 27.4% respectively).

7.6 From 1st September 2020 a number of changes to the Use Classes came into force<sup>7</sup>, which broadened the range of uses in a new Class E comprising commercial, business and service uses, whereby changes of use within the same class do not require planning permission.

7.7 Policy STEB15 sets out a policy for supporting the local economy and small scale employment space. For the purposes of Policy STEB15, small scale means limited in size and extent. It is not considered appropriate to set thresholds as this may be too restrictive or limit economic development in the area. Small scale not only relates to size, but also to the type and scale of the operation. Proposals will therefore be dealt with on a case by case basis.

Footnote 6 : Source: 2011 Census and RCCE Rural Community Profile for Stebbing. October 2013 (EB10)  
Footnote 7 : through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

## CHAPTER SEVEN: THE ECONOMY

### Policy STEB15 | Supporting the Local Economy – Small Scale Employment Space

Development proposals which provide expanded or new small scale floorspace for Class E commercial, business and service use, will be supported where they will not cause detriment to the amenity of the surrounding area including the effect of additional traffic on the local highway network, satisfactory access and satisfactory parking and servicing provision.

New dwellings are encouraged to provide space and facilities for home working. Extensions to existing dwellings, or conversion of outbuildings or construction of small scale annexes within the curtilage of the dwelling, which provide facilities for home working will be supported provided the proposals are consistent with other relevant policies in this Neighbourhood Plan.

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### Technology and Communications

7.8 Slow internet speeds within the parish hinder both small business and home-workers. UDC and Essex County Council have arranged for Gigaclear to extend a fibre internet network to those parts of the village that are without this service. Additionally it is proposed to investigate with the current provider (BT) actions that can be taken to improve performance and the possible costs involved.

### Policy STEB16 | Communications

Fibre cables should be installed in all new residential, retail and commercial premises to enable a superfast broadband connection.

### D. The Rural Economy - Agriculture and Farming

7.9 The Parish has a high proportion of very good quality versatile Grade 2 farmland which should be protected as an important natural resource and how it is used is vital to sustainable development. It has an important economic value to the area and serves to create and preserve an attractive rural landscape. The UDC Local Plan 2005 Policy SP7 – The Countryside applies to all those areas beyond the

Green Belt that are not within the settlement or other site boundaries. Planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. As such there is no need for a separate policy in this Plan. However, this Plan sets out the following general policy relating to agricultural and farming.

### Policy STEB17 | Farm Diversification/Improvement

Where applications are necessary for farm diversification or improvement that will demonstrably improve farm sustainability and/or increase employment opportunities, they will be supported where they sustain and are not detrimental to local landscape character and heritage and they should be in accordance with other policies in this Plan.

### E. Tourism

7.10 Whilst little traditional tourism exists in the Parish, the area is very popular with walkers, cyclists, horse riders and joggers, particularly in the summer months. Walking Groups from neighbouring towns and communities are frequently to be found taking advantage of the extensive network of footpaths and bridleways. The historic and landscape qualities of the routes receive very positive reviews in the pictorially illustrated Essex Walks Series.

7.11 Several regular organised events, such as the annual Remembrance Sunday 10 mile road race, the bi-annual open garden events and annual Tractor Rally, all attract a number of visitors who often spend time and money in the Village Pub and Community Stores. They also attract support from Residents enlivening a sense of community and collective activity. The Community Stores now operates successfully and profitably as a volunteer driven concern.

**Policy STEB18 | Tourism**

Proposals that contribute to the tourism appeal of the immediate area and create and/or enhance visitor attractions will be supported, together with the provision of new facilities that can benefit local residents, and where they are consistent and do not conflict with the overall policies in this Neighbourhood Plan.

## CHAPTER EIGHT: COMMUNITY AND WELL-BEING

### A. Core Objectives

- vii. To maintain and support the existing strong sense of community in the Parish by retaining existing and encouraging additional community infrastructure, including the Community Store, the village Primary School, the village hall, the Church, the White Hart Public House and its other sports and recreational facilities.
- xiii. To balance the amount of new development with the capacity and potential expansion of the village Primary School to meet the primary school education needs of the Parish
- xiv. Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

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### Community Health and Leisure

8.1 There is strong community support for the safeguarding the village community assets, which include:

### C. Clubs, Societies, Sport and Leisure

8.2 Stebbing has a large number of active clubs and societies, catering for the wide-ranging interests of the Residents (and in some instances, for example, Judo, for those who live elsewhere), both sporting and otherwise. Extensive use is made by them of the indoor and outdoor facilities which lie in the centre of the Village or within easy walking distance of it.

8.3 Overall, there are 25 Clubs and Societies, many of which have been in continuous operation for several decades. Their importance was considered in the responses by the Residents to the Main Questionnaire and most were considered to be of considerable importance to them. It is believed that the range and composition of the Clubs and Societies, appealing to many different interests and age groups, go a long way to maintaining the social cohesion and providing the mutual support which exists within the Parish and is appreciated as part of our rural village life.

8.4 The list and venues utilised for sport and recreation is as follows:

#### Venue: Pulford Field

- Children's play equipment
- Adult gym equipment
- Football Goals

#### Venue: Mill Lane Field

- Cricket Club
- Children's play equipment
- Adult gym equipment

#### Venue: Village Hall

- Badminton – afternoon club
- Badminton – evening club
- Carpet Bowls – afternoon club
- Carpet Bowls – evening club
- Garden Club
- Local History Society
- Judo Club - Junior and Senior
- Ladies Group
- Little Harts pre-school group
- Over 60s x 6mths p.a.
- Pilates
- Friday Morning Market
- Scouts
- Village Hall Committee

#### Venue: The White Hart PH

- Various events

#### Venue: Tennis Club

- Tennis Courts (with flood lights)

#### Venue: Andrewsfield Aerodrome

- Milibar

#### Venue: The Church - St Mary's, the Virgin

- Bellringing
- Scamps
- A wide range of clubs and activities for all sectors of the community

#### Venue: Alcott Field

- Football Pitches
- Children's Play Equipment

#### Venue: Bowling Green

- Bowls Club

#### Venue: Friends' Meeting House

- Parish Council Meetings
- Rainbows
- Over 60s x 6 months p.a.
- Yoga
- Dorcas Society

#### Venue: Scout Hut

- Beavers
- Cubs
- Scouts
- Guides
- Guides – Senior Section

**D. Facilities**

8.5 The spiritual needs of the Parish are looked after by the Clergy of the Church of St Mary the Virgin, which has an active and large congregation. The Church provides a wide range of facilities for the whole community and different age groups. A new car park to serve the Church is being constructed in a field opposite the Church, formerly used as grazing land.

8.6 The Village is served by one public house, The White Hart, located in the middle of the High Street adjacent to Mill Lane, which is in the non-tied private ownership of the Landlord. It is a listed building and has its own car park at the rear off Mill Lane. This represents a very important feature of village life and is regarded as such by Residents in their responses to the Main Survey, even by those who do not use its facilities. Cooked food, prepared on the premises, is served at The White Hart.

8.7 The village/community shop, Stebbing Community Stores, is also located in the High Street and is operated daily by a rota of volunteers, supported by an employed professional retailer. After a period of closure, it was reopened in August 2013 with the financial support of Rural Community Council of Essex and an unsecured loan of £30,000 from residents (now repaid).

8.8 The Parish has only one Allotment Ground, located in Brick Kiln Lane, with all 10 plots under cultivation. There is a waiting list of applicants. The Ground is rented to the Parish Council by its owner. It is surprising that there are no other allotment plots in a village such as Stebbing, which historically until the 1960s had other more extensive allotment grounds on land which was the subject of the housing development at Garden Fields. The Allotment Ground is the subject of designation as a Local Green Space.

8.9 Andrewsfield is a popular location for Residents and visitors to the Parish alike to visit, by foot, bicycle and car. Reaching it by foot and bicycle is easy and very pleasant as it can be reached by the footpaths, green lanes or byways radiating eastwards from the Village. The Clubhouse, containing a Café (serving hot and cold meals) and Bar (serving hot and cold drinks), operated by the Andrewsfield Flying Club, is open to all. It contains a historical display and

memorabilia of the first WWII US base in the UK, recognising the activities of the USAAF 322nd Bomb Group and their Marauder aircraft when they were based there during 1942-1944. It is regarded by Residents in their responses to the Main Questionnaire as important.

8.10 UDC in July 2018 designated Andrewsfield Club House and car park, as an Asset of Community Value (ACV). As referred to in paragraph 5.7, following applications by both Stebbing and Great Saling Parish Councils, UDC and BDC designated Andrewsfield runway and aircraft parking areas as an ACV in June 2020.



Photo 30. Andrewsfield – view west towards village of Stebbing

**E. Education**

8.11 Stebbing Primary School is a rural village school located in the High Street and is centrally located within the Parish. The main building, and its adjacent car park for staff use, is of Victorian appearance but there are additional teaching and other buildings to the rear which have been constructed in the past three decades and lead to large playing fields/areas. Demountable buildings are in use from time to time to meet peaks in pupil numbers.

## CHAPTER EIGHT: COMMUNITY AND WELL-BEING

- 8.12 There is a Montessori pre-school located within the Primary School for children between the ages of 2-5 which is open daily during term time. The Primary School received a 'good' rating from OFSTED in October 2017 following an inspection. There are currently 140 primary school pupils between the ages of 4-11, of mixed gender in 5 classes covering years 1 to 6. The majority of pupils are from Stebbing Parish but the catchment area spreads as far as Lindsell (in the North) and Felsted (in the South) and currently the School is full. Essex County Council increased its capacity to 210 pupils from September 2020 with the addition of two new classrooms.
- 8.13 The attractiveness of the School is a reason frequently given by many families opting to move to the Village. The transport of pupils from outside the village generates vehicle traffic and gives rise to considerable congestion at peak times, which is beyond the scope of this Plan to control.

### Community Wellbeing and Health Care

- 8.14 Apart from all of the above facilities under Points A-E, all of which promote and cater for community wellbeing, the Covid-19 pandemic has demonstrated the vital contribution and benefits that the Public Rights of Way network has given Residents for exercise and respite during the lockdown.
- 8.15 The number of Residents claiming Disability Allowances or living with a long term illness is both below the national average. There has been some small scale growth in population since 2011 and the village appears to be attracting a number of young families from towns and cities, in search of a more tranquil and rural way of life.
- 8.16 The village is served by four NHS dispensing doctors' surgeries, two in Great Dunmow, one in Finchingfield and one in Thaxted, all of which provide a full range of primary care. Although there is a limited bus service to Finchingfield, there is no scheduled bus service to Great Dunmow and a car is in effect essential to access any of the practices at convenient appointment times.

8.17 The main hospitals are at Broomfield, Chelmsford, The Princess Alexandra in Harlow and Addenbrookes in Cambridge. Smaller community hospitals in Saffron Walden, Bishop's Stortford and Braintree, provide specialty care and secondary services. Some "Park & Ride" schemes help with travel to hospital services, but car travel is still necessary for the major part of the journey and residents often are obliged to rely on neighbours and friends for transportation help.

8.17 One of Stebbing's strongest human assets is its sense of community. The village 'Meals on Wheels' service, with the food being prepared, cooked and delivered by volunteers using their own kitchens and cars, has run for over sixty years. The Community Store has a paid part time manager, but its staff and management team are all unpaid volunteers. The Parish magazine, "Stebbing Scene" is published quarterly and delivered free of charge to every household and business in the village which keeps Residents informed of events, tradespeople, businesses and community news.

8.19 St Mary's Church has a thriving and enthusiastic congregation and the Dorcas Society, a non-sectarian group, provides friendly support to people who are unwell or indisposed.

### Policy STEB19 | Protection and Provision of Open Space, Sports Facilities and Playing Pitches

Existing facilities for recreation, sport and play together with formal and informal open space will be safeguarded from development unless it is ancillary to and improves the existing facilities. Facilities should not be built on unless there is a clear surplus to requirements, the facility would be replaced by an equivalent or better provision in an equally accessible location to the local community or the development is for alternative sports and recreation provision, the benefit of which clearly outweigh the current or previous use. This includes the protection and enhancement of the Public Rights of Way network.

New development will be required to make appropriate on-site provision or make financial contributions for off-site provision in accordance with UDC policy requirements.



**Policy STEB20 | Protection of Leisure and Community Facilities**

1. Locally valued community facilities, including Stebbing Primary School (and pre-school), will be protected from loss. Proposals for the redevelopment or change of use of locally valued community assets will only be supported where:-
    - i. There is no reasonable prospect of viable continued use of the existing building or facility and a need is demonstrated for the proposed change;
    - ii. There is no adverse impact on the natural and built environment of the adjoining area;
    - iii. The premises or site cannot be readily used for, or converted to, any other community facility; and
    - iv. The facility or service which will be lost will be adequately supplied or met by an existing or new facility in the locality which shall be equivalent to or better than the facility that is being lost in terms of both quantity and quality.
- Development proposals for new, replacement, extended and/or improved community facilities and open space will be supported where:-
- i. The proposal would not have significant adverse impact on the amenity of nearby residents;
  - ii. The proposal would not have significant adverse impacts on the surrounding local environment (with regard to biodiversity, wildlife habitat and landscape character);
  - iii. The proposal would not have unacceptable impacts on the local road network (with regard to additional traffic volume/congestion, demand for parking, and pollution levels); and
  - iv. It is easily accessible to residents.

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**Policy STE21 | Health and Medical Care**

Development proposals will be supported which provide:-

- Specialist and adaptable housing, to enable older people and the disabled to remain in their own homes for as long as possible.
- Care homes (nursing and personal care) and where they are consistent with other policies in this Neighbourhood Plan.

The provision of a new healthcare facility is supported, should this be promoted by an approved Healthcare provider.



Photo 31. Recreation Ground, Mill Lane – view from South



Photo 32. Alcott Field - Play Equipment



Photo 33. Lubberhedges Lane - Protected Lane

## CHAPTER NINE : TRANSPORT

### A. Core Objectives

- v. To preserve the character of the quiet roads and lanes within the Parish for their continued safe use by walkers, cyclists and horse riders.
- x. To address highway safety and parking issues, improve the potential for movement by non-car modes, including walking, public transport, cycling and improve the bridleway network.
- xii. To explore with ECC Highways Authority and UDC ways to improve transportation access for all residents to appropriate education and health services.
- xiv. Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

9.1 Stebbing has no railway links and there is a very limited and inadequate bus service. Two buses serve Stebbing but there is no designated bus stop nor shelter. The No 16 service bus runs to/from Chelmsford and Wethersfield four times per day Monday to Saturdays and the No 417 service bus runs to/from Saffron Walden and Finchingfield once a day Monday to Friday (during term time and at School times only).

9.2 The two towns nearest to Stebbing, Great Dunmow and Braintree are not connected by bus service to/from Stebbing. The nearest train stations are at Braintree, Stansted Airport, Chelmsford and Bishop's Stortford but there is only bus transport to Chelmsford Station via the No.16. However this is very limited leaving Stebbing at 0712 and returning back at 1850 which does not offer sufficient frequency nor flexibility for those working in Chelmsford or for rail commuters using Chelmsford Station.

9.3 The Bus route No 417 to/from Saffron Walden currently operates only once a day at school times but this would be a very beneficial service to residents if it was more frequent. The Bus 133 route runs from Braintree to Stansted Airport along the B1256, and it is proposed to investigate with the bus company to see if

they could extend its route to include Stebbing. Likewise, enquiries will be made to investigate the possibility of the X30 bus service to/from Stansted and Great Dunmow/Felsted being routed via the Village. There are residents working at the airport and Braintree and it would be a great advantage if there were to be connections to both locations. It would be of benefit if bus timetables, mini bus and community travel contact details were more easily accessible via a village web site where all local information could be available.

9.4 In the 2011 Census, only 3 people (0.4%) are recorded as travelling to work by bus, while 50% of the residents travel to work by car, 11 by train (1.5%) and 10 people walk (1.4%) to work. 7.3% of the people in Stebbing worked from home compared with 3.6% in Essex and 3.5% in England. 15.8% travelled 40 km to work (11.1% Essex, 4.9% England) and 6.1 % travelled less than 24km to work compared with 17.8% in Essex and 20% in England\*. In 2011, only 3.4% of households had no vehicle availability. The Neighbourhood Plan survey (2017) showed this currently to be even lower.

9.5 Like many rural and historic villages, Stebbing has narrow roads and lanes, often without any pavements. Inappropriate parking is often a problem in the village, particularly in the vicinity of the Primary School at school drop off and collection and at Church End at Church service times. Considerate parking is necessary for the safety of everyone. The Parish does not currently have a public electric vehicle charging point.

9.6 Three roads leading northwards from the B1256 enter the village and they are all rural lanes, with Collops Lane being a single track with passing places. The west side of the village is accessed at Bran End from the B1057 and enters via Brick Kiln Lane.

9.7 During a Traffic Assessment carried out in 2016 by Essex Highways, it was found that there was good compliance with the 30mph speed limit, with the exception of traffic along Brick Kiln Lane and The Downs, and this suggests that north bound traffic has reached a level and speeds justifying intervention by Essex Highways by way of additional automated speed warning signage or traffic calming measures. In recent times, since the construction of the dualled A120, roads

(\*Source: Working from home-Census 2011; distance travelled to work- Census 2001.)

through the Parish, and in particular the High Street, have become “rat runs” for commuters accessing the A 120 at the Dunmow South junction. There are often conflicts between vehicles entering and leaving the High Street due to parked cars and poor visibility. The Parish Council and many local residents consider that a speed limit of 20mph should be imposed from Bran End to Church End to increase safety, reduce traffic noise and air pollution.

9.8 Stebbing has a community run mini bus, operated by volunteers, which makes a scheduled call at Great Dunmow on Tuesday (market day) each week and monthly to Braintree. This is a valuable asset whose use could be extended with sufficient financial and volunteer support. Uttlesford Community Travel (a Registered Charity funded by ECC, UDC and various town and parish councils) also provides Community Transport on a door to door basis, for pre-booked individuals and groups on a modest subscription basis. The vehicles are fitted with hydraulically powered lifts for wheel chairs and are particularly aimed towards the elderly, disabled and those living in rural areas without access to cars, and where scheduled bus services are limited, as is the case unfortunately for Stebbing. In addition the bus is used on a regular basis by the village school to transport the children to off site activities, such as swimming and outings. It is also used by the Beavers, cubs and scouts when they need to undertake outdoor "badge" work such as bush craft, orienteering etc. Finally it is used by villagers when a number are travelling to the same venue, cutting down on overall traffic and ensuring one designated driver.

9.9 Stebbing has an extensive network of footpaths, byways and bridleways which are featured in various Walking Guides and Publications. This means that walking groups visit the village to use these Public Rights of Way and whilst in the village they also use the pub and community shop thus bringing revenue into the village.

9.10 The Parish Council has published a local map of footpaths and bridle ways which is available free of charge at the Community Store. The Parish Council maintains the extensive network of footpaths and is an active member of the Essex Parish Paths Partnership.

9.11 Because the area has an extensive network of byways and bridle ways,

there is a high proportion of equestrian properties and many horse riders of all ages make extensive use of them. Equestrian ownership and use supports various local businesses reliant on the equestrian trade, ie food suppliers, livery stables, riding school and veterinary surgeons . All of these concerns employ local residents.

9.12 Recreational cycling is a popular recreation in the area, given the attractive countryside reached along the relatively dense network of lightly trafficked lanes and byways. Three of the minor roads, Lubberhedges Lane, Whitehouse Road and Collops Road to the east of the Parish have Protected Lanes status. Parking associated with the school by parents dropping-off and picking up of children is an acknowledged problem to Residents. ECC Education now has a policy of promoting sustainable and active travel by encouraging cycling and walking and then bus use with a view to limit car use and, wherever possible, to remove traffic entirely from the area around the school. This is not possible in Stebbing as the High Street/The Downs is a through route, but it is an aspiration of the Parish Council to introduce traffic calming and measures to encourage parents and children to 'park and stride' for those who live outside the village core.

9.13 This Plan aims to minimise the adverse effects of on-street parking and congestion on the character of the area. The Church is delivering a new Car Park on the land to the west on the corner of the High Street and Brook End.

## CHAPTER NINE : TRANSPORT

### **POLICY STEB22 | Promoting Sustainable Transport**

To promote sustainable transport and reduce carbon emissions, proposals for new development in the Plan area will be supported where they demonstrate that:

- Where there is likely to be a significant traffic impact it can be mitigated via development contributions to suitable measures to be agreed in conjunction with the Highway Authority. This may include contributions towards traffic calming where it is necessary to mitigate the impact of new development. Traffic impact includes adverse effects on road safety, congestion and pollution on both the main roads and rural lanes;
- They encourage and support sustainable modes of transport, by
  - (i) providing pedestrian, cycle, passenger transport, and where appropriate bridleway connections within the site and to wider multi-functional green infrastructure and key services;
  - (ii) providing electric vehicle charging and storage facilities for cycles at each dwelling;

They protect and enhance where possible the network of footpaths, bridleways and byways in the Parish and, in conjunction with the Highway Authority and the Parish Council, ensure that they are maintained to a safe standard for everyone to use;

- They must respect and protect the existing network of footpaths. New development with significant traffic impact will be expected to contribute, via development contributions, to the enhancement of the footpath network within the Parish in order to enable safe and easy pedestrian access to village amenities, especially the Primary School, community shop, pub and Church; and
- They have regard to the ECC Development Management Policies or successor documents, in order to require Travel Plans, Transport Assessments and/or Statements be prepared that assess the impact of development in terms of highway safety and capacity for both access to the proposed development and wider highway network.

10.1 As referred to in paragraph 6.1 Stebbing was categorised as a "Type A Village" in the withdrawn ULP, which is defined as a local service centre suitable for a scale of development that reinforces its role as a local centre. All the Type A Villages in the district were proposed to provide up to a total of 134 new homes in new allocations, but there was no specific housing requirement set out for Stebbing. As referred to in paragraph 6.3, in the absence of an up-to-date local plan, the NPPF (paragraph 66) states that the local planning authority should provide an indicative housing requirement figure if requested to do so by the neighbourhood planning body. Following such a request, UDC has provided such an indicative figure in a letter dated 17th July 2020. This confirms that the indicative requirement for Stebbing to be **25 dwellings** between 2019 and 2033. The letter sets out the justification for this figure and states that based on the two current schemes (at Ploughman's Reach and land east of Warehouse Villas) that bring forward a total of 47 dwellings, the requirement as set out in the withdrawn local Plan has been met on sites of 6+ dwellings in Stebbing. The letter continues that the 25 dwellings proposed in this NP are counted as contributing towards a windfall of 1,717 dwellings in UDC's evidence base to the withdrawn LP (for further detail refer to Appendix C and paragraphs 6.4 and 6.5).

10.2 For clarity and consistency, it is considered necessary to draw a distinction between:-

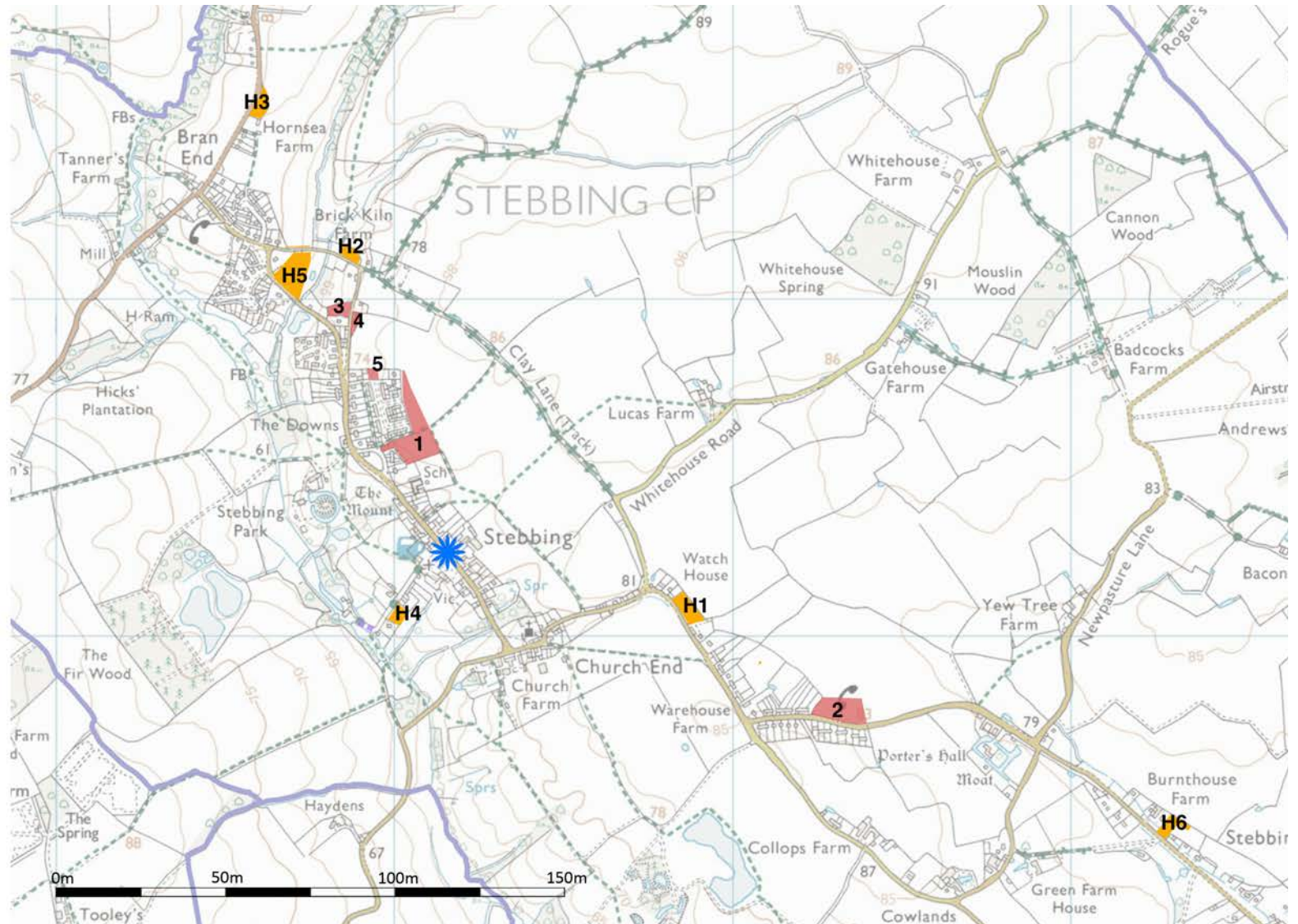
- 1) those housing sites that are currently committed, ie. completed or nearing completion, or subject to an extant implemented planning permission, or resolution to grant planning permission subject to completion of a s106 planning agreement and conditions; and
- 2) those specific sites that are now proposed in this NP for allocation. The table opposite sets out details of the latter:-

Committed Sites	Net Additional Dwellings	Status/details
1. Ploughman's Reach	30	Outline planning permission granted 13th February 2015. Ref: UTT/14/1069/OP. Scheme now completed.
2. Land east of Warehouse Villas	17	UDC resolution to grant outline planning permission on 18 December 2019 subject to s106 and conditions. Ref: UTT/19/0476/OP.
3. Land west of Brick Kiln Lane : Corbets Tey	2	Outline planning permission granted on 2nd May 2018. Ref: UTT/18/0365/OP.
4. The Pyghle, The Downs	1	Outline planning permission granted for 2 dwellings including replacement of existing on 3rd May 2019. Ref: UTT/18/2763/OP.
5. Land adjacent 5 Pound Gate	2	Full planning permission for 2 dwellings on 30th December 2019. Ref: UTT/19/2342/FUL.
<b>Total Additional Dwellings</b>	<b>52</b>	
Note: The above are the current committed sites within the main village and hamlets, but there are other extant planning permissions that represent 'windfalls' in other parts of the Parish. A full current list of extant planning permissions in Stebbing Parish can be found in the evidence base at EB16.		

# CHAPTER TEN : HOUSING ALLOCATIONS

**KEY**

-  Village centre
-  Proposed Housing Allocation Site
-  Committed site with planning permission  
(refer to details in paras 10.2 to 10.5)



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Map 10: Committed Housing Sites and Proposed Housing Allocation Sites



10.3 The following pages set out the Stebbing Neighbourhood Plan proposed additional new housing allocations for the Parish. The sites have been assessed in accordance with the NPPF guidance in paragraphs 67-71 and as to whether they are deliverable, ie available, suitable and achievable. In this regard the sites have been independently assessed by Urban Vision Enterprise CIC, as set out in their report: Stebbing- Site Appraisals, prepared in April 2019. This assessment followed a review of sites put forward in the two UDC ‘call for sites’ exercises in 2015 and 2018, suggestions put forward by local residents as part of the Village Questionnaire and a sift of potential options following consideration of the evidence base, opportunities and constraints. This included the findings of the Landscape Appraisal, the Heritage Assessment and analysis of proximity and convenience of sites to the services and facilities in the village centre. Subsequently a shortlist of 21 potential sites, as shown on Plan 1 of the Urban Vision report, were independently assessed and ranked using a well-tested site assessment methodology using a traffic light system as set out in section 4 of their report. Finally, those sites considered by the Parish Council to perform well were subject to consultation with the landowners to ensure that they were available. One owner did not want his site to be included and it was therefore omitted from the proposed allocations. Another site put forward by the landowners for a proposed allocation, which involved the conversion of a Grade II listed barn for the provision of 1-2 dwellings, was subject to concerns by Historic England that it could lead to harm to the heritage asset, owing to the potentially intrusive nature of converting such structures to residential accommodation. Following advice from UDC, the Parish Council decided to delete this site as a proposed allocation, but the landowner would still have the right to submit an application for planning permission and listed building consent. In addition, the land east of Warehouse Villas, that had not been selected, was subsequently subject to a resolution by UDC to grant outline planning permission in December 2019 for 17 dwellings, subject to completion of a s106 agreement and conditions.

10.4 The following sites as shown on Map 10 and the Policies Map (17) are considered to be suitable, available and achievable for development.

Site name	Assessment number	Allocation	Dwellings
Garden/Paddock adj: to Watch House	7	STEB:H1	4-5
Land West of Brick Kiln Farm	13	STEB:H2	3
Hornsea Lodge, Bran End	19	STEB:H3	2-3
Meadowbrook, Mill Lane	2	STEB:H4	1-2
Land at Elmcroft, the Downs	15	STEB:H5	2-5
Meadow, Stebbing Green	20	STEB:H6	2
<b>Total</b>			14-20

10.5 Allocation of these sites would enable delivery of up to 20 new homes in Stebbing Parish. These will be in addition to the 52 homes on the sites listed in the table at paragraph 10.2.

10.6 As a consequence of the housing proposals in this NP and the fact that it provides for a supply of housing that meets the indicative UDC housing requirement, paragraph 14b of the NPPF is satisfied. Therefore, this means that since UDC can (as of April 2020) demonstrate greater than a 3 year land supply, there would be an up-to-date plan for Stebbing, which will assist in resisting speculative housing development proposals. In fact the overall housing proposals in this NP are in excess of the indicative requirement and therefore provide flexibility in the NP period.

## CHAPTER TEN : HOUSING ALLOCATIONS

### Policy STEB H1 : Garden/Paddock adjacent to Watch House



Map 11

This 0.65 hectare brownfield (residential garden use) site, as shown on map, is allocated for residential use for approximately 4-5 dwellings. The following site specific considerations apply:

- Access would need to take account of the frontage drainage ditch.
- Development to be adjacent to or front the highway. Backland development will not be permitted.
- Existing hedgerow to be retained except where necessary to gain access.
- Existing footpath access to be retained and enhanced if necessary to meet footpath access needs of new dwellings
- The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.



Suitability: No constraints/or constraints that are not easily overcome.  
Site is within reasonable walking distance (around 1km) of the village centre.  
The development would in effect be infill to the otherwise continuous frontage development of Whitehouse Road and Warehouse Road.  
The site is available and achievable

Policy STEB H2 : Land West of Brick Kiln Farm



Page 131

This 0.19 hectare brownfield site, as shown on the map, is allocated for residential use for approximately 3 dwellings. The following site specific considerations apply:

- Access into the site should be taken by retaining the existing access point onto Brick Kiln Lane.
- There is scope for complete or partial redevelopment and/or conversion of the existing barns.
- The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.



Suitability: No constraints/or constraints that are not easily overcome. The site is within reasonable walking distance from centre, and is already developed. The site is available and achievable.

## CHAPTER TEN : HOUSING ALLOCATIONS

### Policy STEB: H3 - Hornsea Lodge, Bran End



Map 13

This 0.28 hectare brownfield site, as shown on map, is allocated for residential use for approximately 2-3 dwellings. The following site specific considerations apply:

- The site is suitable for redevelopment for a small number of dwellings.
- Access to future development should be taken from one or both of the existing access points onto the B1057.
- The existing hedgerow to the front of the site should be retained and enhanced.
- The western boundary should be planted with appropriate indigenous hedge and tree planting to form an enhanced boundary with the open countryside beyond.
- The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.



Suitability: The SLAA identified the site as being suitable for redevelopment. No constraints/or constraints that are not easily overcome. The site is some distance from the village centre, but it is already developed and within the defined village envelope. The site is suitable, available and achievable.

**Policy STEB: H4 - Meadowbrook, Mill Lane**



Map 14

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This 0.4 hectare brownfield site, as shown on map, is currently occupied by a bungalow and in need of major repairs or replacement. It is allocated for residential use for 2 dwellings including replacement of the existing bungalow. The following site specific considerations apply:

- The site has a vehicular access already which should be retained as the sole access.
- Only the front of the site is suitable for development with the land to the rear forming gardens.
- The site is adjacent to Grade II\* and Grade II listed buildings within the Conservation Area, so an exceptionally high standard of sympathetic design, massing, materials and landscaping is essential. Of particular importance is the need to retain and enhance the dense frontage hedge/planting which forms a key feature in the street scene of this part of Mill Lane. This vegetation also forms part of the setting of the adjacent listed buildings Freers Cottage (Grade II) and Tan Farm (Grade II\*)
- The scale and detailed design of the proposals should be sympathetic to and not harm the setting of the adjoining and neighbouring listed buildings, and preserve or enhance the distinctiveness, character and more spacious appearance of the Conservation Area in this lower part of Mill Lane.
- The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.



Suitability: The front part of the site is suitable subject to satisfactorily addressing the policy requirements.

Development of the rear part of the site, shown by the broken line, would encroach into the rural setting. The larger site was rejected by the SLAA on the basis of introducing backland development and being out of character. Redevelopment of the frontage part of the site for 2 dwellings including replacement of the existing bungalow with the rear section used for garden use or paddocks only would be a suitable form of development.

The site is available and achievable.

## CHAPTER TEN : HOUSING ALLOCATIONS

### Policy STEB: H5 - Land at Elmcroft, The Downs



Map 15



This 0.98 hectare greenfield site, as shown on map, is currently in use for rearing of poultry, egg production and grazing. It is allocated for residential use for approximately 2-3 large dwellings or up to 5 small bungalows. The following site specific considerations apply:

- Development should not encroach into the lower levels of the site to the east where there is an existing copse, watercourse and the area subject to flood risk.
- The existing point of access into the site shall be retained and improved to form a suitable private drive to serve the proposed development.
- Site visibility splays should conform with the guidance set out in Manual for Streets and the Essex Design Guide, which subject to detailed survey may require alterations to the frontage bank and vegetation.
- The lowest part of the site to the east containing the watercourse and copse shall be preserved and enhanced through an appropriate management scheme to include a new footpath between The Downs and Brick Kiln Lane.
- The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.

Suitability: The site is suitable for 2-3 large dwellings or up to 5 small bungalows. A more intensive form of development of the wider site would not be suitable in terms of impact on the surrounding landscape and limited access.

The site is available and achievable subject to the guidelines in the policy. The landowner has indicated a preference for bungalows and put forward the proposed footpath adjacent to the watercourse.

Policy STEB: H6 - Hay Meadow, Stebbing Green



Map 16

Page 135

This 0.37 hectare greenfield site, as shown on map, is allocated for residential use for approximately 2 dwellings as infill frontage development. The following site specific considerations apply:

- The creation of improved access would involve partial hedgerow removal and the roadside drainage ditch will need to be bridged or culverted.
- Backland development will not be permitted.
- There should be a single point of access to serve both dwellings or one large dwelling.
- Visibility splays should conform with the guidance in Manual for Streets and the Essex Design Guide.
- New hedging of similar species should be planted to replace the sections lost to meet the access requirements.
- The site falls within the Zone of Influence (ZOI) for Hatfield Forest SSSI and NNR. All residential development within the ZOI will need to deliver all measures (including any strategic measures or financial contributions) identified through site specific assessments or otherwise to mitigate any recreational pressure impacts.



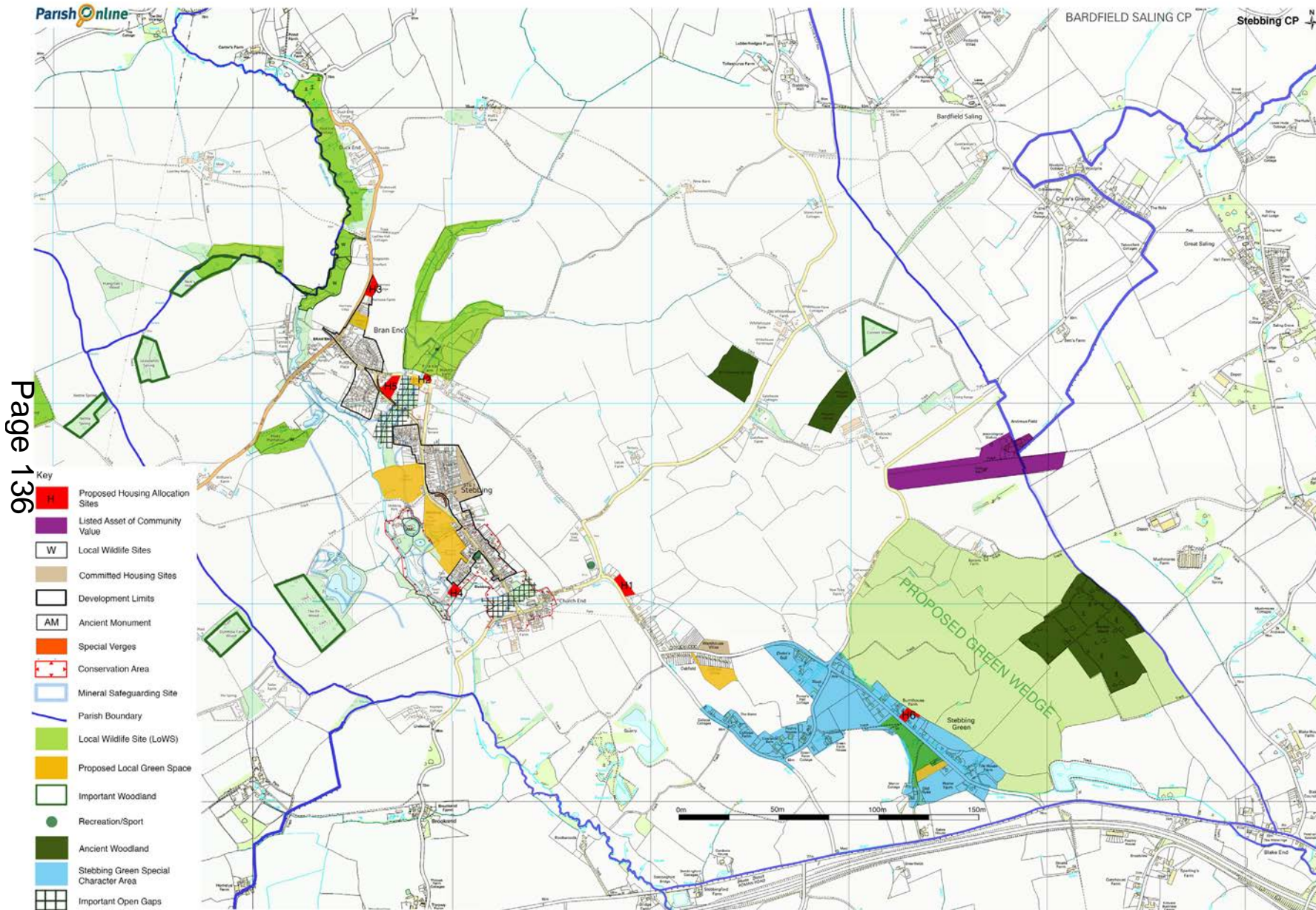
Suitability: Potential for 2 dwellings as infill frontage development

Availability- Within a period of 1-5 years

The site is some distance from the village centre and facilities but is on a bus route.

The front part of the site is within a gap in the existing built frontage and development would represent infill.

# CHAPTER ELEVEN : THE POLICIES MAP AND SCHEDULE OF NEIGHBOURHOOD PLAN POLICIES



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Map 17: Policies Map

Note: In view of the amount of detail and large area of cover, this plan is easier to view when printed at A3 or magnified on a computer screen.



## CHAPTER ELEVEN : THE POLICIES MAP AND SCHEDULE OF NEIGHBOURHOOD PLAN POLICIES

11.1 The table below sets out a schedule of the 21 Neighbourhood policies and 6 Housing Allocation sites within this document.

Policy Reference	Policy	Page
STEB1	Respecting Stebbing's Heritage – Design and Character	30
STEB2	Green Infrastructure and Development	
STEB3	Identified Woodland Sites and Wildlife Sites	43
STEB4	Local Green Space	43
STEB5	Protection of Green Wedge	43
STEB6	Important Open Gaps	44
STEB7	Important and Protected Views	44
STEB8	Blackwater Estuary SPA and Ramsar site/Essex Coast RAMS	51
STEB9	Design Principles and Location of New Development	56
STEB10	Meeting Local Needs	57
STEB11	Affordable Homes	57
STEB12	Sustainable Design and Construction	58
STEB13	Managing Flood Risk and Drought Mitigation	59
STEB14	Renewable Energy	59
STEB15	Supporting the Local Economy – Small Scale Employment Space	61
STEB16	Communications	61
STEB17	Farm Diversification/Improvement	61
STEB18	Tourism	62
STEB19	Protection of Play, Sports, Recreation, Leisure and Community Facilities	66
STEB20	Protection of Leisure and Community Facilities	66

STEB21	Health and Medical Care	66
STEB22	Promoting Sustainable Transport	66
STEB H1	Garden/Paddock adj: to Watch House	71
STEB H2	Land West of Brick Kiln Farm	75
STEB H3	Hornsea Lodge, Bran End	76
STEB H4	Meadowbrook Mill Lane	78
STEB H5	Land at Elmscroft, The Downs	79
STEB H6	Hay Meadow, Stebbing Green	80

## CHAPTER TWELVE : PROJECTS

12.1 Some of the questions asked and issues raised in the Main Questionnaire extended to matters which would be beyond the scope of a Neighbourhood Plan. This was a conscious decision on the part of the Steering Group, as they considered that in the interests of the Community as a whole, and consistent with the principles of devolution encouraged by the Localism Act 2011, the provision of such an opportunity for the Residents to express matters of opinion regarding community issues was appropriate.

12.2 It is considered that implementation of suggested measures to address some at least of these issues could have a positive long-term impact upon the quality of life for the Residents of Stebbing.

12.3 Therefore, in order to respond to the matters raised by Residents, the Parish Council intend to explore the following:

### Stebbing Green - Proposed Designation as a Conservation Area

The NP identifies Stebbing Green as a Special Character Area in view of its distinctive character. It comprises private dwellings, a Local Wildlife Site and other land owned by Stebbing Parish Council but surprisingly is not a designated Conservation Area. In the light of its heritage and landscape qualities (outlined in both the reports of The Landscape Partnership and Grover Lewis), it is considered worthy of such Conservation Area status and a case shall be presented to UDC with a request that it be designated, pursuant to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Sections 69 and 70). It is proposed to undertake further detailed evidence base assessments on heritage and landscape to justify fully its formal designation (which can only be undertaken by the District Council).

### B. Facilities for Younger Residents

The Main Questionnaire indicated that there was concern and disappointment that there were limited opportunities for teenagers to meet and enjoy activities in common. As a consequence, the Parish Council will consider seeking funding from various sources, eg. sports funding bodies and community fund-raising activities, to provide a Youth Shelter and/or other facilities at an appropriate location within the village. The views of the local community will be sought in respect of any future proposal.

### C & D. Traffic Management, Car Parking, Cycling and Footpaths

The Parish Council will consider exploring the potential for funding to enable professional advice to be obtained for improving both traffic management and car parking provision in the High Street, cycling facilities and potential dedicated routes and enhancements to footpaths connecting the Village core.

**A. Core Objectives**

xiv. Overall, through the policies in this Plan, to balance meeting both the present needs of the Parish with the needs of the future in order to support a vibrant rural community by contributing towards promoting and achieving sustainable development.

13.1 Paragraphs 1.16-1.18 summarise how the planning system seeks to achieve sustainable development involving three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These principles and objectives- economic, social and environment- underpin the purpose, preparation, detail and suite of policies contained in this NP. NP objective xiv seeks overall, through these policies, to balance meeting both the present needs of the Parish with those of the future, to support a vibrant rural community and contributing towards promoting and delivering sustainable development.

13.2 The Plan will therefore need to be monitored and reviewed over its lifetime in order to ensure that the policies are working. Any targets that have been set will need to be monitored to see if they are being achieved. This will be undertaken by the Parish Council, who will develop an Action Plan to outline how each of these actions and projects will be delivered. UDC will also have a role in this process through its monitoring and review procedures, eg. in relation to housing need and delivery, provision of local services and through the input of evidence and process of preparing a New Local Plan. The New Local Plan, once advanced or adopted in mid 2024, will necessitate a review of this NP.

Delivery- Developer Contributions

13.3 The suite of NP Policies include a number of actions, requirements and projects to guide the delivery of the Plan objectives. Some of these items will require 'developer funding' or 'planning obligations' through Section 106 agreements to be agreed through part of planning applications to UDC. Such obligations must only be sought where they meet all the tests set out in paragraph 57 of the NPPF, ie.

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Further guidance is set out in ECC's Developers' Guide to Infrastructure Contributions. The Parish Council expects new development to contribute towards relevant infrastructure requirements and together with UDC/ECC will identify, as appropriate, contributions as part of the planning application process.

## APPENDIX A - TABLE OF UDC ADOPTED LOCAL PLAN 2005 STRATEGIC POLICIES

The NP is required to be in general conformity with strategic policies in the adopted Local Plan. UDC has advised that the following Policies are considered "strategic" in the Adopted Local Plan (2005) for the purposes of neighbourhood planning. It should also be noted that UDC sought an assessment of compliance of the saved policies in the adopted Local Plan with the NPPF 2012. This was published in 'Uttlesford Local Plan 2005- National Planning Policy Framework Compatibility Assessment' (Ann Skippers July 2012).

Policy S1	Development Limits for the Main Urban Areas
Policy S3	Other Development Limits
Policy S4	Stansted Airport Boundary
Policy S7	The Countryside
Policy GEN1	Access
Policy GEN2	Design
Policy GEN 3	Flood Protection
Policy GEN 4	Good Neighbourliness
Policy GEN 6	Infrastructure Provision to Support Development
Policy GEN 7	Nature Conservation
Policy E1	Distribution of Employment Land
Policy E2	Safeguarding Employment Land
Policy ENV 1	Design of Development within Conservation Areas
Policy ENV 5	Protection of Agricultural Land
Policy ENV 7	The Protection of the Natural Environment (Designated Sites)
Policy ENV 9	Historic Landscapes
Policy ENV 10	Noise Sensitive Development and Disturbance from Aircraft
Policy H 1	Housing Development (Not consistent with NPPF – LPA required to identify 5 year land supply with additional 5% buffer, increased to 20% if there is a record of under delivery of housing)
Policy H 3	New Houses within Development Limits
Policy H 9	Affordable Housing
Policy H 11	Affordable Housing on "Exceptional Sites"
Policy LC 2	Access to Leisure and Cultural Facilities
Policy RS 1	Access to Retailing Centres
Policy RS 2	Town and Local Centres
Policy RS 3	Retention of Retail and Other Services in Rural Areas
Policy T 1	Transport Improvements

## APPENDIX B - HISTORIC ENGLAND - SCHEDULE OF HERITAGE ASSETS IN STEBBING AND UTTLESFORD

### LOCAL HERITAGE LIST FOR STEBBING 2018.

Title	Link	Heritage Category	Grade	Location
STEBBING FORD COTTAGES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112770">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112770</a>	Listing	II	STEBBING FORD COTTAGES 1-2 BRAINTREE ROAD Stebbing Uttlesford Essex
STEBBING PARK	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306764">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306764</a>	Listing	II*	STEBBING PARK THE DOWNS Stebbing STEBBING PARK  Uttlesford Essex
STEBBING PARK BARN 5 METRES EAST OF HOUSE AND ADJOINING MOTTE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112739">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112739</a>	Listing	II	STEBBING PARK BARN 5 METRES EAST OF HOUSE AND ADJOINING MOTTE THE DOWNS Stebbing STEBBING PARK  Uttlesford Essex
STEBBING MILL	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322337">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322337</a>	Listing	II*	STEBBING MILL MILL LANE Stebbing Uttlesford Essex
STEBBING MILL HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112729">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112729</a>	Listing	II	STEBBING MILL HOUSE MILL LANE Stebbing Uttlesford Essex
STEBBING MEMORIAL CLUB	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168695">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168695</a>	Listing	II*	STEBBING MEMORIAL CLUB HIGH STREET Stebbing Uttlesford Essex
BYWAYS SUNNYSIDE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168880">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168880</a>	Listing	II	SUNNYSIDE STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
THE THATCH	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112736">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112736</a>	Listing	II	THE THATCH STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
PAGENTS	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168917">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168917</a>	Listing	II	PAGENTS STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
THATCH COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112738">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112738</a>	Listing	II	THATCH COTTAGE STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
OLD LEAS	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168887">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168887</a>	Listing	II	OLD LEAS STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
HOME FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306792">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306792</a>	Listing	II	HOME FARMHOUSE STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
BURNTHOUSE FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168893">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168893</a>	Listing	II	BURNTHOUSE FARMHOUSE STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
TILEHOUSE FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322301">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322301</a>	Listing	II	TILEHOUSE FARMHOUSE STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
MANOR COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322303">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322303</a>	Listing	II	MANOR COTTAGE STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
OLD RYES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112737">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112737</a>	Listing	II	OLD RYES STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
ST JUDES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112735">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112735</a>	Listing	II	ST JUDES STEBBING GREEN Stebbing STEBBING GREEN  Uttlesford Essex
Stebbing War Memorial	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1431754">https://HistoricEngland.org.uk/listing/the-list/list-entry/1431754</a>	Listing	II	Junction of High Street and Watch House Road Church End Stebbing Essex CM6 3SW Stebbing Uttlesford Essex
MAYVIEW WILLOW THATCH	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322302">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322302</a>	Listing	II	WILLOW THATCH STEBBING GREEN Stebbing Uttlesford Essex
The Mount: a motte castle in Stebbing Park	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1009247">https://HistoricEngland.org.uk/listing/the-list/list-entry/1009247</a>	Scheduling		Stebbing Uttlesford Essex
THE GREEN MAN	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112774">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112774</a>	Listing	II	THE GREEN MAN Stebbing BRAN END  Uttlesford Essex
APPLE TREE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112776">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112776</a>	Listing	II	APPLE TREE COTTAGE Stebbing BRAN END  Uttlesford Essex
CANONFYLDE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112732">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112732</a>	Listing	II	CANONFYLDE PORTERS HALL END Stebbing Uttlesford Essex
HOLTS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322284">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322284</a>	Listing	II	HOLTS FARMHOUSE Stebbing DUCK END  Uttlesford Essex
HILLCREST, PUMP TO REAR OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322310">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322310</a>	Listing	II	HILLCREST PUMP TO REAR OF HOUSE HIGH STREET Stebbing Uttlesford Essex
TAN COTTAGE PUMP IN FRONT GARDEN	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112726">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112726</a>	Listing	II	2 TAN COTTAGE PUMP IN FRONT GARDEN MILL LANE Stebbing Uttlesford Essex
SHEPHERDS PUMP AT REAR	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112740">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112740</a>	Listing	II	SHEPHERDS PUMP AT REAR THE DOWNS Stebbing Uttlesford Essex
FAIRVIEW PUMP TO EAST OF COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306746">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306746</a>	Listing	II	FAIRVIEW PUMP TO EAST OF COTTAGE WATCH HOUSE ROAD Stebbing Uttlesford Essex
TAN FARMHOUSE PUMP TO REAR OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322336">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322336</a>	Listing	II	TAN FARMHOUSE PUMP TO REAR OF HOUSE MILL LANE Stebbing Uttlesford Essex
HILL FARM, PUMP TO NORTH AND REAR OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112749">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112749</a>	Listing	II	HILL FARM PUMP TO NORTH AND REAR OF HOUSE Stebbing Uttlesford Essex
CHURCH FARM PUMP 5 METRES SOUTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1307014">https://HistoricEngland.org.uk/listing/the-list/list-entry/1307014</a>	Listing	II	CHURCH FARM PUMP 5 METRES SOUTH OF HOUSE CHURCH END Stebbing Uttlesford Essex
COLLOPS FARM, PUMP 5 METRES TO NORTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112784">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112784</a>	Listing	II	COLLOPS FARM PUMP 5 METRES TO NORTH OF HOUSE COLLOPS ROAD Stebbing Uttlesford Essex
BACONS FARM BARN 20 METRES WEST OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168859">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168859</a>	Listing	II	BACONS FARM BARN 20 METRES WEST OF HOUSE SALING ROAD Stebbing Uttlesford Essex
VILLAGE PUMP 5 METRES WEST OF PUMP COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306891">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306891</a>	Listing	II	VILLAGE PUMP 5 METRES WEST OF PUMP COTTAGE HIGH STREET Stebbing Uttlesford Essex
YEW TREE FARM BARN 20 METRES SOUTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168851">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168851</a>	Listing	II	YEW TREE FARM BARN 20 METRES SOUTH OF HOUSE SALING ROAD Stebbing Uttlesford Essex
COWLANDS FARM BARN 40 METRES NORTH WEST OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112787">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112787</a>	Listing	II	COWLANDS FARM BARN 40 METRES NORTH WEST OF HOUSE COLLOPS ROAD Stebbing Uttlesford Essex
COLLOPS FARM, CARTLODGE 25 METRES TO WEST OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112786">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112786</a>	Listing	II	COLLOPS FARM CARTLODGE 25 METRES TO WEST OF HOUSE COLLOPS ROAD Stebbing Uttlesford Essex
CHURCH FARM BARN 20 METRES SOUTH WEST OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1251410">https://HistoricEngland.org.uk/listing/the-list/list-entry/1251410</a>	Listing	II	CHURCH FARM BARN 20 METRES SOUTH WEST OF HOUSE CHURCH END Stebbing Uttlesford Essex
VILLAGE PUMP 10 METRES SOUTH OF FORGE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306974">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306974</a>	Listing	II	VILLAGE PUMP 10 METRES SOUTH OF FORGE COTTAGE Stebbing DUCK END  Uttlesford Essex
WAREHOUSE FARM BARN TO NORTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112742">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112742</a>	Listing	II	WAREHOUSE FARM BARN TO NORTH OF HOUSE WAREHOUSE ROAD Stebbing Uttlesford Essex
CHURCH FARM, DOVECOTE TO 10 METRES SOUTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112779">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112779</a>	Listing	II	CHURCH FARM DOVECOTE TO 10 METRES SOUTH OF HOUSE CHURCH END Stebbing Uttlesford Essex
CHURCH FARM BARN 20 METRES WEST OF FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1307010">https://HistoricEngland.org.uk/listing/the-list/list-entry/1307010</a>	Listing	II	CHURCH FARM BARN 20 METRES WEST OF FARMHOUSE CHURCH END Stebbing Uttlesford Essex
K6 TELEPHONE KIOSK	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112704">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112704</a>	Listing	II	K6 TELEPHONE KIOSK HIGH STREET Stebbing Uttlesford Essex
MEADOWSIDE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112782">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112782</a>	Listing	II	MEADOWSIDE CHURCH END Stebbing Uttlesford Essex
COLLOPS FARM OUTBUILDING PROBABLY A GRANARY 10 METRES NORTH WEST OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1262800">https://HistoricEngland.org.uk/listing/the-list/list-entry/1262800</a>	Listing	II	COLLOPS FARM OUTBUILDING PROBABLY A GRANARY 10 METRES NORTH WEST OF HOUSE COLLOPS ROAD Stebbing Uttlesford Essex
LUCAS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112747">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112747</a>	Listing	II	LUCAS FARMHOUSE WHITEHOUSE LANE Stebbing Uttlesford Essex
HILL FARM BARN 20 METRES NORTH OF FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112748">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112748</a>	Listing	II	HILL FARM BARN 20 METRES NORTH OF FARMHOUSE Stebbing DUCK END  Uttlesford Essex
WATCH HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322304">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322304</a>	Listing	II	WATCH HOUSE WATCH HOUSE ROAD Stebbing Uttlesford Essex

# APPENDIX B - HISTORIC ENGLAND - SCHEDULE OF HERITAGE ASSETS IN STEBBING AND UTTLESFORD

## LOCAL HERITAGE LIST FOR STEBBING 2018.

PORTERS HALL OUTBUILDING TO EAST OF HALL	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306802">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306802</a>	Listing	II	PORTERS HALL OUTBUILDING TO EAST OF HALL PORTERS HALL END Stebbing Uttlesford Essex
COLLOPS FARM, OUTBUILDING 30 METRES NORTH WEST OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168486">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168486</a>	Listing	II	COLLOPS FARM OUTBUILDING 30 METRES NORTH WEST OF HOUSE COLLOPS ROAD Stebbing Uttlesford Essex
COWLANDS FARM OUTBUILDING 40 METRES NORTH OF HOUSE IN FRONT OF BARN	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168498">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168498</a>	Listing	II	COWLANDS FARM OUTBUILDING 40 METRES NORTH OF HOUSE IN FRONT OF BARN COLLOPS ROAD Stebbing Uttlesford Essex
DAINES ELEANOR COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168892">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168892</a>	Listing	II	ELEANOR COTTAGE HIGH STREET Stebbing Uttlesford Essex
TAN COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168750">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168750</a>	Listing	II	TAN COTTAGE 1 MILL LANE Stebbing Uttlesford Essex
CRANFORD	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322320">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322320</a>	Listing	II	CRANFORD Stebbing BRAN END  Uttlesford Essex
FAIRVIEW	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112744">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112744</a>	Listing	II	FAIRVIEW WATCH HOUSE ROAD Stebbing Uttlesford Essex
WHITEHOUSE FARM COTTAGES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112746">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112746</a>	Listing	II	WHITEHOUSE FARM COTTAGES WHITEHOUSE LANE Stebbing Uttlesford Essex
HILLCREST BARN 40 METRES NORTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306928">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306928</a>	Listing	II	HILLCREST BARN 40 METRES NORTH OF HOUSE HIGH STREET Stebbing Uttlesford Essex
STONE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1307026">https://HistoricEngland.org.uk/listing/the-list/list-entry/1307026</a>	Listing	II	STONE COTTAGE Stebbing BRAN END  Uttlesford Essex
END COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168468">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168468</a>	Listing	II	END COTTAGE CHURCH END Stebbing Uttlesford Essex
THISULDO	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168592">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168592</a>	Listing	II	THISULDO HIGH STREET Stebbing Uttlesford Essex
CARTLODGE IN FRONT OF AND TO WEST OF HILL FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322306">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322306</a>	Listing	II	CARTLODGE IN FRONT OF AND TO WEST OF HILL FARMHOUSE Stebbing DUCK END  Uttlesford Essex
WILLIAMS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322316">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322316</a>	Listing	II	WILLIAMS FARMHOUSE Stebbing BRAN END  Uttlesford Essex
WAREHOUSE FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112741">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112741</a>	Listing	II	WAREHOUSE FARMHOUSE WAREHOUSE ROAD Stebbing Uttlesford Essex
BOYES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112761">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112761</a>	Listing	II	BOYES HIGH STREET Stebbing Uttlesford Essex
A THATCHED COTTAGE 20 METRES EAST OF FORGE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112791">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112791</a>	Listing	II	A THATCHED COTTAGE 20 METRES EAST OF FORGE COTTAGE Stebbing DUCK END  Uttlesford Essex
STANE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306752">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306752</a>	Listing	II	STANE COTTAGE WATCH HOUSE ROAD Stebbing Uttlesford Essex
THE MALT HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168401">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168401</a>	Listing	II	THE MALT HOUSE Stebbing BRAN END  Uttlesford Essex
LITTLES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322282">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322282</a>	Listing	II	LITTLES CHURCH END Stebbing Uttlesford Essex
TYE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112745">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112745</a>	Listing	II	TYE COTTAGE WATCH HOUSE ROAD Stebbing Uttlesford Essex
CLARENCE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112755">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112755</a>	Listing	II	CLARENCE COTTAGE HIGH STREET Stebbing Uttlesford Essex
PEARTREE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168381">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168381</a>	Listing	II	PEARTREE COTTAGE Stebbing BRAN END  Uttlesford Essex
ANN'S COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168454">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168454</a>	Listing	II	SQUIRRELS CHURCH END Stebbing Uttlesford Essex
SQUIRRELS				
TANNERS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322317">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322317</a>	Listing	II	TANNERS FARMHOUSE Stebbing BRAN END  Uttlesford Essex
MARCH COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112743">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112743</a>	Listing	II	MARCH COTTAGE WAREHOUSE ROAD Stebbing Uttlesford Essex
PUMP COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112758">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112758</a>	Listing	II	PUMP COTTAGE HIGH STREET Stebbing Uttlesford Essex
INSTITUTE VILLA				
PENN COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112762">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112762</a>	Listing	II	INSTITUTE VILLA HIGH STREET Stebbing Uttlesford Essex
ROSEMARY COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112765">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112765</a>	Listing	II	ROSEMARY COTTAGE HIGH STREET Stebbing Uttlesford Essex
SNARES HILL COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112788">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112788</a>	Listing	II	SNARES HILL COTTAGE Stebbing DUCK END  Uttlesford Essex
GEORGES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306876">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306876</a>	Listing	II	GEORGES LUBBERHEDGES LANE Stebbing Uttlesford Essex
DUCK END COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306969">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306969</a>	Listing	II	DUCK END COTTAGE Stebbing Uttlesford Essex
DUCK END FORGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168522">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168522</a>	Listing	II	DUCK END FORGE Stebbing DUCK END  Uttlesford Essex
HONEYSUCKLE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322313">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322313</a>	Listing	II	HONEYSUCKLE COTTAGE HIGH STREET Stebbing Uttlesford Essex
TAN COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322335">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322335</a>	Listing	II	TAN COTTAGE 2 MILL LANE Stebbing Uttlesford Essex
TOLLESBURYS	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112768">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112768</a>	Listing	II	TOLLESBURYS LUBBERHEDGES LANE Stebbing Uttlesford Essex
CAPSTONES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112773">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112773</a>	Listing	II	CAPSTONES Stebbing BRAN END  Uttlesford Essex
THE CHASE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112780">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112780</a>	Listing	II	THE CHASE 3 CHURCH END Stebbing Uttlesford Essex
COWLANDS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306961">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306961</a>	Listing	II	COWLANDS FARMHOUSE COLLOPS ROAD Stebbing Uttlesford Essex
PARSONAGE FARM BARN 20 METRES NORTH EAST OF FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168424">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168424</a>	Listing	II	PARSONAGE FARM BARN 20 METRES NORTH EAST OF FARMHOUSE CHURCH END Stebbing Uttlesford Essex
THE CURIOSITY SHOP	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168722">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168722</a>	Listing	II	THE CURIOSITY SHOP HIGH STREET Stebbing Uttlesford Essex
NUTLANDS	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168966">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168966</a>	Listing	II	NUTLANDS WAREHOUSE ROAD Stebbing Uttlesford Essex
THE STORES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112766">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112766</a>	Listing	II	THE STORES HIGH STREET Stebbing Uttlesford Essex
BRAN END MILL	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112771">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112771</a>	Listing	II	BRAN END MILL Stebbing BRAN END  Uttlesford Essex
COLLOPS FARM, BARN 30 METRES TO NORTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112785">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112785</a>	Listing	II	COLLOPS FARM BARN 30 METRES TO NORTH OF HOUSE COLLOPS ROAD Stebbing Uttlesford Essex
THE OLD MANSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306873">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306873</a>	Listing	II	THE OLD MANSE HIGH STREET Stebbing Uttlesford Essex
ROSE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306980">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306980</a>	Listing	II	ROSE COTTAGE CHURCH END Stebbing Uttlesford Essex
COLLOPS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168481">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168481</a>	Listing	II	COLLOPS FARMHOUSE COLLOPS ROAD Stebbing Uttlesford Essex
LITTLE HOBBYVINES COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168505">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168505</a>	Listing	II	LITTLE HOBBYVINES COTTAGE Stebbing DUCK END  Uttlesford Essex

## APPENDIX B - HISTORIC ENGLAND - SCHEDULE OF HERITAGE ASSETS IN STEBBING AND UTTLESFORD LOCAL HERITAGE LIST FOR STEBBING 2018.

WAREHOUSE FARM BARN AND ATTACHED CARTLODGE 15 METRES NORTH WEST OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168957">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168957</a>	Listing	II	WAREHOUSE FARM BARN AND ATTACHED CARTLODGE 15 METRES NORTH WEST OF HOUSE WAREHOUSE ROAD Stebbing Uttlesford Essex
GATEHOUSE FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168992">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168992</a>	Listing	II	GATEHOUSE FARMHOUSE WHITEHOUSE LANE Stebbing Uttlesford Essex
CARTERS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322307">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322307</a>	Listing	II	CARTERS FARMHOUSE Stebbing DUCK END  Uttlesford Essex
POPLAR FARM, FARM BUILDINGS 10 METRES SOUTH OF POPLAR FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322308">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322308</a>	Listing	II	POPLAR FARM FARM BUILDINGS 10 METRES SOUTH OF POPLAR FARMHOUSE Stebbing DUCK END  Uttlesford Essex
ST HELENS	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322309">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322309</a>	Listing	II	ST HELENS HIGH STREET Stebbing Uttlesford Essex
DANE HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322312">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322312</a>	Listing	II	DANE HOUSE HIGH STREET Stebbing Uttlesford Essex
BIRD IN HAND	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322319">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322319</a>	Listing	II	BIRD IN HAND Stebbing BRAN END  Uttlesford Essex
FREERS COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112727">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112727</a>	Listing	II	FREERS COTTAGE MILL LANE Stebbing Uttlesford Essex
BACONS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112733">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112733</a>	Listing	II	BACONS FARMHOUSE SALING ROAD Stebbing Uttlesford Essex
HILLSIDE MAYDEAN	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112767">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112767</a>	Listing	II	MAYDEAN HIGH STREET Stebbing Uttlesford Essex
BRAN END MILL HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112772">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112772</a>	Listing	II	BRAN END MILL HOUSE Stebbing BRAN END  Uttlesford Essex
WHITE BARN	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168619">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168619</a>	Listing	II	WHITE BARN HIGH STREET Stebbing Uttlesford Essex
EASTERN HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168715">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168715</a>	Listing	II	EASTERN HOUSE HIGH STREET Stebbing Uttlesford Essex
STONES FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168742">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168742</a>	Listing	II	STONES FARMHOUSE 1-2 LUBBERHEDGES LANE Stebbing Uttlesford Essex
KINGS HEAD	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322311">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322311</a>	Listing	II	KINGS HEAD HIGH STREET Stebbing Uttlesford Essex
MARTINS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322314">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322314</a>	Listing	II	MARTINS FARMHOUSE LUBBERHEDGES LANE Stebbing Uttlesford Essex
PORTERS HALL - BARN 40 METRES TO NORTH OF HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112730">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112730</a>	Listing	II	PORTERS HALL - BARN 40 METRES TO NORTH OF HOUSE PORTERS HALL END Stebbing Uttlesford Essex
LIVERY COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112757">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112757</a>	Listing	II	LIVERY COTTAGE HIGH STREET Stebbing Uttlesford Essex
WHITE HART COTTAGE WILLOW VIEW	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112759">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112759</a>	Listing	II	WILLOW VIEW HIGH STREET Stebbing Uttlesford Essex
SERENGA	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112783">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112783</a>	Listing	II	SERENGA CHURCH END Stebbing Uttlesford Essex
LITTLE HOBBYVINES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112789">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112789</a>	Listing	II	LITTLE HOBBYVINES Stebbing DUCK END  Uttlesford Essex
FORGE COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112790">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112790</a>	Listing	II	FORGE COTTAGE Stebbing DUCK END  Uttlesford Essex
CHURCH VIEW HILLSIDE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1307017">https://HistoricEngland.org.uk/listing/the-list/list-entry/1307017</a>	Listing	II	HILLSIDE CHURCH END Stebbing Uttlesford Essex
HILL FARM, BARN WITH ATTACHED OUTBUILDINGS 10 METRES TO WEST OF FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1251425">https://HistoricEngland.org.uk/listing/the-list/list-entry/1251425</a>	Listing	II	HILL FARM BARN WITH ATTACHED OUTBUILDINGS 10 METRES TO WEST OF FARMHOUSE DUCK END Stebbing Uttlesford Essex
RED LION	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322283">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322283</a>	Listing	II	RED LION CHURCH END Stebbing Uttlesford Essex
HILL FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322305">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322305</a>	Listing	II	HILL FARMHOUSE Stebbing DUCK END  Uttlesford Essex
YEW TREE FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322340">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322340</a>	Listing	II	YEW TREE FARMHOUSE SALING ROAD Stebbing Uttlesford Essex
BUTLERS COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112753">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112753</a>	Listing	II	BUTLERS COTTAGE HIGH STREET Stebbing Uttlesford Essex
THE POST HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112760">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112760</a>	Listing	II	THE POST HOUSE HIGH STREET Stebbing Uttlesford Essex
THE CHANTRY	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112781">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112781</a>	Listing	II	THE CHANTRY CHURCH END Stebbing Uttlesford Essex
HILL HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168680">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168680</a>	Listing	II	HILL HOUSE 1-2 HIGH STREET Stebbing Uttlesford Essex
GREEN FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322339">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322339</a>	Listing	II	GREEN FARMHOUSE PORTERS HALL END Stebbing Uttlesford Essex
BADCOCKS FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112734">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112734</a>	Listing	II	BADCOCKS FARMHOUSE SALING ROAD Stebbing Uttlesford Essex
CHURCH VIEW	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112752">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112752</a>	Listing	II	CHURCH VIEW HIGH STREET Stebbing Uttlesford Essex
POST OFFICE AND STORES	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112754">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112754</a>	Listing	II	POST OFFICE AND STORES HIGH STREET Stebbing Uttlesford Essex
TOWN FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112756">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112756</a>	Listing	II	TOWN FARMHOUSE HIGH STREET Stebbing Uttlesford Essex
GLEBE HOUSE THE VICARAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306900">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306900</a>	Listing	II	THE VICARAGE HIGH STREET Stebbing Uttlesford Essex
HILLCREST	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168611">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168611</a>	Listing	II	HILLCREST 26 HIGH STREET Stebbing Uttlesford Essex
ARCHWAY COTTAGE SHAROCKS	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168638">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168638</a>	Listing	II	SHAROCKS HIGH STREET Stebbing Uttlesford Essex
PORTERS HALL OUTBUILDING AT REAR AND TO WEST OF PORTERS HALL	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112731">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112731</a>	Listing	II	PORTERS HALL OUTBUILDING AT REAR AND TO WEST OF PORTERS HALL PORTERS HALL END Stebbing Uttlesford Essex
MEAD COTTAGE OAK COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112775">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112775</a>	Listing	II	MEAD COTTAGE Stebbing BRAN END  Uttlesford Essex
CHURCH FARMHOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112778">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112778</a>	Listing	II	CHURCH FARMHOUSE CHURCH END Stebbing Uttlesford Essex
BELL HOUSE DUCKETTS BUTCHERS SHOP SIBLEY HOUSE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306903">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306903</a>	Listing	II	BELL HOUSE HIGH STREET Stebbing Uttlesford Essex
SHEPHERDS	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168933">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168933</a>	Listing	II	SHEPHERDS THE DOWNS Stebbing Uttlesford Essex
TUDOR COTTAGE	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1306893">https://HistoricEngland.org.uk/listing/the-list/list-entry/1306893</a>	Listing	II	TUDOR COTTAGE HIGH STREET Stebbing Uttlesford Essex
PORTERS HALL	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322338">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322338</a>	Listing	II*	PORTERS HALL PORTERS HALL END Stebbing Uttlesford Essex

## APPENDIX B - HISTORIC ENGLAND - SCHEDULE OF HERITAGE ASSETS IN STEBBING AND UTTLESFORD LOCAL HERITAGE LIST FOR STEBBING 2018.

<b>BENT MARSHALLS HOUSE NEXT TO SHEPHERDS TO THE NORTH AND BY PLANT HIRE YARD</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1168943">https://HistoricEngland.org.uk/listing/the-list/list-entry/1168943</a>	Listing	II	BENT MARSHALLS HOUSE NEXT TO SHEPHERDS TO THE NORTH AND BY PLANT HIRE YARD THE DOWNS Stebbing Uttlesford Essex
<b>MARTIN'S HALL</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322318">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322318</a>	Listing	II	MARTIN'S HALL Stebbing BRAN END  Uttlesford Essex
<b>POPLAR FARMHOUSE</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112750">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112750</a>	Listing	II	POPLAR FARMHOUSE Stebbing DUCK END  Uttlesford Essex
<b>WHITE HART</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112763">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112763</a>	Listing	II	WHITE HART HIGH STREET Stebbing Uttlesford Essex
<b>TWEED COTTAGE</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112764">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112764</a>	Listing	II	TWEED COTTAGE HIGH STREET Stebbing Uttlesford Essex
<b>Holt's Farm moated site</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1011614">https://HistoricEngland.org.uk/listing/the-list/list-entry/1011614</a>	Scheduling		Stebbing Uttlesford Essex
<b>TAN FARMHOUSE</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112728">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112728</a>	Listing	II*	TAN FARMHOUSE MILL LANE Stebbing Uttlesford Essex
<b>POPLAR FARM FARM BUILDINGS 30 METRES EAST OF FARMHOUSE, 2 BARNS, CALF BARN, DUCKS HOUSE AND CHAFF HOUSE</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112751">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112751</a>	Listing	II	POPLAR FARM FARM BUILDINGS 30 METRES EAST OF FARMHOUSE 2 BARNS CALF BARN DUCKS HOUSE AND CHAFF HOUSE Stebbing DUCK EN
<b>PARSONAGE FARMHOUSE</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1322281">https://HistoricEngland.org.uk/listing/the-list/list-entry/1322281</a>	Listing	II*	PARSONAGE FARMHOUSE CHURCH END Stebbing Uttlesford Essex
<b>UNITED REFORMED CHURCH</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112769">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112769</a>	Listing	II	UNITED REFORMED CHURCH MILL LANE Stebbing Uttlesford Essex
<b>Porter's Hall moated site</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1008701">https://HistoricEngland.org.uk/listing/the-list/list-entry/1008701</a>	Scheduling		Stebbing Uttlesford Essex
<b>CHURCH OF ST MARY THE VIRGIN</b>	<a href="https://HistoricEngland.org.uk/listing/the-list/list-entry/1112777">https://HistoricEngland.org.uk/listing/the-list/list-entry/1112777</a>	Listing	I	CHURCH OF ST MARY THE VIRGIN CHURCH END Stebbing Uttlesford Essex

Grade I Listed = 1  
Grade II Listed = 145  
Grade II\* Listed = 6  
SM = 3

Total = 155

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Note: The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.





Uttlesford Local Heritage List  
 October 2018



STEBBING

1 to 6 The Old Chapel, Mill Lane

Ref: 375

**Description:** A dominant building dating back to 1719(xv) repaired and extended in the early 19th century. It is constructed of brick, painted with formal gable ended frontage incorporating a fine multi-paned window to front 1 st floor, and pilasters breaking forward at each side of the front face. This building was subject to recent planning approval for conversion into a number of residential units and a new development within the grounds fronting the lane. To the rear a graveyard will remain and with some important trees.



**Criteria:** A, B, C, H

**Value:** Group/ Individual

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## APPENDIX B - HISTORIC ENGLAND - SCHEDULE OF HERITAGE ASSETS IN STEBBING AND UTTLESFORD LOCAL HERITAGE LIST FOR STEBBING 2018.

1 and 2 Chapel Cottages, Mill Lane

Ref: 376

**Description:** Constructed in red brick with yellow brick dressings with slate roof gabled to front. They have good detailed dressings with foliated symbols, original openings with storm porches to the side unfortunately these dwellings have been subject of replacement double-glazed windows. They are also representative of the few 19th century buildings within the conservation area.

**Criteria:** A, B, C

**Value:** Group/ Individual



APPENDIX C - LETTER DATED 17TH JULY 2020 FROM UDC PLANNING POLICY OFFICER RESPONDING TO A REQUEST FOR AN INDICATIVE HOUSING REQUIREMENT.



**UTTLESFORD DISTRICT COUNCIL**

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510, Fax (01799) 510550  
Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

**Chief Executive: Dawn French**

Mr Andrew Martin  
Town Mill  
Mill Lane  
Stebbing  
Dunmow  
Essex  
CM6 3SN

17 July 2020

Please Ask for Demetria Macdonald  
Telephone: 01799 510518  
Email: [dmacdonald@uttlesford.gov.uk](mailto:dmacdonald@uttlesford.gov.uk)

Dear Sir,

**Stebbing Neighbourhood Plan – Indicative Housing Requirement**

Dear Mr Martin

Thank your correspondence of 14 July 2020 inter alia requesting an indicative housing requirement figure for the Stebbing Neighbourhood Plan.

We would like to confirm that the Council currently considers that the indicative housing requirement for the neighbourhood area of Stebbing is 25 dwellings between 2019 and 2033. This is an indicative figure provided in line with the Planning Practice Guidance (Reference ID: 41-097-20190509) for the purposes of satisfying paragraph 14b of the National Planning Policy Framework.

We would like to further set out the justification for this figure. We are currently working on a new Local Plan and as yet no strategy for the newly emerging plan has been developed and consequently no distribution of housing figures has been determined. This figure therefore relies on housing figures from the withdrawn Local Plan. However, the principle of a settlement hierarchy based on the relative sustainability of settlements in the district is likely to be brought forward in the new Local Plan and will guide the housing supply distribution to towns and villages in that development in less sustainable villages, like Stebbing, should be limited.

Based on the two current applications bringing forward a total of 47 dwellings the requirement as set out in the withdrawn Local Plan has been met on sites of 6+ dwellings in Stebbing. The 25 dwellings proposed by the Stebbing Neighbourhood Plan are counted as

contributing towards a windfall of 1,717 dwellings as per Table 1<sup>1</sup> of the Council's Local Plan Matter 4 Statement which updates these figures to 1 April 2018.

As noted the draft Stebbing Neighbourhood Plan allocates a minimum of 19 dwellings and maximum of 25 dwellings up to 2033 on top of the 47 dwellings that have been partially or fully built. The indicative figure of 25 dwellings will make more efficient use of land resources. We therefore consider that the draft Neighbourhood Plan identifies sufficient supply to meet the current indicative housing requirement for the neighbourhood area.

As the Council's newly emerging Local Plan is developed, and clarity is developed for the district's housing requirement and the strategy for meeting these needs, the housing distribution for Neighbourhood Plans could change.

Yours sincerely

**Demetria Macdonald**  
**Planning Policy Officer**

## APPENDIX D - GLOSSARY AND ABBREVIATIONS

**Adoption** - The final confirmation of a local plan by a local planning authority.

**Affordable Housing** – Provided to eligible households whose needs are not met by the market. Affordable housing should include provisions to remain at an affordable price for future eligible households. UDC defines affordable housing units as “resulting in weekly outgoings on housing costs that 25% of Uttlesford households can afford, excluding housing benefit”. They are typically sold or rented at not less than 80% of market value. For a full definition refer to Annex 2 : Glossary of the NPPF 2021.

**Biodiversity** - The degree of variation of life forms within a particular ecosystem. Biodiversity is a measure of the health of an ecosystem. Human activity generally tends to reduce biodiversity, so special measures often need to be taken to offset the impact of development on natural habitats.

**Brownfield Land**- Land that has been previously developed.

**Building for a Healthy Life** - A technique for assessing the quality of housing proposals using 20 criteria including sustainability, urban design and social/community factors.

**Community** - A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

**Community Engagement and Involvement** - Involving the local community in the decisions that are made regarding their area.

**Conservation Area** – An area designated by the District Council under Section 69 of the Planning (Listed Buildings and Conservations Areas) Act 1990 as an area of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. There are additional controls over demolition, minor developments and the felling of trees.

**Consultation Statement** – A Consultation Statement accompanying a Neighbourhood Plan is required by the Localism Act 2011. The Consultation Statement must set out what consultation was undertaken and how this informed the Neighbourhood Plan.

**Core Objective** – An objective developed specifically for the Neighbourhood Plan through consultation with local people.

**Core Strategy** – A Development Plan document setting out long term spatial vision and objectives, and containing both strategic policies and generic policies which will apply to all development proposals in the local authority area as a whole. See Local Plan.

**Design and Access statement**- A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

**Designated Area** – One of the first steps in producing a Neighbourhood Plan is the designation of the area to which the Plan will apply once adopted. The Designated Area may be set simply as the official town or parish boundaries, or may cover a larger or smaller area. The Neighbourhood Plan Designated Area must be approved by the Local Planning Authority.

**Development** – Legal definition is “The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. This excludes the County Matters of minerals and waste.

**Development Plan**- A document setting out the local planning authority’s policies and proposals for the development and use of land in the area.

**Equalities Impact Assessment** - For a neighbourhood plan, this would be an assessment of impacts against different characteristics protected by law (such as gender, ethnicity and disability). This can be useful in demonstrating that a plan does not breach human rights law.

**Essex Coast RAMs** - An initiative by ECC and other Essex Authorities to raise awareness of birds that feed and breed on the Essex coast and to discourage disturbance by the public.

**Essex Design Guide** – see <https://www.essexdesignguide.co.uk/> . The Guide was established in 1973 by Essex County Council. It is used as a reference to help create high quality places with an identity specific to its Essex context. It was revised in 2005 and again in 2018. It is of national significance.

**Evidence Base** – The researched, documented, analysed and verified basis for preparing the Neighbourhood Plan. It consists of many documents produced over a period of years, many of which have been produced by Uttlesford District Council as part of the process of developing its Core Strategy.

**Greenfield site** - Land where there has been no previous development.

**Habitats Regulations Assessment** - a process by which a 'competent authority' is legally required to assess the potential impacts on internationally important sites of plans and projects under the Conservation of Habitats and Species Regulation 2017.

**Highway Authority** - The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

**Housing Associations** - Not-for-profit organisations providing homes mainly to those in housing need.

**Infrastructure** – All the ancillary works and services which are necessary to support human activities, including roads, sewers, schools, hospitals and so on.

**LEAP** – Local Equipped Area for Play.

**Listed Buildings** - Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

**Local Green Space**- This is a formal designation that may be made by neighbourhood plans, to provide protection for green spaces valued by the local community, and following the guidance set out in paragraphs 101-103 of the NPPF 2021.

**Local Plan** – A set of policies adopted by the District Council to establish rules for the granting of planning permission within the District. The Local Plan lays down the housing development quotas for its towns and parishes, but these are a minimum requirement and there is no maximum limit. A Local Plan may also establish site allocations for these quotas.

**Localism Act** – An Act of Parliament that became law in April 2012. The Act introduces a new right for local people to draw up Neighbourhood Development Plans for their local area.

**Locality** – A nationwide network of community-led organisations helping communities set up local organisations and those involved in neighbourhood planning.

**Local Referendum** - A direct vote in which communities will be asked to either accept or reject a particular proposal.

**Major Development** – Residential development consisting of over 10 units.

**Material considerations**- Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

## APPENDIX D - GLOSSARY AND ABBREVIATIONS

**Minerals and Waste Plans** – Essex County Council is responsible for minerals and waste planning in the area. In respect of mineral planning issues, extant policy is set out within the Essex Minerals Local Plan (MLP) (adopted 2014). In respect of waste planning issues, extant policy is set out within the Essex and Southend-on-Sea Waste Local Plan (WLP) (adopted 2017). The WLP includes site allocations and policies to guide future waste development in Essex up to 2032.

**Mixed Use Development** – Development which provides a mixture of habitable units and units for employment.

**National Planning Policy Framework** – A document published by the Government setting out national guidelines for sustainable development. The NPPF replaces previous national planning guidelines. Where there is no Local Plan or Neighbourhood Plan in place, the NPPF is the sole consideration for the Planning Inspectorate in determining whether or not to grant planning permission. All Local Plans and Neighbourhood Plans, where adopted, must accord with the NPPF.

**NEAP** – Neighbourhood Equipped Area for play. It is supported by the Government's on-line Planning Practice Guidance (PPG).

**Neighbourhood Area**- The local area in which a neighbourhood plan or neighbourhood development order can be introduced.

**Neighbourhood Development Plan** – A set of policies emerging from the wishes of the local community to establish rules for the granting of planning permission within the Designated Area. A Neighbourhood Plan is not about stopping development, but guiding it so that the character and vibrancy of a local community and area is maintained and enhanced even throughout the process of change.

**Parking standards** - The requirement of a local authority in respect of the level of car parking provided for different kinds of development.

**Planning obligation** - Planning obligation under Section 106 of the Town and

Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

**Planning permission**- Formal approval granted by a council allowing a proposed development to proceed.

**Plan Period** – The period for which the Neighbourhood Plan or Uttlesford Local Plan will set planning policy.

**Publicly Accessible Open Space** – Open space that is open to the public and is normally owned and managed privately.

**Public Open Space** – Open space to which the public has free access.

**Ramsar sites**- Wetlands of international importance, designated under the 1971 Ramsar Convention.

**Residential Development** – Development which provides habitable units only, or with small scale convenience shops.

**Scheduled Monument/Scheduled Ancient Monument**- A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

**Setting** - The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

**SHLAA** - Strategic Housing Land Availability Assessment, which is undertaken by the local planning authority to identify potential development sites for housing in their area.

**Significance**- The quality and characteristics which define the architectural or historic interest of a historic building or area.

**Significant Development** – Residential development consisting of over 10 units.

**Site Allocation Plan**- A plan accompanying a planning policy document or statement which identifies sites within the plan area on which certain kinds of development are proposed, e.g. residential or retail development.

**Social Housing** – Social housing is let at low rents, which may be around 50% of market rent, on a secure basis to those who are most in need or struggling with their housing costs. Normally councils and not-for-profit organisations (such as housing associations) are the ones to provide social housing, which may include shared ownership arrangements.

**Soundness** - The soundness of a statutory local planning document is determined by the planning inspector against three criteria: whether the plan is justified, whether it is effective, and whether it is consistent with national and local planning policy. Plans found to be unsound cannot be adopted by the local planning authority. It should be noted, neighbourhood plans are NOT required to meet these tests of soundness.

**Space Standards** - Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

**Special Protection Area**- Areas classified under Regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

**Steering Group** – An organisation established to guide the production of a Neighbourhood Plan. The Stebbing Neighbourhood Plan Steering Group consists of parish councillors, local residents and businessmen, and has been administered

through the office of the Parish Clerk of Stebbing Parish Council.

**Sustainability Appraisal** – A process of appraising policies for their social, economic and environmental effects which must be applied to all Development Plan documents.

**Strategic Environmental Assessment** – Environmental assessment as applied to policies, plans and programmes. Has been in place since the European SEA directive (2001/42/EC).

**Strategic Housing Market Assessment** – The NPPF says local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs. It should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which meets household and population projections, taking account of migration and demographic change. It should address the need for all types of housing, including affordable housing and the needs of different groups in the community.

**SUDS (Sustainable Drainage Systems)** – A drainage system that controls the rate and run-off of surface water from developments. It replaces the conventional practice of routing run-off through a pipe to a watercourse, which can cause problems with flooding. SUDS minimise run-off by putting surface water back into the ground on site through measures such as permeable paving, underground infiltration blankets and drainage swales (similar to traditional ditches). Where surface water must still be taken off-site (because, for example, the site is underlain by clay that reduces the permeability of the ground), features to slow down the rate of run-off are used – these may include ponds or underground storage tanks to store water, and oversized pipes.

**Sustainability Appraisal** - An assessment of the environment, social and economic impacts of a local plan from the outset of the preparation process to check that the plan accords with the principles of sustainable development.

## APPENDIX D - GLOSSARY AND ABBREVIATIONS

**Sustainable Development** - An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

**Sustrans** – A charity whose aim is to enable people to travel by foot, bicycle or public transport for more of the journeys made every day. Sustrans is responsible for the National Cycle Network.

**Town and Country Planning Act 1990** - Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

**Tenure** - the terms and conditions under which land or property is held or occupied, e.g. five year leasehold, freehold owner occupation, etc.

**Tree preservation order** - An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

**Use Classes** – The Town and Country Planning (Use Classes) Order 1987 as amended by the (Use Classes) (Amendment) (England) Regulations 2020, puts uses of land and buildings into various categories known as “Use Classes”. For example, Class C1 is hotels, Class C2 is residential institutions, Class C3 is dwellinghouses, Class E is commercial, business and service, Class F is local community and learning.

**Uttlesford District Council** – The Local Planning Authority for Stebbing.

**Windfall Sites** – Sites not allocated for development in the Uttlesford District Local Plan that unexpectedly come forward for development



## APPENDIX D - GLOSSARY AND ABBREVIATIONS

### Abbreviations

ACV	Asset of Community Value
ANGst	Accessible National Green Space Standard (in Towns and Cities)
BREEAM	Building Research Establishment Environmental Assessment Method
BT	British Telecom
ECC	Essex County Council
EU	European Union
FAQs	Frequently asked Questions
GI	Green Infrastructure
Ha	Hectares
HRA	Habitats Regulations Assessment
LGS	Local Green Space
MLP	Minerals Local Plan
NE	Natural England
NEA	North Essex Authorities
NHS	National Health Service
NPP	Neighbourhood Plan
NPSG	Neighbourhood Plan Steering Group
NPPF	National Planning Policy Framework
OFSTED	Office for Standards in Education, Children's Services and Skills Department
PC	Parish Council
PPG	Planning Practice Guidance
RCCE	Rural Community Council of Essex
SLAA	Strategic Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
UCT	Uttlesford Community Travel
UDC	Uttlesford District Council
ULP	Uttlesford Local Plan
WLP	Waste Local Plan

WoBGC  
Zol

West of Braintree Garden Community  
Zone of Influence

## APPENDIX E - LIST OF EVIDENCE BASE DOCUMENTS

1. Stebbing- Conservation Area Appraisal and Management Plan (UDC: March 2010)
2. Housing Strategy 2016-21 (UDC: December 2015)
3. West Essex and East Hertfordshire Strategic Housing Market Assessment ( July 2017).
4. The Landscape Character Assessment (Chris Blandford Associates) (September 2006)
5. Land West of Braintree Land and Visual Appraisal (Chris Blandford Associates) (June 2017)
6. Landscape Sensitivity and Capacity Appraisal- The Landscape Partnership (March 2017) \*
7. Heritage Assessment- Grover Lewis Associates (August 2017) \*
8. Stebbing : The Prospect for survival- Stebbing Society, 1975
9. Housing Needs Survey- Stebbing (March 2015)
10. Rural Community Profile – Stebbing (October 2013)
11. Open Spaces Society: Information Sheet No 20 (2015) (Local Green Spaces Designation)
12. Essex Wildlife Trust: Maps and data relating to local wildlife sites.
13. Asset of Community Value- designation of Clubhouse, runway and parking at Andrewsfield Airfield by UDC and BDC- June 2020.
14. Consultation Statement
15. Stebbing - Site Appraisals April 2019 \* Urban Vision CIC
16. Extant planning permissions in Stebbing Parish
17. Local Green Space Designation - Assessment
18. UDC determination relating to HRA Screening Assessment
19. Plan showing ECC Minerals Safeguarding Area within Parish
20. Basic Conditions Statement

- Parish Online- Historic Environmental Record (information from Parish Online interactive mapping)- no physical document (Map 4)

(\* = Available in pdf format on the Stebbing Neighbourhood Plan website)

Evidence Base Documents can be found online at: <https://tinyurl.com/y6a745d3>

### Impact of Policies and Proposals on Groups with Protected Characteristics

B.1 This Chapter considers each of the Neighbourhood Plan policies and the likely impact on the groups with protected characteristics.

B.2 The Landscape and Countryside Policies identify a separation area that helps to maintain the rural identity of the Parish. This can have a positive effect for people who value the rural identity of the Parish with opportunity for country views. It will provide open space and may provide for recreational opportunities for all, although some protected groups may find this area less easy to access. This policy is therefore deemed to have a neutral effect on protected groups.

B.3 The Transport Policy improves access to open space or provides additional open space with enhancements to footpaths and footways. This could also assist with provision for access by mobility scooters of the type used by elderly and disabled people. This can have a positive effect for people from the protected groups especially the disabled and elderly giving opportunity to access areas that have long been valued in the community. The positive effect is likely to be high.

B.4 The Housing and Design Policy Promotes good design and respect for the character of the architecture of Stebbing. Whilst this policy promotes good design that can be enjoyed by all it does not specifically make provision for any protected groups. This policy is therefore deemed to have a neutral effect on the protected groups.

B.5 The Environment Policy Protects biodiversity and natural habitats. Whilst this policy is likely to promote a general feeling of wellbeing for many it is deemed to have a neutral impact for most of the protected groups.

B.6 The Housing and Design Policy seeks to provide well designed developments with a range of properties. This includes affordable homes that either provide on site open space, or contributions to be made towards areas of open space within the village particularly for the upkeep and enhancement of current village open spaces and play areas. These already provide some fitness

equipment and play equipment suitable for use by those with disabilities as well as young people and the elderly. The need for bungalows is highlighted which could be more suitable for people with limited mobility.

B.7 The Neighbourhood Plan recognises the need to provide and protect Open Spaces and play facilities for all when new development is being considered. Target design speeds and safe links to footpaths can add to the safety for the less mobile, young and elderly; the availability of car parking on site will enable occupation by less mobile residents and measures to mitigate the potential increased traffic on village roads. It is also believed to have a positive impact. The availability of a variety of range of properties including affordable homes may provide homes for young families and therefore benefit pregnant women and those with young families. This policy is believed to have a high positive impact for the groups with protected characteristics.

B.8 The proposed housing allocations provide sites for additional homes if needed to provide for a shortfall identified by the failure of other sites to come forward. As far as can be ascertained from available data, this therefore would have no negative effect on the protected groups and as it is likely to provide more opportunities for housing the impact is deemed to be positive.

B.9 Housing and Design Policy seeks to ensure that affordable homes that are built will firstly be made available for local residents. This is likely to enable young people starting out on family life or older people wanting to move to smaller properties, the opportunity to occupy suitable homes within their own Parish. This policy is therefore positive for both young and older members of the community who belong to the protected groups.

B.10 Transport Policy. This Policy seeks to ensure that traffic accessing new developments will travel at reasonable speeds to ensure the safety of pedestrians, cyclists and other road users. This policy will be very positive for both young and old (both of whom are in the protected groups) who may access the properties. It will also ensure that elderly people who may use mobility vehicles will have safe access.

## APPENDIX F - EQUALITY IMPACT

B.11 Transport Policy provides for safe access to school and to community facilities which will be included in the design of the SDA. Community facilities will be accessible to all protected groups and may provide not only for the young and older groups but will also provide access for religious groups and others from the protected groups.

B.12 Transport policy requires travel plans to be provided for new developments; such plans will be required to consider access by all groups, including the protected groups, where relevant. This policy will therefore have a positive impact for many of the protected groups. The positive impact is considered to be high.

B.13 Transport Policy provides for electric charging points to be provided at suitable places. This policy will benefit all who have electric vehicles which may include a number of the target groups in particular it is envisaged that older people may have electric vehicles. This policy will therefore have a positive impact for these users; it may however be seen to be a low impact as it will be dependent on other factors.

B.14 Natural Environment Policy relates to enhancements to the natural environment including biodiversity and access to multifunctional greenspace, providing for recreation and innovative areas for greenspace. This policy allows some flexibility for innovation which along with requirements for recreational areas offers positive opportunities to support the protected groups. The effect is therefore considered to be positive for the groups with protected characteristics.

B.15 Housing Policy requires the protection of countryside views when development takes place. Whilst this may generally contribute to an overall feeling of wellbeing the impact on the target groups could only be identified to be neutral.

B.16 Housing Policy proposes standards for the design of new business developments that will be suitable for all; the inclusion of links to walking, cycling networks will improve access for all, including the protected groups.

The addition of travel plans will provide another opportunity for the protected groups to be considered and impacts to be positive for the groups with protected characteristics.

B.17 Technology Policy provides opportunities for business developments in the rural parts of the Parish. Providing employment opportunities without the need to travel long distances will be of benefit to those who find travel to work difficult. This may help young people and those with young families and the potential for live/work units which would be of particular benefit for disabled persons with limited mobility. The policy is believed to have a high positive impact for the groups with protected characteristics.

B.18 The availability of community buildings for a diverse range of activities is particularly important in rural communities. In particular community buildings in the Parish are available to all including the target groups; of particular importance is the Church which will be important for religious groups while a variety of cultural activities take place in other community buildings and on other sites. The policy is considered to be of high positive impact for the protected groups.

B.19 Economic and Tourism Policies provide opportunities for employment or business development on acceptable sites. This provides opportunities for business and employment in the countryside and for live/work units. The policy can help to steer developments that provide local employment opportunities for people in the Parish. This will give opportunities for the less mobile and for young people without transport to find work and therefore is considered to have a positive impact for the protected groups.

B.20 Technology Policy relates to the provision of broadband and telecommunications enhancements. The internet can be used by most of the protected groups and is likely to be used more in the future; this policy is therefore considered to be positive for young and old, those with disabilities and mobility problems and in fact is positive for all of the protected groups so has a high positive impact.

## APPENDIX G - ACKNOWLEDGEMENTS

- Uttlesford District Council (Planning Policy Department)
- Mrs Rachel Hogger (Modicum Planning Ltd)
- Mr Simon Neesam (The Landscape Partnership Ltd)
- Messrs Roy Lewis and Philip Grover (Grover Lewis Associates Ltd)
- The Advisory Team at Rural Community Council of Essex
- Urban Vision Enterprise CIC
- Locality
- Stebbing Local History Society
- Mrs Francine Morgan
- Mr Michael Kingdom
- Mrs Margaret Rufus
- Photographers:
  - Mr Howard Joliffe
  - Ms Claire Basham-Smith
  - Mr Bernard Bazley
  - Ms Francesca Bazley

- Mr John Evans
- Mr Peter Finlay/SERCLE
- Mr Richard E Flagg/UK Airfields
- Dr Michael Frost
- Mr Peter Merifield
- Ms Zoe Panting
- Mr Glyn Baker, © p20
- Mr Barry Samuels, © Frontispiece
- Mr Alex Finney
- Andrew Martin- Planning Limited
- Ms Catherine Hewitt
- Ms Jill Griffiths
- Google Earth- Map Data © 2019 Google
- Mr Greg King (Clerk to Stebbing Parish Council and Stebbing Neighbourhood Plan Steering Group)
- Our many volunteers who delivered to and collected by hand the Main Questionnaire from each Village Household



**Committee:** Council

**Date:**

**Title:** Household Support Funding

Tuesday, 19 July  
2022

**Report Author:** Angela Knight, Assistant Director - Resources  
aknight@uttlesford.gov.uk

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## Summary

1. The cost of living crisis is impacting on all residents across our district and the Government have put in a number of schemes to support people with these large increases, particularly the cost of energy.
2. Essex County Council (ECC) have received funding from the Department of Works and Pensions (DWP) to support Households in most need. ECC have distributed some of this funding to lower tier authorities to provide additional support of £80 to pensioner households.
3. At the Council meeting on 25 February 2022 an amendment to the budget was approved to increase support by providing a council tax rebate of £100 to working age residents on low incomes in receipt of Local Council Tax Support (LCTS).
4. The current additional support schemes highlight the fact that the vulnerable, disabled and their carers on low incomes are not receiving any additional support at all. It is proposed that the above amendment to the budget is extended and that the vulnerable, disabled and their carers receive a council tax rebate of up to £80.
5. The original motion approved stated the eligible date as the 31 January 2022, it is further proposed that the eligible date is extended to include claimants receiving LCTS at the 1 April.

## Recommendations

6. The Council is requested to approve extending the discretionary Council Tax Rebate Scheme,
  - a. to include a council tax rebate of £80 to the vulnerable, disabled and their carers on low incomes and in receipt of LCTS
  - b. to extend the eligible date to the 1 April 2022

## Financial Implications

7. The cost of the support is calculated using the Local Council Tax Support Scheme data. The total cost of the support including the proposed amendments is £181,320, an analysis of how this is calculated between the groups has been set out in the table below.

	Working Age	Vulnerable, disabled and carer's
31 January 2022	949	967
1 April 2022	73	22
<b>Eligible Number*</b>	<b>1,022</b>	<b>989</b>
Support Payment	£100	£80
<b>Cost</b>	<b>£102,200</b>	<b>£79,120</b>

\* The numbers shown here are taken at a fixed point in time and are subject to variation should there be a change of circumstance.

## Background Papers

8. None

## Impact

9.

Communication/Consultation	Members of the Cabinet
Community Safety	N/A
Equalities	EQHIA attached
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

## Situation

10. The sudden and unprecedented increase in the cost of energy and the general cost of living increases has put huge financial pressures on all households. These additional financial pressures will have a higher impact on lower income households. This report sets out the current grants and support schemes in place and the proposed extension to the current discretionary council tax rebate scheme approved by the Council at their meeting on the 25 February 2022.

## Government Energy Rebate Scheme

11. The government has announced a package of support known as the Energy Bills Rebate to help households with the rising energy costs.
12. Uttlesford (UDC) will receive a payment of £3,120,450 for the main scheme providing £150 direct payments to households in Council Tax bands A-D. In addition, a further £177,000 has been provided for the Council to set a Discretionary scheme for properties that do not qualify under the main scheme but are suffering financial hardship.



13. The Discretionary Scheme is available to support households who do not qualify for the main energy bills rebate scheme subject to meeting the criteria set out by the Government.
14. The Council has an element of discretion when setting the scheme and to support those most in need the following criteria has been built into our scheme.
  - a. All residents in bands E-H who are in receipt of LCTS will receive a payment of £175
  - b. All residents in bands A-D who are in receipt of LCTS will receive a top up payment of £25 (bringing total payment to £175)

### **Essex County Council Household Support for Pensioners**

15. To help support those most in need with significantly rising living costs, the DWP, under section 31 of the Local Government Act 2003, is providing funding of £421 million to County Councils and Unitary Authorities in England.
16. ECC have received £9.4 million in funding. They intend to use £3.2 million to finance district authorities, on their behalf, making a one-off payment of £80 to pensioner households in receipt of LCTS and/or Housing Benefit as of 1<sup>st</sup> April 2022.
17. UDC will be administering the payment on behalf of Essex County Council and has provisionally been allocated £124,630 of the funding.
18. For the purpose of this payment, ECC have defined a Pensioner Household as:  
*'Any household containing any person who has reached state pension age by 30th September 2022 (and where the household does not contain any person who will be under the age of 19 as at 30 September 2022 or a person aged 19 or over in receipt of child benefit)'*
19. By 30<sup>th</sup> September 2022, ECC expects UDC to make a payment of £80 into pensioner household bank accounts, where details are already held by the authority. For persons where the bank details are not known, UDC will be required to provide ECC with a list of these households by 1<sup>st</sup> August 2022 and ECC will then provide food vouchers instead of a cash payment.

### **Uttlesford District Council – Supporting the working age on low incomes**

20. At the Council meeting on 25 February 2022 an amendment to the budget was approved and an extract of the amendment is copied below.  
*'All claimants are subjected to means testing to determine the percentage they must pay. However, low-income pensioners and vulnerable people are protected, and receive 100% discount. Working age people, which equated to 948 of the claimants only receive partial support as per the Council's Local Council Tax Support Policy and are required to pay a minimum of 12.5% of the Council Tax bill.  
We propose to help these people by providing a one-off cash rebate of £100 per household. The qualifying date to be eligible for the rebate was 31 January 2022. The rebate would be allocated to the household's Council Tax account'*
21. LCTS supports low income households by providing a reduced council tax liability of up to 87.5%. The scheme provides protection for pensioners and the vulnerable, disabled and their carers on low incomes.

22. The scheme is a means tested benefit and qualifying claimants can receive discounts of up to 87.5% of their council tax liability, subject to a minimum benefit payable of £2 per week.
23. The working age employed and unemployed are required to pay a minimum of 12.5% irrespective of their income and/or employment status.
24. Pensioners and the vulnerable, disabled and their carers receive up to 100% protection if they are in receipt of qualifying benefits. If they are working or have non dependant people living in the home, or in the case of pensioners may be on higher personal pensions, income is means tested and they may have to pay a contribution to their council tax liability.

#### **Extending the Councils Scheme to support the Vulnerable, Disabled and their Carer's on low incomes**

25. The low income households identified using the LCTS groupings, are Working Age unemployed and employed on low incomes, Vulnerable, Disabled and their Carer's on low incomes and Pensioners.
26. The additional financial support already put in place by the Council supports the Working Age group and the ECC scheme supports the pensioners. This means that out of our low income households the Vulnerable, Disabled and their Carer's are receiving no additional support.
27. It is proposed that the Council's Council Tax Rebate scheme is extended to include the Vulnerable, Disabled and their Carer's.
28. It is further proposed that the payment is set at £80 to align with the support provided to Pensioners, as both these are in protected groups, with a number of claimants paying no council tax. Whereas the working age group are all required to pay a minimum 12.5% and the higher rebate of £100 reflects this.

#### **Extending the eligible date**

29. The cost of living has continued to rise since the original motion was passed and the new financial year has seen additional LCTS claims for support from residents. It is proposed that the eligible date for both the working age and the vulnerable, disabled and their carer's is extended from the 31 January up to and including 1 April 2022. This will provide support to an additional 95 households.

#### **Exceptional Hardship Fund (EHF)**

30. The Council holds a ring-fenced budget specifically to support all residents who are suffering financial hardship due to unforeseen circumstances, and you do not have to be eligible for LCTS to make an EHF claim. The EHF is supported by the major preceptors as part of the Essex Sharing Agreement.
31. The annual budget held for this fund is £17,000 with UDC contributing £10,000 and the major preceptors contributing £7,000. In 2020/21 the Council received £325,304 hardship funding from Government to provide additional support to those on the lowest income during the Covid Pandemic. There was £19,870 of this funding unspent and this is being carried forward to provide extra support for those suffering financial hardship.

32. The EHF is subject to award criteria and supports all residents who find themselves in financial difficulties, you do not have to be in receipt of LCTS to qualify, making this scheme fully inclusive to all residents.

**Risk Analysis**

33.

Risk	Likelihood	Impact	Mitigating actions
Higher number of eligible households	1 – little risk as data is updated regularly	1 – higher cost of providing funding	The data held in our system is current and monitored regularly

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.

# Agenda Item 12

**Committee:** Council

**Date:**

**Title:** Report of the Independent Expert Review into the handling of the Stansted airport expansion planning application

Tuesday, 19 July 2022

**Report Author:** Peter Holt, Chief Executive  
[pholt@uttlesford.gov.uk](mailto:pholt@uttlesford.gov.uk)  
01799 510400

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## Summary

1. This report brings forward to full Council for debate the Report of the Independent Expert Review into the handling of the Stansted airport expansion planning application

## Recommendations

2. Recommendation: to receive and note the independent expert review report into the handling of the Stansted airport expansion planning application

## Financial Implications

3. This report was commissioned and funded within 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:

The independent expert's review report itself – reproduced in appendix A.

## Impact

- 5.

Communication/Consultation	The report was produced independently, but guided by a cross-party Scrutiny Task and Finish Group, who were in turn consulted at various stages by the report author.
Community Safety	Nil
Equalities	Nil
Health and Safety	Nil

Human Rights/Legal Implications	The independent expert reviewer is a leading planning lawyer, and was recruited on that basis for that expertise. His report therefore contains extensive legal conclusions.
Sustainability	Nil
Ward-specific impacts	Nil – whole district impact
Workforce/Workplace	Nil

## Situation

6. Full Council in January 2021: RESOLVED: “Council calls on the Scrutiny Committee, at the appropriate time, to consider whether there is a need to initiate a Member-led review and, if so, to engage with the Planning Advisory Service (PAS) or similar body to audit and scrutinise the process which commenced under the previous Administration in 2018.”
7. The substantive motion was carried 28 for, 2 against and 7 abstentions.
8. In turn, Scrutiny established a Task and Finish Group to work with Officers to commission and deliver this independent expert review report to Scrutiny, with the following terms of reference:
  1. “what actually happened” from the start of pre application discussions in 2017 to the recommendation to approve the Planning Application, to its refusal through to appeal and PIN’s decision, up to the Full Council decision not to pursue and challenge the dismissal on the papers of the s288 application under the Town and Country Planning Act 1990;
  2. whether all steps and actions accord with the Councils Constitution;
  3. whether all steps and actions accord with best practice (planning and governance); and
  4. the lessons to be learnt and what recommendations should be made in relation to future applications and decisions.
9. The members of that Task and Finish Group were Cllrs Coote, Criscione, Fairhurst, Khan, and chaired by Cllr LeCount. During the course of the work, Cllr Jones was appointed, and Cllr Coote left the group on joining the Cabinet, replaced by Cllr Driscoll. The lead officer supporting the Task and Finish Group was Jane Reynolds, and it was also assisted ably by colleagues from democratic services and latterly by the chief executive.
10. It's important to reflect that the Terms of Reference were explicitly set after a discussion to focus initially on looking to the past to understand what happened but predominantly so as to look to the future to identify lessons that can positively be applied for the future. The Task and Finish Group

approached this task collegiately, across party lines, and adopted this focus unanimously.

11. The next task for the Group was to work with Ms Reynolds to recruit an independent expert to undertake this review, consider all the evidence, and write their report.
12. The Group established clearly – and again unanimously – the skillset needed for this independent expert, namely an expertise and considerable experience in: planning law; good governance and decision-making; and in technical planning matters in particular.
13. The Task and Finish Group was delighted that Ms Reynolds was able to recruit Stuart Andrews from Evershed Sutherlands who is both an experienced planning lawyer as well as being dual-qualified also as a town planner and Member of the Royal Town Planning Institute.
14. The members of the Task and Finish Group assisted in scoping out the evidence bundle that our independent, expert reviewer worked his way through. Later, once the reviewer had completed his first draft, the Group considered the full list of evidence he had considered, including extra evidence he had identified during the course of his work, so as to sense check that this was sufficiently full.
15. In terms of the breadth of evidence considered, it is important to note that this was predominantly written, as the Task and Finish Group concluded, aided by the advice from the independent expert reviewer that this was sufficient, and that the prospect of taking oral evidence from potentially a wide range and large number of Councillors, Officers and external parties involved would be prohibitively large to the point of being entirely impractical.
16. It would be appropriate to acknowledge that on this particular point – there has not been a consensus amongst the Group, with some members preferring that a much larger and extensive piece of work had been undertaken to take oral evidence to supplement the many thousands of pages of written documentation considered by the independent expert reviewer. The Chief Executive has advised that efforts to restart the independent review process at this stage with an extra oral evidence gathering phase would be high effort and high cost and cause considerable delay, but also be most unlikely to lead to any clear additional evidence – as interviewing dozens of members, former staff members and QCs/barristers no longer in Uttlesford's employ, about several meetings over many hours of free-flowing discussion several years ago, unsupported by any useful official notes would lead to further confusion not further clarity.
17. Nonetheless, the review continued on the basis of the wide range of evidence available, and the independent expert reviewer considered that this was sufficient for him to be able to reach strongly evidenced conclusions.
18. Once the report was completed, the Task and Finish Group received it in confidence, and met twice to discuss it before it was presented to Scrutiny.
19. The Group, in those two meetings, made a range of comments and observations as recorded below, which are offered to Scrutiny to help shape the debate.

20. The debates at the Task and Finish Group materially shaped and informed the lessons learned paper later on the agenda for full Council's consideration.
21. After extensive debate on the Report at the Scrutiny extraordinary meeting on 14<sup>th</sup> July 2022, Members voted to receive the report ahead of its consideration at full Council with six voting in favour and two against.

## Risk Analysis

22.

Risk	Likelihood	Impact	Mitigating actions
Risk that the lessons that can usefully be learned are not embedded in future behaviours in and beyond planning	2	4	This independent expert review, its cross party oversight and high degree of consensus achieved therein on learning points, and the officer action plan all mitigate this otherwise substantial risk.

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.

**UTTLESFORD DISTRICT COUNCIL**

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**ADVICE IN AUDIT AND ASSESSMENT OF THE DECISION MAKING PROCESS AND PROCEDURE  
FOLLOWED BY THE LOCAL PLANNING AUTHORITY**

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**RELATING TO THE EXPANSION AND DEVELOPMENT OF STANSTED AIRPORT****1. Executive Summary**

- 1.1 Eversheds Sutherland (International) LLP ("ES") were instructed by Uttlesford District Council ("UDC") to undertake an audit and assessment of the decision making process and procedure relating to the airport expansion scheme proposed by Stansted Airport Limited.
- 1.2 That assessment was undertaken in reliance upon the material reported to the relevant UDC meetings, external legal advice, the evidence presented at Inquiry and the associated appeal and High Court determinations. In turn, ES have not relied upon any verbal evidence, exchanges of correspondence, informal meeting notes or any other uncorroborated material.
- 1.3 UDC's approach to the consideration of the Proposal from submission of the application to the Order of the High Court Judge was flawed. This was a product of overall system failure, rather than at the fault of any individual Councillor or Officer.
- 1.4 Our review highlights that there were obvious, apparent and pronounced risks to UDC that should have been clearly communicated and understood by all involved and that should have been subject to automatic and ongoing procedures of monitoring and review.
- 1.5 The need for such a review mechanism was twofold. Firstly, Councillors unanimous refusal of the Proposal without clear evidential justification. Secondly, Officers in formulation of the appeal case transitioned from the reasons for refusal to conditional support subject to the provision of an appropriate mitigation package.
- 1.6 There was a clear error of judgment by both Councillors and Officers in failing to secure an automatic review procedure, following the decision of the Extraordinary Committee Meeting in January 2020 to refuse the Proposal against Officer advice.
- 1.7 Notwithstanding the overarching need for both Councillors and Officers to be aware of UDC's Constitution, common sense should have dictated that the profile of the case and the potential reputational and costs consequences of an adverse appeal decision were sufficient to have required an informed and effective review mechanism to assess and minimise all risks.
- 1.8 Whilst such a review mechanism may not have altered the ultimate route that was taken, the apparent weaknesses in communication would have been resolved and an opportunity would have been provided to consider and debate the transitioning appeal case, as it evolved in advance of the Inquiry.



- 1.9 That oversight would have ensured that there would have been absolute clarity between Councillors and Officers in the professional teams transition at Inquiry from the terms of the RoR to the presented case, which was in essence, of conditional approval of the Proposal. The attendant risks of a costs award and reputational damage could also have been made clear.
- 1.10 There was, in addition, a clear and apparent weakness to UDC's central approach at the Inquiry in respect of the proposed use of 'Condition 15' as a mechanism to effectively mitigate and safeguard the appeal proposal. In our view, that condition was succinctly described by the panel of Inspectors as *"unnecessarily onerous and misconceived condition that patently fails to meet the relevant tests"*. Such an interpretation should have been readily apparent to the UDC team and its legal advisors.
- 1.11 The details of our recommendations are included at section 14 of this report, and include the mechanism to provide an automatic referral for an Extraordinary Meeting in specified circumstances and formalise an auditing process by the Monitoring Officer or Chief Finance Officer. Finally, the provision of training and support to both Officers and Councillors should not be overlooked and provides the fundamental foundation to allow for the robust consideration of increasingly complex planning matters.

## 2. **Introduction**

- 2.1 ES have been instructed by UDC to undertake an audit and assessment of the decision making process and procedure followed by the local planning authority in connection with the airport expansion scheme proposed by Stansted Airport Limited ("SAL").
- 2.2 UDC have, in particular, asked ES to identify any procedural error in the process and procedure followed in determination of the planning application, the conduct of the appeal proceedings and the subsequent High Court challenge as relates to the Proposal (as defined below). UDC are further concerned to determine if there are any improvements that might be made to the established decision making process to avoid the risk of substantial further costs awards against the local planning authority in the future.
- 2.3 It is important to note this assessment was been undertaken in exclusively reliance upon the material reported to the relevant UDC meetings, external legal advice, the evidence presented at Inquiry and the associated appeal and High Court determinations. ES have deliberately avoided placing any reliance upon any verbal evidence, exchanges of correspondence, informal meeting notes or any other uncorroborated material.
- 2.4 This approach has been taken to limit the scope of the assessment to verified evidence, to avoid the significant expansion of the process into a review of many years of handwritten notes, e-mail exchanges etc. and because all material decisions made in respect of the Proposal will, or should, have been conducted within the terms of UDC's Constitution.

## 3. **Background**

- 3.1 The planning application made by SAL was submitted on 22<sup>nd</sup> February 2018 and related to the proposed:
- "Airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,000 movements would be Cargo Air Transport Movements (CATM)) and a throughput of 43 million terminal passengers, in a 12-month calendar period"* ("the Proposal")
- 3.2 The Proposal was first reported to Planning Committee with an Officer recommendation for approval (subject to conditions and a S106 Agreement) on 14<sup>th</sup> November 2018. The

Planning Committee followed that recommendation and approved the Proposal subject to the identified conditions and the completion of the S.106 Agreement. This approach was then endorsed by the Secretary of State ("SoS") who confirmed on 20<sup>th</sup> March 2019 that he would not exercise his discretion to call in the planning application on the grounds that the Proposal did not "*involve issues of more than local importance justifying the Secretary of State's intervention*".

3.3 There was then a motion put to Full Council on 25<sup>th</sup> April 2019 seeking the instruction of the Chief Executive and relevant officers not to issue a Decision Notice until the related S106 Agreement between UDC and SAL had been entered into and the conditions have been scrutinised, reviewed and approved by the Council's Planning Committee after the local elections. That motion was defeated and Councillor Lodge then presented a requisition for an Extraordinary General Meeting ("ECM") to the Chairman.

3.4 A further motion (as amended) was put to an ECM on 28<sup>th</sup> June 2019 seeking the instruction that the Chief Executive and relevant officers should not issue the Decision Notice unless and until the UDC's Planning Committee had sufficient opportunity to consider in detail:

3.4.1 the adequacy of the proposed S106 Agreement between UDC and SAL, having regard to the Heads of Terms contained in the resolution approved by UDC's Planning Committee on 14<sup>th</sup> November 2018; and

3.4.2 any new material considerations and/or changes in circumstances since 14<sup>th</sup> November 2018 to which weight may now be given in striking the planning balance or which would reasonably justify attaching a different weight to relevant factors previously considered;

and thereafter requesting that the Planning Committee determine the authorisation of the issue of a Decision Notice.

3.5 That motion was endorsed by the ECM and a Planning Committee meeting was reconvened on 24<sup>th</sup> January 2020. The Planning Committee, on this occasion, resolved to refuse planning permission for the Proposal by reference to the "material change in circumstances since the consideration of the application" on 14<sup>th</sup> November 2018. The Decision Notice was issued on 29<sup>th</sup> January 2020 and identified the following Reasons for Refusal ("RoR"):

- 1) *"The applicant has failed to demonstrate that the additional flights would not result in an increased detrimental effect from aircraft noise, contrary to Uttlesford Local Plan Policy ENV11 and the NPPF.*
- 2) *The application has failed to demonstrate that the additional flights would not result in a detrimental effect on air quality, specifically but not exclusively PM2.5 and ultrafine particulates contrary to Uttlesford Local Plan Policy ENV13 and paragraph 181 of the NPPF.*
- 3) *The additional emissions from increased international flights are incompatible with the Committee on Climate Change's recommendation that emissions from all UK departing flights should be at or below 2005 levels in 2050. This is against the backdrop of the amendment to the Climate Change Act 2008 (2050 Target Amendment) to reduce the net UK carbon account for the year 2050 to net zero from the 1990 baseline. This is therefore contrary to the general accepted perceptions and understandings of the importance of climate change and the time within which it must be addressed. Therefore, it would be inappropriate to approve the application at a time whereby the Government has been unable to resolve its policy on international aviation climate emissions.*
- 4) *The application fails to provide the necessary infrastructure to support the application, or the necessary mitigation to address the detrimental impact of the proposal contrary to Uttlesford Local Plan Policies GEN6, GEN1, GEN7, ENV7, ENV11 and ENV13."*

- 3.6 SAL submitted a planning appeal against UDC's decision to refuse planning permission on 24<sup>th</sup> July 2020. UDC then instructed Philip Coppel QC and Asitha Ranatunga of Cornerstone Chambers to advise on the local authority's case at appeal and, in turn, expert witnesses were then instructed to advise and give evidence on matters referenced in the RoR including aviation movements, noise impacts, air quality, carbon emissions and the planning balance.
- 3.7 The Planning Inquiry programme was confirmed by the Planning Inspectorate ("PINS") on 12<sup>th</sup> August 2020 and Stop Stansted Expansion (SSE) were accorded the status of a Rule 6 party to the appeal shortly thereafter. UDC then submitted its Statement of Case to PINS on 16<sup>th</sup> September 2020 and, in turn, a general Statement of Common Ground was agreed between UDC and SAL on 28<sup>th</sup> October 2020.
- 3.8 The Inquiry opened on 12<sup>th</sup> January 2021 and was conducted over 30 days of hearing sessions (with adjournments) until it closed on 12<sup>th</sup> March 2021. SAL made a costs claim at the close of the Inquiry and UDC's response was submitted on 9<sup>th</sup> April 2021.
- 3.9 There was then an announcement by the Government in respect of commitments in relation to the reduction of carbon emissions. The Inspectors at the Inquiry invited further submissions in response to this policy announcement on 23<sup>rd</sup> April 2021 and further submissions were made by UDC, SAL and SSE by 7<sup>th</sup> May 2021.
- 3.10 The appeal decision allowing the Proposal and granting a full costs award against UDC was issued by PINS on 26<sup>th</sup> May 2021. UDC lodged a claim for a Planning Statutory Review pursuant to S.288 of the Town and Country Planning Act 1990 on 7<sup>th</sup> July 2021. The claim citing three grounds of challenge.
- 3.11 The application for permission to apply for Planning Statutory Review was assessed on the papers by the Honourable Mrs Justice Lang DBE and the Order of the High Court was then issued on 1<sup>st</sup> October 2021. The application grounds were all rejected as being "unarguable" and the application for permission was refused.
- 3.12 Following the decision of the Full Council meeting on 5<sup>th</sup> October 2021, UDC made no further applications to the Appeal Courts to renew the claim for a Planning Statutory Review. Notably, there was also no further action taken by SSE.

#### 4. **Approach**

- 4.1 It is clear in review of the available background papers that UDC's case in assessment and determination of the Proposal evolved and substantially changed between the submission of the planning application by SAL on 22<sup>nd</sup> February 2018 and the claim presented to the High Court on 7<sup>th</sup> July 2021.
- 4.2 This is reflected in our instructions that are concerned to identify:
  - 4.2.1 "what actually happened" from the start of pre application discussions in 2017 to the recommendation to approve the Planning Application, to its refusal through to appeal and PIN's decision, up to the Full Council decision not to pursue and challenge the dismissal on the papers of the s288 application under the Town and Country Planning Act 1990;
  - 4.2.2 whether all steps and actions accord with the Councils Constitution;
  - 4.2.3 whether all steps and actions accord with best practice (planning and governance); and
  - 4.2.4 the lessons to be learnt and what recommendations should be made in relation to future applications and decisions.

- 4.3 It is, in this context, important to understand each step that was taken by the Council in assessment of the Proposal. In response, the approach adopted in this report is to focus on the issues that were identified in the RoR:
- 4.3.1 from the first determination which recommended approval;
  - 4.3.2 the second determination that led to the identified RoR;
  - 4.3.3 how the RoR evolved through the appeal process;
  - 4.3.4 the processes and procedures followed in response to the changing RoR case; and
  - 4.3.5 the approach taken in assessment by the Appeal Inspector and, where relevant, the High Court judge.
- 4.4 ES have taken this approach to ensure that the assessment of the key concerns identified at the ECM meeting in January 2020 are examined chronologically and in detail. In turn, the clear intention is to avoid the potential distraction that would be caused in consideration of the array of issues that were identified by local residents and other objectors over the course of the 2-3 years determination period.
- 4.5 This report will then seek to identify any procedural errors and, if there was any clear failures or deficiencies in the decision making process, whether this was due to an error of process, procedure and/or judgement. In each scenario, the report will then seek to identify any steps that might be taken to minimise the risk of any future reputational damage and substantial costs awards against the Council.

## 5. **First determination**

- 5.1 As detailed above, the Proposal was first reported to Planning Committee on 14<sup>th</sup> November 2018. The Committee Report provided a substantial and detailed assessment of the Proposal in review of 14 separate topic areas, that included an assessment of noise, air quality, climate change and overall policy compliance. The recommendations made by Officers in respect of these 4 issues were framed in the following terms:

### 5.2 Noise

- 5.2.1 The report uses as a point of reference the Do Minimum (DM) and Development Case (DC) scenarios, in assessment of the 'air noise' produced by aircraft on departure from the start of the departure roll along the runway and, on arrival, ceasing at the point of departure onto a taxiway. In the DC scenario there would be 72 additional movements during the day (712 between 07:00 and 23:00) compared to the DM scenario (640 between 07:00 and 23:00). The night time overflights analysis indicates that there would be little difference between the DM and DC scenarios. The analysis also indicates that at the majority of schools the internal L<sub>Amax</sub> was acceptable (not expected exceeding 60 dB L<sub>Amax</sub>) with open windows, due to the noise benefits associated with new generation, quieter aircraft.
- 5.2.2 The report confirms that the findings of the Environmental Statement (ES) were generally accepted by the Council's Environmental Health Manager (EHM) and the consultants BAP, together with the proposed programme of mitigation measures. In conclusion the report advised Members that:

*"The ES is comprehensive and UDC's consultants advise that they have no doubts over its integrity. The ES demonstrates that the proposed noise impacts should not be materially different between the DM and DC scenarios."*

- 5.2.3 The reports assessment of 'ground noise' references the applicant's ES conclusion in respect of operational noise that there should be no adverse effects, with only minor adverse effects arising at Molehill Green due to a daytime increase of 1dB between the DM and DC scenario and an exceedance of the threshold of only 0.1dB. The EHM further concluded that a comparison of data sets shows negligible impact and that the level change when compared to the DM scenario was equally negligible.
- 5.2.4 In terms of night time noise, the comparison of the ground noise contours with and without the development in place, showed they were virtually indistinguishable throughout the surrounding community, except where benefits would arise at the northside apron where ground noise levels were expected to reduce.
- 5.2.5 The assessment of 'construction noise' and 'surface access noise' were also referenced in the Report and the report briefly concluded that this aspect of the development would be of "*negligible significance*".

### 5.3 Air quality

- 5.3.1 The assessment of the air quality impacts of the Proposal are rigorously considered in the report. It was, in this context, generally accepted by UDC's consultants that there should be no predicted increase in pollutant levels at modelled receptors in Stansted Mountfitchet. However, the Proposal would increase pollutant emissions as a result of additional vehicle movements within the Bishop's Stortford Air Quality Management Area. These health effects were considered against the benefits of the scheme and an appropriate balance of mitigation were sought through the S.106 Agreement.
- 5.3.2 The report also references the assessment of nitrogen deposition rates and the available information on sensitive habitats within designated sites. In turn the report advises that UDC's consultant confirms they had no concerns with regards to the identified ecological receptors. Notably, this position appears to have also been reservedly endorsed by Natural England.

### 5.4 Climate change

- 5.4.1 This issue is considered in the report under the general heading of 'carbon emissions'. Notably the report advises that by 2028, between the DM and DC scenarios there would be a 23% increase in the 'million passengers per annum' (mppa), a 10% increase in ATMs (air traffic movements) and a 10% increase in flight carbon emissions. In turn, the carbon intensity of the DC scenario would improve by around 4% (flights only) in 2028 from 105kgCO<sub>2</sub>/passenger to 100kgCO<sub>2</sub>/passenger compared with the DM scenario. In the DC scenario, after 2028, passenger numbers would remain around 43mppa and the carbon intensity per passenger would fall to between 56kgCO<sub>2</sub>/passenger (best practice) and 77kgCO<sub>2</sub>/passenger (pessimistic). By 2050, the annual flight emissions from Stansted are projected to reduce to between 1.5MtCO<sub>2</sub> (best practice scenario) and 2.0MtCO<sub>2</sub> (pessimistic scenario). This represents between 4% and 5.3% of the 37.5MtCO<sub>2</sub> target for UK aviation by 2050.
- 5.4.2 The report further advises that transport carbon emissions relating to employee and passenger travel to Stansted are the second largest source of emissions after flights, accounting for 6% of the airport's total annual emissions in 2016 and 5% of the total annual emissions in 2023 and 2028. It was predicted that emissions would increase for the DC scenario between 2023 and 2028 as increases in passenger numbers would outweigh the vehicle efficiency improvements.

- 5.4.3 The report then references the ES conclusions that Stansted Airport's share of UK aviation carbon emissions would rise from 4% in 2016 to between 4% and 5.3% of the UK's aviation emissions target in 2050, that this would not be a substantial change, and with annual aviation carbon emissions predicted to decrease between 2028 and 2050. In conclusion, the report confirms that the DC scenario is unlikely to materially impact the UK's ability to meet its 2050 national aviation target of 37.5MtCO<sub>2</sub>e and *"that the application proposals will not materially impact on the ability of the government to meet its national carbon reduction target"*.

5.5 Policy compliance

- 5.5.1 The report provides a comprehensive review of national and local planning policy and reaches an overall conclusion that:

*"It is reasonable to consider that the requirement for more intensive use of other airports, such as Stansted, by making best use of their infrastructure, is a government imperative based on evidence and consultation and so can be given significant weight"*.

- 5.5.2 The report further advises that it is reasonable to attribute significant weight to national policy in support of the best use of existing runways, subject to the environmental impacts being managed or mitigated. The report indicates that it is on this basis that SAL were applying for an increase in passenger numbers from the permitted 35mppa to 43mppa and that this would be achieved within the context of the currently permitted aircraft movements of 274,000 per annum.

- 5.5.3 This limitation on aircraft movement was derived from the extant 2008 planning permission and, in turn, Officers advised that this represented a *"realistic fall back position"*. This then set the context for the determination of the planning application and, taken with the assessment of the other material considerations, informed the overarching recommendation that the application should be approved based on the proposition that:

*"Overall, the proposals comply with the relevant local plan policies. The proposals also comply with the material considerations of national policy, the policies as set out in the NPPF (2018), the APF (2013) and the BTH (June 2018), and insofar as it is relevant ANPS (2018). The APF sets out the government's primary objective which is to achieve long-term economic growth. The aviation sector is seen as a major contributor to the economy and its growth is supported but within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise. Whilst issues around climate change and carbon emissions are to be dealt with at a government level, it is considered that this application balances the primary objective of economic growth with the impacts of aviation. Appropriate mitigation measures are identified and could be secured by way of conditions or s106 Legal Obligation."*

- 5.6 It was, on this basis, that the Officers recommendations were endorsed by the Planning Committee subject to the identified conditions and the completion of a S.106 Agreement.

6. **Second determination**

- 6.1 It is important to note in review of the subsequent report presented to the Extraordinary Planning Committee meeting on 17<sup>th</sup> and 24<sup>th</sup> January 2020 (being some 14 months after the first Planning Committee) that it includes reference to those matters agreed at an informal meeting held on 30<sup>th</sup> April 2019 and this confirmed:

*"that officers would not complete the section 106 agreement and issue the planning consent for the time being;*

*that the legal advice previously obtained from Christiaan Zwart, barrister, would be circulated to all members;*

*that a briefing session would be held for all members, with Christiaan Zwart in attendance to answer questions about his advice;*

*that, if need be, further advice would be sought at Q.C. level and a further briefing for all councillors would be held. This advice would focus on whether the planning obligation requirements made by the Planning Committee have been incorporated fully and effectively into the s106 agreement, and on the origin and consequences of any "gaps" if any between the Planning Committee Resolution and the resulting S106 Agreement."*

- 6.2 The report then continues to confirm that a briefing meeting for all Councillors was called on 14 May 2019 and that the advice obtained from UDC's barrister, Christiaan Zwart, was circulated prior to the meeting and he then attended to answer questions. Further advice was then obtained from Stephen Hockman QC (working jointly with Christiaan Zwart) and their joint advice was provided prior to a second briefing meeting held on 21 May 2019. Again, they attended this second briefing meeting and answered questions raised by members. Issues raised at the second briefing meeting with members, and by SSE separately, led to additional further advice from Stephen Hockman QC and Christiaan Zwart. This was also shared with Members of UDC.
- 6.3 Further expert legal advice was then obtained from Philip Coppel QC at the request of Members. The report presented to the Extraordinary Planning Committee confirms that Officers had also been engaged in a series of workshop sessions, in review of the content of the draft S.106 obligations and any other issues that might be raised as potential new material considerations since 14 November 2018.
- 6.4 This overview provides some context for the Extraordinary Planning Committee report and, very helpfully, provides a public record of the informal meeting programme and the associated legal advice obtained following the earlier resolution and prior to the discussion in January 2020. The content of that advice will be considered in further detail in the next section of this report.
- 6.5 Before turning to the content of the report to the Extraordinary Planning Committee meeting, it is also important to acknowledge that detailed written and oral representations were made to UDC by SSE. The relevance and importance of these representations is reflected in the inclusion of the PowerPoint submissions made by Paul Stinchcombe QC that are attached to the Minutes of that meeting and that identify the following issues were relevant material considerations:

*"New evidence relating to aircraft noise and air pollution*

*Impact of B737 MAX problems*

*Number of flights*

*Expansion plans of competitor airports – "Need" case*

*Climate Change – new evidence, policy developments*

*Emerging Policy – Local and National*

*Economic and Employment considerations."*

- 6.6 The report to the Extraordinary Planning Committee meeting is surprisingly short in comparison to the November 2018 report and relies on the premise that:

*"The starting point for assessment of the Agreement's adequacy is the decision of the Planning Committee on 14 November 2018. It resolved to approve the planning application for the Stansted Airport proposals subject to the applicant entering into planning obligations complying with the Heads of Terms put to the Committee at the meeting. That decision to approve the application implicitly means an agreement that accorded with the Heads of Terms would adequately address the impacts of the proposed development."*

- 6.7 The report further confirms that:

*"There are no new material considerations or other change in circumstances that now justify a different overall conclusion."*

- 6.8 It is also noteworthy that the Report makes specific reference to the emerging policy position relating to climate change and advised the Committee that:

*"The government has adopted a similar approach in relation to carbon emissions and climate change. Whilst it has put its net zero carbon emissions target on a statutory footing, it has not yet developed a clear set of policies and interventions for achieving that target. There are no policy limits for individual airports that constrain the maximum permitted emissions from aircraft movements to and from each UK major airport.*

*It is not open to a local planning authority in determining a planning application to seek to anticipate what national policy choices the government may, or should, take. Nor is it appropriate to assume that the government will seek to manage air noise impacts or carbon emissions mainly through land use decisions."*

- 6.9 In conclusion the report confirms that:

*"There are no grounds for deeming the S106 Agreement to be inadequate. Further work to review the obligations has been concluded and it has been amended where possible within the legal constraints.*

*There are no new material considerations that would justify a different decision to that resolved by the Planning Committee on 14 November 2018.*

*The development plan framework position has not changed materially since 2018.*

*The decision notice should be issued granting planning permission for the development as proposed in the application subject to the revised planning conditions recommended to the Committee on 14 November 2018, as soon as the appended amended planning obligations have been signed by all parties."*

- 6.10 It is noted that the report concludes with a risk assessment and advises that there is a (Scale 3) significant risk of a "major planning inquiry [that] would require significant reallocation of resources and the use of reserves". Notably, there is no reference to the risk of a costs award in any appeal proceedings and the (Scale 4) level of "near certainty of risk occurring, catastrophic effect or failure of project" was not relied upon in the assessment (despite being specifically highlighted by Leading Counsel).

## 7. **Advice and Briefings**

- 7.1 It is reasonable to assume that Councillors were aware of the existence of advice notes and opinions obtained from Counsel and Leading Counsel throughout the determination of the Proposal from November 2018 to January 2020. It is also the case, that the signposting of



that advice in the report to the Extraordinary Planning Committee, ensured that Councillors were aware of its existence and could have requested further guidance on the contents from Officers.

7.2 It follows that the advice notes and opinions are an important part of the background to this matter and should be considered as part of the matrix of relevant information.

7.3 Advice of Christiaan Zwart dated 28<sup>th</sup> March 2019

7.3.1 This advice note deals exclusively with the lawfulness of the proposed draft planning obligations to be secured by S.106 Agreement in respect of the Proposal and in satisfaction of the resolution of the Planning Committee decision on 14<sup>th</sup> November 2018.

7.3.2 The advice concludes that the proposed provisions satisfy the recommendation and the statutory tests contained at Regulation 122 of the Community Infrastructure Regulations 2010 (as amended).

7.4 Joint Advice of Stephen Hockman QC and Christiaan Zwart dated 20<sup>th</sup> May 2019

7.4.1 This advice note again deals exclusively with the lawfulness of the proposed draft planning obligations to be secured by S.106 Agreement in respect of the Proposal and in satisfaction of the resolution of the Planning Committee decision on 14<sup>th</sup> November 2018.

7.4.2 Again, the advice concludes that the proposed provisions satisfy the recommendation and the statutory tests contained at Regulation 122 of the Community Infrastructure Regulations 2010 (as amended).

7.4.3 Notably, the advice confirms that the consequences of the earlier determination are that *"in law, consistency requires the Council to act consistently with its decision on 14<sup>th</sup> November 2018 in the current absence of alternatives."*

7.5 It is noted by the reference to the report to the Extraordinary Planning Committee meeting in January 2020, that further advice was then obtained from Stephen Hockman QC and was discussed at a meeting held on 21 May 2019. We understand that no written advice was provide in preparation for this briefing.

7.6 ES have been supplied with a handwritten note of that session by way of background information. It is not possible to verify the content of this note and, on this basis, it is only referenced to gain some understanding of the process detailed above. That note would suggest that the briefing related to the content of the earlier advice notes and then potentially extended into a commentary on the capacity/lawfulness of the Planning Committee to refuse the Proposal against Officers recommendations and the risk of an order of costs at appeal.

7.7 Advice of Phillip Coppel QC dated 3<sup>rd</sup> September 2019

7.7.1 The advice note confirms that Leading Counsel had attended a meeting with Councillors and Officers on 22<sup>nd</sup> August 2019 to "field questions" arising from the resolution to grant planning permission for the Proposal at the Planning Committee on 14<sup>th</sup> November 2018.

7.7.2 The advice references the identified "new material considerations" relating to "climate change and net zero carbon emissions" that had been identified in those discussions. The advice note then confirms the following:

*"I confirm the view which I expressed on 22 August 201; namely, given the thorough preparation which preceded the 14 November 2018 meeting, the length, detail and matters of debate, the extensive public preparation and the conspicuous care and fairness of the material before the Committee on that date, it would require weighty different material to warrant a re-evaluation sufficient to justify displacing that resolution with a new resolution. It would be an exceptional thing to do.*

*Having reviewed again the material with which I have been provided, so far as I can see the matters referred to in the 28 June 2019 motion fall short of constituting good reason for refusing to grant the permission it has already resolved to grant. Absent such good reason, the Committee risks breaching its public law obligation to act consistently and/or reasonably, and being subject to a substantial adverse costs award on any planning appeal that the applicant might bring."*

- 7.7.3 The advice then concludes with a detailed review of this position and at paragraph 46 makes clear:

*The most immediate practical consequence of UDC now refusing to grant permission ...without a very good reason for changing its mind, is that STAL would likely appeal against the refusal to the Secretary of State. This would give rise to a lengthy and expensive public inquiry, at which, irrespective of the outcome, UDC would have to meet its own costs. The material with which I have been provided suggests that STAL would be successful in that appeal. In that event, UDC would likely face an application made by STAL for its costs on account of UDC's unreasonable behaviour resulting in STAL incurring wasted or unnecessary cost. I cannot say with any precision what those costs would be, but what I can say is that they would be very significant indeed."*

7.8 Opinion of Phillip Coppel QC dated 4<sup>th</sup> September 2019

- 7.8.1 This opinion is concerned with a discrete issue relating to preclusion of Councillors in determination of the Proposal at the forthcoming Committee meeting as a result of apparent bias or predetermination.

7.9 Opinion of Phillip Coppel QC dated 13<sup>th</sup> December 2019

- 7.9.1 This short opinion starts in reiteration of the advice above from 3<sup>rd</sup> September 2019. The advice then further reviews the content of the revised draft S.106 Agreement and concludes that the revised terms do not give rise to any concerns as to UDC's duty to act consistently or as to general legal compliance.

7.10 Further opinion of Phillip Coppel QC dated 10<sup>th</sup> January 2020

- 7.10.1 This further short opinion again revisits the issue of bias and predetermination by Councillors.
- 7.10.2 ES are not aware that these earlier concerns have any bearing on this advice note.

7.11 Further note of Phillip Coppel QC dated 6<sup>th</sup> January 2021

- 7.11.1 This further short note was produced in response to 16 questions that were raised by Councillors in respect of the case to be presented at Inquiry on behalf of UDC and the concern of members that the emerging case did not reflect the reasons for refusal. Notably, the short advice note was produced just before the opening of the appeal case.

7.11.2 It is important to recognise that the note was produced in the form of an email response and during an intense period of preparation on the eve of the forthcoming Inquiry. As a consequence, the note is in a short form, reflects a tension between the profession team and Councillors and the further apparent tension with the SSE case.

7.11.3 The commentary in the note is relevant because in response to the first question Leaning Counsel directly answers the complaint of Councillors that the emerging appeal case for UDC is inconsistent with the RoR. That question was framed as follows:

*"How did we get from a unanimous Planning Committee decision to "refuse on the basis that the application to expand Stansted was unsustainable" (based on MAG's 13,000 pages of evidence), to an appeal 'defence' of "approval with conditions" as stated by the defence team at the most recent Briefing?"*

7.11.4 The response from Phillip Coppel QC was as follows:

*"The words quoted in Q.1 don't appear in my copy of the Decision Notice dated 29/1/20. It is the decision recorded in that Decision Notice that is being appealed. Compliance with UDC's condition 15, together with the other conditions + s 106 agreement, would, according to the professionally qualified experts UDC has engaged, meet the reasons for refusal as recorded in the Decision Notice dated 29/1/20 and be consistent with governing planning policies, both national and local."*

7.11.5 Leading Counsel also responded to the final question, which was drawn as follows:

*"Considering the controversy and history of this application, the overwhelming support of the district and the amount of time and resources spent on the January Decision, hasn't this matter been allowed to fail without sufficient cabinet oversight?"*

7.11.6 His response was:

*"No: a robust and sustainable defence of position, supported by all four experts through their detailed and careful proofs of evidence, consistent with planning policy and faithful to the reasons stated in the Decision Notice, has been mounted. Having done so, it would not be sensible for UDC to take flight on the eve of the Inquiry."*

## 8. **UDC's appeal case**

8.1 ES are aware from the January 2020 report to the Extraordinary Planning Committee that there were a series of further meetings, discussions and workshop sessions between Officers and Councillors. Again, we have been provided with some handwritten notes of some of these meetings. These notes are incomplete, unverifiable and in places difficult to read. In the circumstances, we do not intend to place any reliance on their content for the purpose of this report.

8.2 There is, on this basis, very little further available information to assist in understanding the processes followed by Officers in preparation of the appeal case. It is, however, reasonable to assume that Officers relied upon the identified RoR in formulation of a case in response to the SAL appeal. It is, in turn, clear that Officers instructed experienced and respected expert witnesses in preparation of their case on those terms.

### Statement of Case

8.3 The Statement of Case submitted on 16<sup>th</sup> September 2020 identified that the following three concerns of UDC that would be addressed in evidence:

1. *"A clear implication arising from STAL's proposals is that they will give rise to a change in air traffic activity at the airport, from that considered and approved in the 2008 appeal, and the environmental impacts arising from this change have not been adequately assessed;*
2. *There has been a change in circumstances since the ES was published in February 2018, which gives rise to concerns around the robustness of the demand forecast exercise undertaken in support of the application, and whether the forecast can be relied upon for the assessment of environmental impacts; and*
3. *There has been a change of policy position since the application was submitted in 2018, that was not considered within the application submission, adding to the shortcomings in assessment work."* (para.2.1)

8.4 The Statement of Case does not follow the normal structure for this form of appeal submission and does not seek to identify those matters that will be disputed in evidence at the Inquiry. To the contrary, the submission confirms that:

*"As an outcome of this process, it concluded that the information provided as at January 2020 fell short of that required to properly assess the environmental impacts associated with the Application. Without this information, it was not possible to conclude on the nature of impacts arising, and as a consequence, the adequacy of the proposed mitigation, leading to refusal of the application."* (para.5.3)

*"UDC will call expert witnesses to demonstrate that there are assessments that should be undertaken in relation to air noise, air quality and carbon emissions and the associated consequences for health and wellbeing of local communities. These may require additional mitigation and alternative controls. If necessary measures are not feasible or enforceable, the appeal should be dismissed."* (para.5.4)

#### Opening Submission and Evidence

8.5 ES have been provided with copies of the settled expert witness statements and a series of supporting Statements of Common Ground. We have also reviewed the Opening Submissions (OS) made on behalf of UDC and SAL.

8.6 Those submissions made by UDC confirm that the Proposal seeks to secure an 8 million increase in the maximum number of passengers arriving or departing from Stansted Airport each year. That is 35 million to 43 million, or some 23%. The attendant consequences would relate to more noise; degraded air quality; greater carbon emissions; and greater infrastructural strain. However, as the UDC submissions make clear:

*"none of those four reasons expressed an in-principle objection to any form of any development of Stansted. The unifying theme in those reasons is that the developer fell short in convincing Councillors that the development being proposed was sustainable; that the development being proposed was consistent with the planning policies that govern development throughout the district of Uttlesford."*

8.7 The SAL OS, by comparison, confirm that the appeal was concerned solely with the question of whether SAL should be allowed to undertake a small number of adjustments to its airfield infrastructure (in the form of additional taxiway and stand provision) and then utilise these adjustments to accommodate an eventual annual passenger throughput of 43mppa. That being 8mppa more than the 35mppa presently permitted, whilst remaining within the total number of aircraft movements for which it already has planning permission.

8.8 The SAL OS further argued that Government policy (The future use of Aviation: Making Best Use of existing runways (MBU)) relating to the best use of their existing runway capacity could not be a matter for debate at the Inquiry. In turn, the principle of growth to 43mppa was established by national policy and was also not open for debate at Inquiry subject to relevant local considerations being satisfactorily addressed.

8.9 It is clear that both OS's seek to confirm then that the issues before the Inquiry related to the impact of the development upon relevant local considerations. In the case of UDC, this is explained at paragraph 34 of the OS:

*"Following UDC's decision notice of January 2020, and the developer's decision to appeal in July, the Council assembled a team of independent experts to review the application and take a fresh look at the concerns raised by UDC in its decision. On each of the Reasons for Refusal, specific areas of concern as to the assessment of the impacts on aircraft noise, air quality, and carbon emissions were identified by these experts and included in UDC's Statement of Case [CD24.2, 16 September 2020]. In summary, in material respects, the assessment of aircraft noise, air quality, and carbon emissions in the ES was considered to be lacking, unclear, or not sufficiently evidenced or explained, such that UDC's decision to refuse on the basis of a failure fully to address the impacts was readily understandable and justifiable."*

8.10 It is further noted, in response to the further noise assessment contained in the updating Environmental Statement Addendum, that the UDC OS confirmed that:

*"The conclusions in the Addendum therefore alleviate many of the valid concerns which lay behind the Reason for Refusal."*

8.11 The approach to air quality by UDC is more refined. Whilst acknowledging that the Environmental Statement Addendum updated the assessment and provided some additional information, the Council maintained that the Proposal could still *"result in harm to the health of local people and designated nature conservation sites, in contravention of national and local policy and guidance"*. However, it is noted that:

*"Each of the air quality impacts identified by Dr. Broomfield is capable of being mitigated through an appropriate condition or mitigation package. A phased release condition is proposed, allowing for a progressive release of airport capacity, contingent on the demonstration of air quality improvements against the standards which fall to be applied at the time the extra capacity is sought, together with ongoing management."*

8.12 This is later described in the appeal proceedings by reference to draft Condition 15 and, given SAL's clear objections to this proposition, this in all likelihood explains why SAL didn't take advantage of these concessions and agree conditional terms in a Statement of Common Ground.

8.13 The UDC case relating to carbon emissions makes no specific complaint as to unacceptability or policy breach, but rather continues in raising concerns as to the availability of reliable evidence and advise the Inquiry that:

*"There remain considerable uncertainties over the quantum of emissions and their significance despite the updates made to the carbon emissions chapter of the Environmental Statement Addendum and associated appendices."*

8.14 It was, in this context, that the overall planning balance case was framed on the following basis:

*"It is axiomatic to UDC's position that if the developer is to have the benefit of the additional 8mppa which they seek, those benefits are shared with the local communities around the*

*airport through the capacity increase being tied, as a minimum, to the environmental benefits which the developer says it can achieve over the period they have assessed."*

- 8.15 Again, this proposition was put forward in reliance upon draft Condition 15, to which there were 4 proposed limbs:
- 8.15.1 ties the future growth of the airport in passenger throughput to the predicted environmental benefits and setting these predicted impacts as minimum targets which must be achieved;
  - 8.15.2 limiting growth above 35mppa to phases, to ensure that its future growth and the environmental effects are managed. This would require SAL to submit for approval an 'Environmental Scheme' addressing noise, air quality, and carbon emissions. This would require the submission of the past performance of the Airport across the three topics, and details of the mitigation proposes to reduce emissions over the next phase of development;
  - 8.15.3 for the submissions to be reviewed by UDC with due regard to prevailing legislation and policy as applicable at that time; and
  - 8.15.4 a robust dispute resolution procedure, to ensure all parties operate appropriately in the discharge of their commitments.

- 8.16 The terms of this condition then became the focus of the UDC case, as confirmed in the SAL OS:

*"It is fair to summarise the UDC case (as now advanced at this inquiry) as being focused upon securing appropriate planning conditions and obligations; the acceptability of the development in principle is accepted.*

*Whilst STAL acknowledges the need for appropriate conditions to regulate the future operation of the airport, it cannot support the imposition of a system of "micro-management" such as apparently now proposed by UDC in the form of its new "Condition 15".*

#### Closing Submissions

- 8.17 It is important to acknowledge that the written evidence submitted in the course of the appeal proceedings represent only part of the evidence presented on behalf of UDC and this is particularly the case where the conduct of the proceedings are complex and extend over many sitting days. It is, in consequence, inevitable that appeal cases will evolve and adapt in response to the approach taken by the appointed Inspector and in reliance upon the submissions or concessions made by other parties during the course of the case. This is, in essence, the purpose of the Inquiry process and in overview it is often the Closing Submissions (CS) that best represents the final case presented by the parties.
- 8.18 The CS for UDC provide an overview of the evidence discussed at the Inquiry and, in broad review, would suggest some hardening of the Council's position on the evidence by the close of the Inquiry. It is, however, clear that this approach is principally directed at the focused justification for the imposition of draft Condition 15. This can be seen at paragraph 63 which, by reference to the air quality evidence, confirms the following:

*"...the measures in the Transport Section of the UU are not specific to air quality, lukewarm with regard to mode share, and heavily qualified, leading to uncertainty as to whether air quality improvements would actually be achieved. Moreover, there is no assessment provided in the ES, ESA, or Dr. Bull's evidence that demonstrates the extent to which these measures would improve air quality. All this, in circumstances where that is the objective of extant and emerging policy."*

- 8.19 Whilst a similar approach is taken in respect of the carbon emission case, the assessment of SAL's case does then rely heavily on the proposition that the MGU is "out of date and should carry little weight in the context of net zero" (para. 91) and the following (somewhat principled) standpoint:

*"When viewed together, STAL's refusal to acknowledge relevant and longstanding national planning policy on radically reducing carbon emissions, its misinterpretation of aviation policy in MBU so as to suggest that carbon emissions are a matter to be dealt with at a national level and cannot be considered by LPAs in local decision making (before resiling from that position in oral evidence), its overstatement of the carbon analysis lying behind MBU as "pre-authorising" airport growth in carbon terms, and its failure to accept that MBU is now out of date in carbon terms, reflect an airport which is failing to acknowledge and grapple with its responsibilities on carbon emissions. Against a context where, since 1990, the rest of the economy has achieved very significant reductions in CO<sub>2</sub>, whilst aviation's emissions have more than doubled, STAL's approach at this inquiry, that in policy terms these are not matters for local decision making, is both stark and unbalanced. It is symptomatic of an applicant that has not played its part in the planning process in a way that fostered trust and confidence in anything it said."*

- 8.20 Again, this approach is taken to inform UDC's justification in imposition of Condition 15 as a means of monitoring, assessing and regulating the development. This is based upon the proposition that the proposed condition would enable "future generations to maintain the contemporaneity of environmental mitigation measures as the developer increases by steps the operations allowed by the planning permission" and that this "is necessary so as not to contravene paragraph 7 of the NPPF".

#### Appeal Decision

- 8.21 The case presented by UDC at the Inquiry is further summarised in the appeal Decision Letter in the following terms:

#### *National Aviation Policy and Introductory Matters*

*"The Council, whilst highlighting the inherent uncertainty in forecasts and projections into the future, did not dispute the appellant's position on forecasting, concluding that the predictions were reasonable and sensible." (para.27)*

#### *Aircraft Noise*

*"The Council's position is that the development is acceptable in terms of aircraft noise, subject to suitable mitigation measures." (para.42)*

*"The Council agrees that this maximum level would ensure that internal noise levels would not exceed 60 dB, with windows open. This provides a good degree of certainty that noise levels would be in accordance with BB93 which states that indoor ambient noise levels should not exceed 60 dB LA1, 30 mins." (para.53)*

#### *Air Quality*

*"Although it has raised a number of issues concerning the methodology used and the robustness of the assessments during the appeal process, the Council made no request for further information under the EIA Regulations." (para.63)*

*"The Council, while raising concern over UFPs [Ultrafine particulates], is nonetheless content that permission could be granted subject to conditions requiring monitoring of air quality. The UU secures such monitoring, and condition 10 requires implementation of an air quality strategy, which is to be approved by the Council." (para.75)*

*"The ES concluded that there would be no significant effect at ecological receptors. The Council considers that the development would be acceptable in air quality terms subject to imposition of suitable conditions to limit the air quality effects and to secure mitigation measures." (para.80)*

#### *Climate Change*

*"There is broad agreement between the parties regarding the extremely serious risks associated with climate change. These risks are acknowledged and reflected in Government policy." (para.82)*

*"Nonetheless, in spite of that general accord there remains much disagreement between the main parties to the Inquiry over how the effects of the development on climate change should be assessed, quantified, monitored and managed, including into the future." (para.83)*

*"The reason for refusal relating to carbon emissions and climate change refers only to the proposed development's effects resulting from additional emissions of international flights. Nonetheless, the evidence put forward as part of the appeal process also refers to wider potential effects on climate change, including carbon emissions from sources other than international flights." (para.99)*

*"Discussion and testing of the evidence during the Inquiry process revealed no good reasons to conclude that any such effects would have any significant bearing on climate change. Indeed, the Statement of Common Ground on Carbon between the appellant and Council states that the emissions from all construction and ground operation effects (i.e. all sources of carbon other than flight emissions) are not significant. It adds that Stansted Airport has achieved Level 3+ (carbon neutrality) Airport Carbon Accreditation awarded by the Airport Council International." (para.100)*

*"Given the conclusions outlined above regarding the potential effects of the appeal development arising from international flights, the evidence does not suggest that the combined climate change effects of the development would be contrary to planning policy on such matters, including the Framework, or that it would significantly affect the Government's statutory responsibilities in this regard. Furthermore, no breach of the development plan associated with carbon/climate change is cited in the relevant reason for refusal and none has been established as part of the appeal process." (para.101)*

#### *Planning Balance*

*"The Council and the appellant agree that the proposed development accords with the development plan, taken as a whole. It is further agreed that the Framework's presumption in favour of sustainable development should apply as a result of the proposals' accordance with an up-to-date development plan. In these circumstances the Framework states that development should be approved without delay." (para.155)*

#### *Condition 15*

*"The Council proposes alternative conditions to deal with noise, air quality and carbon. Its primary case involves a condition, referred to during the Inquiry as 'condition 15', which would impose restrictions based upon the impacts assessed in the ES/ESA, along with future more stringent restrictions (using some interpolated data from the ES/ESA) and a process that would require the Council's reassessment and approval periodically as the airport grows under the planning permission, allowing for a reconsideration against new, as yet unknown, policy and guidance. In light of the Panel's conclusions on these matters, there is no policy basis for seeking to reassess noise, air quality or carbon emissions in light of any potential change of policy that might occur in the future. Furthermore, it would be likely to seriously undermine the certainty that a planning permission should provide that the development*



*could be fully implemented. This appeal must be determined now on the basis of current circumstances and the proposed 'condition 15' is not necessary or reasonable."* (para.142)

8.22 This assessment informed the conclusion of the Inspectors that:

*"Overall, the balance falls overwhelmingly in favour of the grant of planning permission. Whilst there would be a limited degree of harm arising in respect of air quality and carbon emissions, these matters are far outweighed by the benefits of the proposal and do not come close to indicating a decision other than in accordance with the development plan. No other material considerations have been identified that would materially alter this balance."*

## 9. **Costs Letter**

9.1 The assessment of UDC's case at appeal is presented in far more strident terms in the Inspectors assessment of the costs case. Importantly, the Inspectors assessment is closely aligned with the advice presented to the Extraordinary Planning Committee in January 2020 that:

*"Whilst there is nothing wrong with a different committee exercising different planning judgement, such a drastic change in position by a public body should be fully and robustly justified."*

9.2 The Inspectors then note that a different decision was reached in 2020, notwithstanding the negligible impacts that had been identified. It is also noted that at *"no time was additional information sought from the appellant under Regulation 25 of the EIA Regulations that might have overcome any such concerns or provided an answer to other queries of the Council"*.

9.3 Turning to the case at Inquiry, the Inspectors conclude that:

*"The reasons for refusal were unquestionably vague and generalised, suggesting that the appellant had failed to demonstrate the effects on aircraft noise and air quality despite the extensive evidence presented and accepted on these topics. The reasons for refusal left the actual and specific concerns of the Council opaque, even having regard to the committee minutes. Ultimately, the issues relied upon at appeal, some of which had been discussed during the committee, could not reasonably have been expected to materially alter the favourable planning balance. Indeed, the Council's own appeal evidence was that the planning balance was favourable, such that planning permission should be granted.*

*The reasons for refusal became vaguer still at reason 3 which sought to rely on a conflict with general accepted perceptions and understandings of the importance of climate change. Climate change and related policy matters had been considered at length by the Council in light of extensive submissions on the topic. Whilst the 2050 Target Amendment to the Climate Change Act 2008 occurred after the initial resolution to grant, no material change in relevant and applicable policy was identified by the Council, nor were the negligible impacts of the development altered. It was not credible or respectable for the Council to identify this as a matter that should now result in the refusal of permission.*

*The final reason for refusal related to a failure to provide necessary infrastructure and mitigation. However, it remains unclear what was needed that could not have been secured by condition; was not already provided for in the S106 agreement before the Council; or could not have been secured through negotiations on the submitted planning obligations. It was open to the Council to impose whatever conditions it saw fit applying the relevant tests.*

*Attempts to substantiate these reasons for refusal during the appeal were not convincing. Nor was the reliance on additional information provided in the ESA, which identified only*

*marginal changes in the assessment of effects from the ES. The Council nevertheless maintained its case and presented evidence relating to all four refusal reasons.*

*This was notwithstanding the Council's witnesses individually accepting that the issues raised could be overcome by conditions or obligations, and its planning witness having accepted in written evidence that the development was acceptable in planning terms overall. Again, it was concluded that the development would accord with the development plan and should be granted planning permission subject to conditions and obligations. Such an approach could and should have been taken at the time of the Council's decision and did not warrant the Council's continued opposition to the proposal at appeal. So far as conditions were pursued, much time was taken at the Inquiry dealing with 'condition 15', an unnecessarily onerous and misconceived condition that patently fails to meet the relevant tests. The strength of evidence in favour of the proposal is such that the application should clearly have been granted planning permission by the Council. Its reliance on a perceived direction of travel in policy or emerging policy that may never come into being in the form anticipated is not a sound basis for making planning decisions. As such, the appeal should not have been necessary."*

9.4 This commentary is an important assessment of UDC's case and raises a series of issues that are considered in further detail in the following parts of this report.

## 10. **Decision of the Honourable Mrs Justice Lang DBE**

The application for permission for a Statutory Review of the appeal decision was considered on the papers and failed on all grounds. We focus for the purposes of this report on 'Ground 1 and 2' and the High Court Judge's assessment dated 7<sup>th</sup> July 2021 that:

*"...this submission to be unarguable. On a fair reading of the Decision Letter (DL), the Panel correctly identified and understood the relevant national and local policies. It was correct to find that carbon emissions policies are addressed at a national level, in the MBU, and are not a matter for local planning decision-makers. It was entitled to conclude that the national policy "Making best use of existing runways" ("MBU"), published in June 2018, was made in full knowledge of the UK's then commitments to combat climate change, and that it thoroughly tested the potential implications of the policy in climate change terms (DL 18). It was also entitled to conclude that the Government has not altered the policies in the MBU, notwithstanding changes to the targets for reduction of greenhouse gas emissions (DL 24-25).*

*Under the heading "Carbon and Climate Change", the Panel considered the specific climate change implications of the proposed development. It clearly considered the competing views of the parties and took into account Government announcements which post-dated the MBU. Its judgment was that carbon emissions weighed against the proposal only to a limited extent (DL 153). It is not open to the Claimant to challenge that exercise of planning judgment in a claim for statutory review.*

*... Its reasons for concluding that Condition 15 was not necessary or reasonable were clearly explained at DL 142. It applied the correct legal and policy tests. This was an exercise of planning judgment which the Claimant cannot challenge in this claim."*

## 11. **Full Council**

11.1 It was recommended in the subsequent report to Full Council on 5<sup>th</sup> October 2021 that the judgement of the Honourable Mrs Justice Lang should be accepted and any further action in the matter should focus on managing the implications of the full costs award in favour of SAL.

11.2 The report confirmed that UDC had incurred some £1,034,000 in presenting its case at the Planning Inquiry and that it was anticipated that SAL's costs would be in the region of

£1.5million. The report summarised the key elements of the application for the Statutory Review in the following terms:

*"The Planning Inspectors had erred in excluding from consideration relevant climate change and carbon emissions policies, and reading national aviation policy (Aviation Policy Statement 2013, Making Best Use 2018 and the Aviation National Policy Statement 2018) as "unassailable and untouched" by other more recent government policy.*

*The Panel were wrong in rejecting Condition 15 proposed by the council as unnecessary and unreasonable, and failed to properly explain why it had been rejected. The council's planning evidence that the appeal should be granted was expressly founded upon Condition 15 being in place.*

*The Panel's costs decision was flawed on eleven grounds including a failure to attach weight to Planning Policy Guidance that applications for costs should be made as soon as possible, a failure to consider the council's submissions on the unfairness and prejudice to the council in the timing of Stansted Airport Ltd's costs claim at the close of the inquiry hearings, or alternatively, an explanation as to why the Panel rejected those submissions, the unjustified characterisation of the council's grounds for refusal as vague, generalised and opaque, without any reference to the council's third reason (additional carbon emissions against a background of amendments to the UK's carbon account)."*

- 11.3 This summary assessment is surprisingly forthright and was clearly at odds with the findings of the three Inspectors and, most importantly, those of the High Court. The report, in turn, confirms the assessment detailed in the preceding section of this report that each of these claims were "inarguable" and noted in respect of the costs issue the Judge's assessment that:

*"A decision whether or not to make an award of costs is pre-eminently a matter of discretion, and the Inspector who actually hears the appeal is in the best position to judge whether an award should be made. The Court will only interfere with an Inspector's exercise of discretion to award costs in exceptional circumstances."*

- 11.4 The report then advises that:

*"There is a high likelihood that a final judgement on permission to challenge will be consistent with that of the Inquiry Panel and Mrs Justice Lang. In the unlikely event that permission to challenge is granted, there are potential submissions that could be made in response to Her Ladyship's Page 7 reasons, but the outcome of a S288 Planning Statutory Review Full Hearing is similarly likely to be consistent with previous decisions."*

- 11.5 It was, in these terms, that the Council resolved to accept the judgement of The Honourable Mrs Justice Lang DBE.

## 12. **Procedural requirements**

- 12.1 ES have been supplied with a copy of EDC's current Constitution which provides the terms, limitations and requirements the local authority have placed upon itself to ensure that it operates and functions within its legal remit and in the interest of the residents and businesses within the District. It is noted that Article 13.2 of Part 2 of the Constitution identifies the principles that will be upheld in any Council decision will include:

*"proportionality (i.e. the action must be proportionate to the desired outcome);*

*due consultation and the taking of professional advice from officers;*

*respect for human rights;*

*a presumption in favour of openness; and  
clarity of aims and desired outcomes."*

12.2 It is further noted that Article 13.3 of Part 2 of the Constitution identifies those decisions reserved for Full Council and, by reference to Article 4.2.13, it is also clear that this might extend to such other functions that *"the Council decides should be undertaken by itself"*. It is, in turn, noted that the normal mechanism for referral to Full Council is then by way of Motion under Rules 10 and 11 of Part 4 of the Constitution. The only other mechanism in elevation of a decision would be by a Senior Officer calling an Extraordinary Meeting pursuant to Rule 3 of Part 4 of the Constitution. These latter provisions would require a request from:

12.2.1 *"the Council by resolution;*

12.2.2 *the Chairman of the Council;*

12.2.3 *the Monitoring Officer;*

12.2.4 *the Chief Finance Officer; and*

12.2.5 *any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition."*

12.3 The provisions of Article 13.3.2 of Part 2 of the Constitution then define those *"key decisions by or on behalf of the Leader or Cabinet"*. This second category of decision is identified at Article 13.3.2 by reference to *"decisions likely to result in ...expenditure in excess of £100,000"*, but this is only then qualified by reference to land transactions. It is also the case that the further categories of *"key decisions"* makes no provision for those decisions made in conflict with Officers advice and where any such decision might present a high risk of significant expenditure, reputational damage or a substantial costs award against UDC.

12.4 Finally, it is the provisions of Part 3 of the Constitution that include the broad delegated authority to the Assistant Director Planning & Building Control which includes responsibility to:

*"Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council."*

### 13. **Assessment**

#### *The Decision Making Process*

13.1 The preceding part of this report provides a step by step review of the process in determination of the planning application for the Proposal, to its refusal and appeal process and the subsequent decision of Full Council not to pursue the dismissal of the s288 Statutory Review.

13.2 It is clear in review of the available material that Officers from their original assessment of the Proposal in November 2018 through to its refusal in January 2020 provided consistent, detailed and robust advice that the Proposal was compliant with policy, that there were no other relevant material considerations to displace that policy presumption and that the proposed expansion at the Airport should be approved. That advice was supported by very clear and exacting advice from Leading Counsel, in the following blunt terms:

*"The most immediate practical consequence of UDC now refusing to grant permission... without a very good reason for changing its mind, is that STAL would likely appeal ...This*

*would give rise to a lengthy and expensive public inquiry, at which, irrespective of the outcome, UDC would have to meet its own costs. The material with which I have been provided suggests that STAL would be successful in that appeal. In that event, UDC would likely face an application made by STAL for its costs ...I cannot say with any precision what those costs would be, but what I can say is that they would be very significant indeed."*

- 13.3 That advice proved to be entirely accurate and it was clearly either not made available to Councillors or it was not understood, ignored or dismissed by Councillors, who then resolved to refuse planning permission for the Proposal at the Extraordinary Planning Committee meeting in January 2020. It is important to stress that the decision to refuse was reached and the RoR were identified:
- 13.3.1 absence any available and identifiable evidence to demonstrate that the additional flights would result in an increased detrimental effect from aircraft noise;
  - 13.3.2 without identifiable evidence to support the claimed detrimental impact on air quality resulting from the additional flights;
  - 13.3.3 in reliance upon the inherently tenuous argument that current Government policy (contained in Aviation Policy Statement 2013, Making Best Use 2018 and the Aviation National Policy Statement 2018) was out of date and should be considered in the context of the amendment to the Climate Change Act 2008 (2050 Target Amendment) to reduce the net UK carbon account for the year 2050 to net zero from the 1990 baseline; and
  - 13.3.4 without any specific evidence relating to the absence of necessary infrastructure to support the Proposal.
- 13.4 We note, in this context, that no request was made by Officers or Councillors for the provision of further information to address these concerns and as might be the normal good practice before refusing planning consent for a scheme due to the absence of available and identifiable evidence. Also, as is highlighted in the costs award, it is important to acknowledge that there was no specific Regulation 25 request made by UDC for the provision of further information to support or address any perceived gaps in the submitted Environmental Statement.
- 13.5 On these terms, the unsubstantiated decision was clearly reached in the belief or assumption that evidence could be secured to support the proposition that the Proposal was contrary to national and local policy in accordance with the identified objections detailed in the RoR. At that time and on these terms, this was a decision that was consistent with a perceived breach of *"a plan or strategy (whether statutory or non-statutory) ... adopted or approved by the Council"*.
- 13.6 On this basis, this was a decision within the terms of the Article 3.3 of Part 3 of the Constitution. The Extraordinary Planning Committee were clearly entitled within the terms of the Constitution to reach that decision and, by reference to the Constitution, this did not automatically precipitate any further decision, audit or review by Officers or the Executive.
- 13.7 It is, however, surprising to ES that there is no apparent safeguarding measures at Article 13.3.2 of Part 2 of the Constitution in respect of any *"key decisions"* that conflict with Officers advice and where the determination would present a high risk of significant expenditure, costs liability or reputational damage to UDC. This is a matter that is returned to in our recommendations below at section 14.
- 13.8 In the absence of any available evidence to support the identified RoR, it is also reasonable to conclude that UDC's decision in refusal of the Proposal was politically motivated and was, to some degree, informed by the then unsubstantiated representations made by the local

resident groups. This include the forceful submissions made by SSE that were supported by detailed arguments presented by Paul Stinchcombe QC.

- 13.9 It is, at this point, important to note that members of a Planning Committee are entitled to reach decisions in conflict with Officer advice. There are also a reasonable proportion of such planning cases that are subsequently substantiated in evidence by a team appointed advisors (either internal or external) and that fail to secure planning permission at appeal. These cases are not commonplace, but they are also not exceptional.
- 13.10 It might, in normal circumstances, be reasonable for Councillors to assume that an appointed team of experts might be able to formulate an arguable case in objection to the Proposal. The obvious abnormality of this case, is that Councillors had already appointed Phillip Coppel QC who is a very experienced and senior legal advisor and they had the benefit of his clear advice that the case was without substance. Therefore, the Extraordinary Planning Committee made their decision in refusal of the Proposal in direct conflict with the expert advice and at obvious risk.
- 13.11 In our view, this ensures that the decision of the Extraordinary Planning Committee in January 2020 relied not, upon evidence known at the time, but entirely upon the anticipated identification and availability of any evidence to support the RoR. Absent that evidence, Councillors and Officers had been clearly advised that the UDC case had no prospect whatsoever of being sustained at appeal and that UDC would likely be exposed to a substantial costs award.
- 13.12 It is, in this context, very surprising that there was no formal process put in place to provide for the further review and assessment of the anticipated appeal case. If such review(s) were to have taken place, it would have provided the opportunity to consider whether it was still appropriate to maintain all of the RoR or whether particular issues could be withdrawn on the basis of the available evidence, thereby limiting risk and costs exposure.

*The Preparation of Evidence*

- 13.13 There is nothing to suggest that the Officers failed in their duties in the appointment of the professional team formulation, who were all experienced and reputable consultants. It is also the case, that the Officers and their appointed advisors cannot be criticised for failing to find any substantive evidence to support the RoR. That conclusion is supported by the detailed assessment of the Proposal at the earlier Committee, the very detailed advice obtained from a selection of legal advisors and, most notably, the inability of the professional team representing SSE to present any convincing case at the Inquiry.
- 13.14 The apparent limitations of the RoR were reflected in the subsequent output of the appointed professional team. Whilst the instruction of the professional team and the production of evidence is always iterative, the limitations of the case were identified at the outset in the content of the Statement of Case. This can be seen in the submissions at paragraph 5.4:

*"UDC will call expert witnesses to demonstrate that there are assessments that should be undertaken in relation to air noise, air quality and carbon emissions and the associated consequences for health and wellbeing of local communities. These may require additional mitigation and alternative controls. If necessary measures are not feasible or enforceable, the appeal should be dismissed."*

- 13.15 In short the Statement of Case makes clear that evidence will be presented by UDC to demonstrate the alleged limitations of the assessed Proposal and, in turn, in identification of proposed mitigation and control mechanisms that will allow the appeal scheme to be approved.

- 13.16 It is also clear that this approach continued through to the close of the Inquiry. This is signposted in the Opening Statement for UDC in confirmation that *"none of those four reasons expressed an in-principle objection to any form of any development of Stansted."*

*The Noise Case*

- 13.17 The UDC case then unfolds in the effective withdrawal of the RoR relating to the alleged noise impacts, on the basis that the ES Addendum *"alleviate many of the valid concerns which lay behind the Reason for Refusal"*. This is set out in the (unchallenged) assessment of the Council's case at paragraph 42 of the appeal Decision Letter:

*"The Council's position is that the development is acceptable in terms of aircraft noise, subject to suitable mitigation measures."*

*The Air Quality Case*

- 13.18 A similar approach is then taken with the air quality case, on the basis that *"the air quality impacts [are] capable of being mitigated through an appropriate condition or mitigation package"*. Again, this is set out in the (unchallenged) assessment of the Council's case at paragraph 80 of the appeal Decision Letter:

*"The Council considers that the development would be acceptable in air quality terms subject to imposition of suitable conditions to limit the air quality effects and to secure mitigation measures."*

*The Carbon Emissions Case*

- 13.19 The UDC case relating to carbon emissions made no specific complaint as to unacceptability or policy breach, but remained concerned as to the *"considerable uncertainties over the quantum of emissions and their significance"*. This then informed the proposed imposition of Condition 15 in an attempt to secure *"the environmental benefits which the developer says it can achieve over the period they have assessed."*

- 13.20 As before, this is set out in the (unchallenged) assessment of the Council's case at paragraph 101 of the appeal Decision Letter:

*"Given the conclusions outlined above regarding the potential effects of the appeal development arising from international flights, the evidence does not suggest that the combined climate change effects of the development would be contrary to planning policy on such matters, including the Framework, or that it would significantly affect the Government's statutory responsibilities in this regard. Furthermore, no breach of the development plan associated with carbon/climate change is cited in the relevant reason for refusal and none has been established as part of the appeal process."* (para.101)

*The Planning Balance Case*

- 13.21 In this context, it is also important to note that the overall planning case presented by UDC confirmed that the Proposal was compliant with the development plan policy. This is confirmed at paragraph 155 of the appeal Decision Letter in the (again unchallenged) assessment of the UDC's case in respect of the overall planning balance:

*"The Council and the appellant agree that the proposed development accords with the development plan, taken as a whole. It is further agreed that the Framework's presumption in favour of sustainable development should apply as a result of the proposals' accordance with an up-to-date development plan. In these circumstances the Framework states that development should be approved without delay."*

- 13.22 This was, on any reasonable assessment, a case presented in conditional support for the Proposal and that did not seek to argue any inherent conflict with national or local policy. Importantly, this approach is reflected in the commentary note provided by Leading Counsel on the eve of the Inquiry and his assessment that:

*"It is the decision recorded in that Decision Notice that is being appealed. Compliance with UDC's condition 15, together with the other conditions + s 106 agreement, would, according to the professionally qualified experts UDC has engaged, meet the reasons for refusal as recorded in the Decision Notice dated 29/1/20 and be consistent with governing planning policies, both national and local."*

- 13.23 Whilst we acknowledge that this assessment was produced in haste, it does present some challenges when read against the RoR. In the first instance we recognise that some elements of the RoR as "recorded in the Decision Notice" would provide the opportunity for the provision of additional information "to demonstrate that the additional flights would not result in an increased detrimental effect from aircraft noise" and "to demonstrate that the additional flights would not result in a detrimental effect on air quality". The third reason for refusal, however, is presented as a form of prematurity case and in terms that suggest "it would be inappropriate to approve the application at a time whereby the Government has been unable to resolve its policy on international aviation climate emissions".
- 13.24 It is, on balance, possible to see the genesis of Condition 15 in the terms of this reason for refusal and also in the final reason relating to the alleged absence of "necessary mitigation to address the detrimental impact of the proposal contrary to Uttlesford Local Plan Policies GEN6, GEN1, GEN7, ENV7, ENV11 and ENV13".
- 13.25 There is, in our view, an inevitable subtlety to the proposition presented in Leading Counsel note of 6<sup>th</sup> January 2021 that required a detailed understanding of the terms of the RoR and the wider approach taken in evidence as part of complex planning appeal cases. As a consequence, it is unreasonable to assume that the approach being taken by the professional team on behalf of UDC would have been abundantly clear to Councillors and they might have been quite reasonably concerned that their perception of "a unanimous Planning Committee decision to refuse on the basis that the application to expand Stansted was unsustainable"" wasn't then reflected in a case presented in conditional support for the Proposal.

*Engagement with Councillors*

- 13.26 This was then a matter of communication, which we understand was addressed by Officers through the provision of a series of 'members briefings' and other further internal meetings between Officers and Councillors. These were informal discussions without a published agenda and without formal minutes.
- 13.27 Whilst this is to be expected to some degree in the management of a complex decision making process, it is clear that all of these discussions were conducted through these informal lines of communication and without any Committee oversight. The obvious risk being that both Officers and Councillors believed that their concerns had been understood, there was common understanding as to the next steps and all concerned had then accepted the prevailing approach to the appeal case.
- 13.28 It is impossible for us to determine if the available handwritten notes of some of these meetings provide a reliable record and we have placed no reliance upon this material for this reason. In many respects, this is unimportant because these meetings are not contemplated in the Constitution and provided no formal structure in explanation and redefinition of the appeal case.
- 13.29 It was, in our view, the reliance upon these informal meetings that introduced a clear point of weakness and vulnerability to the decision making process by UDC and that then precipitated the 16 questions raised by Councillors in early January 2021. This was an



entirely avoidable point of complaint by Councillors, that would have been resolved if there had been a clear structured process of referral back to Committee in update of the emerging appeal case. It might be argued that this action wasn't taken to avoid the potential leakage of evidence to SSE, but this isn't supported by the provision of the 'members briefings' that would inevitably have been prone to the same weakness.

- 13.30 The emerging limitation of the UDC appeal case is reinforced by Leading Counsel's own assessment in the commentary note of 6<sup>th</sup> January 2021, which ensured that UDC's professional team presented no evidence in support of the case in objection to the first, second and fourth reasons for refusal. They then focused the case upon the provisions of 'Condition 15' as a means of regulating the development within the scope of the third (and to some degree the fourth) RoR and, in turn, as a basis for conditional support of the Proposal.
- 13.31 The first judgement made by the professional team had inevitable consequences in exposing UDC to an obvious and certain costs award, which could only be mitigated by the withdrawal of the relevant reasons for refusal. That didn't happen and, as a matter of process, it could have only been realised with Committee approval. In our view, this is where Leading Counsel's assessment of the capacity of the RoR to provide the ability to redefine the case finds its greatest point of weakness, absent referral back to the Councillors to secure Committee endorsement.
- 13.32 As above, the provision of a more formal process of review by Committee as the case for the appeal was formulated and evolved would have provided the clear opportunity to address this issue. The conclusion of the professional team that there was no case to answer on air quality and noise impacts could have been spelt out to Councillors, together with the very clear attendant risk of costs in continuing with these unsubstantiated complaints. It would appear that such advice, in all likelihood, would have not been followed by the Committee, but Officers would then have been absolved of any responsibility and any need to find any further blame would have been clear. The certain consequence of not taking this action are made clear in the assessment of the three Inspectors in the costs award:

*"Attempts to substantiate these reasons for refusal during the appeal were not convincing. Nor was the reliance on additional information provided in the ESA, which identified only marginal changes in the assessment of effects from the ES. The Council nevertheless maintained its case and presented evidence relating to all four refusal reasons.*

*This was notwithstanding the Council's witnesses individually accepting that the issues raised could be overcome by conditions or obligations, and its planning witness having accepted in written evidence that the development was acceptable in planning terms overall. Again, it was concluded that the development would accord with the development plan and should be granted planning permission subject to conditions and obligations. Such an approach could and should have been taken at the time of the Council's decision and did not warrant the Council's continued opposition to the proposal at appeal. Ultimately, the issues relied upon at appeal, some of which had been discussed during the committee, could not reasonably have been expected to materially alter the favourable planning balance. Indeed, the Council's own appeal evidence was that the planning balance was favourable, such that planning permission should be granted."*

- 13.33 The second judgement made by the professional team relied heavily on the ability to convince the Inspectors that Condition 15 was reasonable, appropriate and satisfied the tests in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended). Whilst the provision of the suggested condition obviously required some refinement of the case presented by the fourth RoR, the greater risk it presented was the highly significant prospect that it wouldn't be acceptable to the appeal Inspectors as it would not satisfy the necessary legal tests.
- 13.34 In our view, those risks should have been abundantly clear to the professional team, and in particular the legal team, because the form of Condition 15 on any reasonable examination

was convoluted, unduly restrictive and would unnecessarily and unreasonably affect SAL's ability to bring the development forward. We would, on these terms, unreservedly agree with the assessment provided in the SAL full response to Condition 15 in their submissions of 24<sup>th</sup> February 2021:

*"The fact that condition 15 seeks to regulate the environmental effects of development plainly cannot be justification for the imposition of a completely novel type of planning condition, which seeks to revisit the principle of the development following the grant of permission. It is commonplace for conditions to be imposed for the purpose of regulating environmental impacts, including in respect of major development projects. The fact that condition 15 is not "necessary" to regulate the environmental impacts of the scheme is underlined by the fact that UDC has been unable to identify any precedent for the imposition of a 'phased release' condition of the kind proposed here. Moreover, and fundamentally, there is no evidence that this development will give rise to any significant environmental effects, so as to justify the imposition of this condition in the first place. The condition is clearly neither "necessary" nor "directly related" (i.e. proportionate) to the negligible environmental impacts that have been assessed as arising from this development."*

- 13.35 The limitations of the approach taken by the professional team are made clear in the assessment of the three Inspectors at paragraph 142 of their Decision Letter:

*"The Council proposes alternative conditions to deal with noise, air quality and carbon. Its primary case involves a condition, referred to during the Inquiry as 'condition 15', which would impose restrictions based upon the impacts assessed in the ES/ESA, along with future more stringent restrictions (using some interpolated data from the ES/ESA) and a process that would require the Council's reassessment and approval periodically as the airport grows under the planning permission, allowing for a reconsideration against new, as yet unknown, policy and guidance. In light of the Panel's conclusions on these matters, there is no policy basis for seeking to reassess noise, air quality or carbon emissions in light of any potential change of policy that might occur in the future. Furthermore, it would be likely to seriously undermine the certainty that a planning permission should provide that the development could be fully implemented. This appeal must be determined now on the basis of current circumstances and the proposed 'condition 15' is not necessary or reasonable."*

- 13.36 This assessment is further expanded upon by the Inspectors in the cost decision in the following terms:

*"The reasons for refusal became vaguer still at reason 3 which sought to rely on a conflict with general accepted perceptions and understandings of the importance of climate change. Climate change and related policy matters had been considered at length by the Council in light of extensive submissions on the topic. Whilst the 2050 Target Amendment to the Climate Change Act 2008 occurred after the initial resolution to grant, no material change in relevant and applicable policy was identified by the Council, nor were the negligible impacts of the development altered. It was not credible or respectable for the Council to identify this as a matter that should now result in the refusal of permission..."*

*So far as conditions were pursued, much time was taken at the Inquiry dealing with 'condition 15', an unnecessarily onerous and misconceived condition that patently fails to meet the relevant tests. The strength of evidence in favour of the proposal is such that the application should clearly have been granted planning permission by the Council. Its reliance on a perceived direction of travel in policy or emerging policy that may never come into being in the form anticipated is not a sound basis for making planning decisions. As such, the appeal should not have been necessary."*

- 13.37 Importantly, this assessment was also endorsed by the Honourable Mrs Justice Lang DBE on 7<sup>th</sup> July 2021 in her review of the application for the Statutory Review. In her judgement:

*"Its reasons for concluding that Condition 15 was not necessary or reasonable were clearly explained at DL 142. It applied the correct legal and policy tests. This was an exercise of planning judgment which the Claimant cannot challenge in this claim."*

- 13.38 As above, the provision of a formal process of review by Committee would have provided the opportunity to address this further issue. Once more, the conclusion of the professional team that the proposed Condition 15 was the correct response to the last two RoR could have been debated and the condition might have been abandoned, revised or accepted. In any event, all of the attendant cost risks could have been identified and the responsibility for proceeding with that risk would clearly then have then rested with the Councillors. Absent this process of review, it wasn't reasonable for the professional team to assume that this cost risk had been implicitly accepted by Councillors in reliance upon their interpretation of the RoR and in their unsupported promotion of Condition 15.
- 13.39 In our view, the risks of a full award of costs against UDC in the promotion of the appeal case would have been very clear and apparent to the professional team. The fact that this had already been flagged by Leading Counsel's in his very clear assessment of the case and the costs risk at the time of the Extraordinary Committee Meeting in January 2020, made certain that the identified risk could only increase (in prospect and cost) with each step taken to justify the RoR on the terms identified in evidence.

*Constitutional Safeguards*

- 13.40 Reading between the lines, the view was formed by Officers (and possibly, in the turn, by the professional team) that Councillors had made a bad decision against very clear advice; that decision wouldn't change in the face of any expert assessment or advice; seeking further instructions would be painful and pointless; the best had to be made of a bad lot; and, ultimately, the Councillors only had themselves to blame if a full costs award followed. All this, may of course be entirely accurate, but the primary duty of any Officer is to protect the interests and reputation of the Council and in this case the available safeguards weren't followed.
- 13.41 Whilst limited, those safeguards are available in the Constitution and are provided by reference to the function of the Monitoring Officer and Chief Finance Officer in requiring the provision of an Extraordinary Meeting pursuant to Rule 3 of Part 4 of the Constitution.
- 13.42 Turning back to the January 2020 determination, that decision was made by Councillors at the Extraordinary Committee Meeting in the belief that the refusal of planning permission for the Proposal would be "*contrary to Uttlesford Local Plan Policy ENV11, ...ENV13 and GEN6, GEN1, GEN7, ENV7, ENV11 and ENV13.*"
- 13.43 That clear position entered a process of transition from a claimed conflict with adopted policy to one of potential compliance, at the submission of UDC's Statement of Case. This then moved to a place of substantial compliance at the submission of the UDC evidence to the Inquiry on the terms detailed above. This required the exercise of planning judgement and, as such, the transition from the terms of the RoR to the presented appeal case could have only have been sanctioned in reliance upon the broad delegated powers made available to the Assistant Director Planning & Building Control. Whilst, the same delegated authority is made available to the Chief Executive Officer and the Director of Public Services it is, in our view, only fair to suggest that the final planning judgement could only be made by those with the direct conduct of this complex case. That being, the Assistant Director Planning & Building Control and, possibly, by the relevant legal advisor within UDC. Whilst nuanced and conditional, this transition in the UDC case was made abundantly clear in Leading Counsel's commentary note of 6<sup>th</sup> January 2021.
- 13.44 In our view, this must have been very clear to the supervising Officer(s) who had the conduct of the appeal case and in their participation in the settlement of the evidence that was ultimately submitted to the Inquiry in December 2020. At the very latest point, the

issued raised in the Councillors complaint and the response from Leading Counsel should have required Officers to revisit the RoR as referenced in the '16 questions'. At the very lowest level, this should have raised a concern with Officers that the earlier determination in January 2020 was, by this point, potentially defective.

- 13.45 The Officer(s) with delegated authority who were involved at that time should have been aware of this potential flaw in the decision making process and, in remedy, a request should have been made (most probably by the Monitoring Officer or Chief Finance Officer) for an Extraordinary Meeting pursuant to Rule 3 of Part 4 of the Constitution. Even if this interpretation of the provisions of the Constitution is overstated, common sense would suggest that the profile of the case and the potential reputational and cost consequences of the approach taken by the professional team were sufficient to have required an informed and effective Monitoring Officer/Chief Finance Officer to take this step.

14. **Lessons Learned**

- 14.1 It was on any reasonable examination predictable that any appeal against the RoR by SAL would present a very difficult case for UDC to defend. Indeed, this outcome had been predicted in the clearest possible terms by Leading Counsel. There was, as a consequence, a very high prospect that the appointment of the professional team would come at a substantial cost, that the outcome of the proceedings presented a very high likelihood of a substantial costs award against UDC and that there was the potential for further reputational damage to the local authority.
- 14.2 These were obvious, apparent and pronounced risks to UDC that should have been reflected in an automatic procedure of monitoring and review. It was a clear error of judgement by both Councillors and Officers that this facility was not put in place at the Extraordinary Committee Meeting in January 2020.
- 14.3 This absence of oversight was then compounded by the approach taken by the professional team under the supervision of the relevant Officers who had delegated authority and the conduct of the appeal case. Those Officers supervised and endorsed the transition of the appeal case from the terms of the RoR to the presented case of conditional approval of the Proposal. Whilst there was some limited scope for this interpretation and approach within the terms of the RoR, the obvious and inevitable exposure to costs should have forced those Officers to refer the case to the Monitoring Officer/Chief Finance Officer with a request that an Extraordinary Meeting should be secured pursuant to Rule 3 of Part 4 of the Constitution. In turn, it must also be the case, that if either the Monitoring Officer or Chief Finance Officer were already fully aware of the emerging case they should have taken this action under their own initiative.
- 14.4 It should, however, be stressed that this is an extreme case by reference to: the decision making process leading to the appeal; the profile and exposure of the proceedings; and the consequential financial and reputational cost to UDC. This should then temper the response of UDC to the issues raised by this specific decision making process and, in broader application, any new procedural steps that are put in place should be realistic and proportionate.
- 14.5 As detailed above, the current terms of the Constitution rely upon individual Officers to raise a request for an Extraordinary Meeting based entirely upon their judgement and intervention. The need for that judgement to be made will almost always arise in a period of intense work and, as in this case, where political pressure is heightened. It is, in this context, unreasonable and unrealistic to assume that Officers would regularly reflect on the terms of the Constitution (in the way detailed above) and then conduct an audit of their decisions to maintain confidence of continuing compliance.
- 14.6 In this context, the obvious remedy would be to extend the provisions of Article 13.3.2 of Part 2 of the Constitution that define those "*key decisions by or on behalf of the Leader or*

*Cabinet*” to provide an automatic referral process in specific circumstances. We would recommend that this is achieved by the extension of the categories of decisions identified at Article 13.3.2 to include:

*“The decision relates to a planning proposal likely to potentially result in a cost award against the Council in excess of £[X]00,000 or the provision of external professional services in excess of £[X]00,000 ”*

- 14.7 These terms could be extended to address those planning decisions made against Officer advice or in conflict with adopted policy, but in our view this is too broad a category of decision and would act against the interests of good management of UDC’s business by overburdening the decision making processes identified in the Constitution. We also take a similar view in respect of those decisions on planning matters that might cause reputational harm, because this is too subjective and would be open to misinterpretation.
- 14.8 The proposed approach would ensure that any planning decision presenting this cost risk that is made by the Planning Committee or is managed and determined through delegated authority should be automatically elevated to the Leader or Cabinet as a “key decision” requiring oversight and approval. The Leader or Cabinet, in turn, would then have authority to direct those identified under Rule 3 of the Constitution to call an Extraordinary Meeting.
- 14.9 These arrangements should not take away from the continuing functions in monitoring and assessment of planning decisions by the Monitoring Officer and Chief Finance Officer that are currently envisaged by the Constitution. There is, however, scope to better formalise these arrangements by the extension of the provisions of Part 3 of the Constitution relating to the function and duties of these appointed Officers.
- 14.10 These revised terms could require the Monitoring Officer or Chief Finance Officer to audit and review decisions that relate to any planning proposal likely to result in a potential cost award against UDC that fall below the thresholds detailed in the proposed amendment to Article 13.3.2 detailed above and, in particular, where there is an anticipated risk of escalation beyond the identified cost thresholds.
- 14.11 This approach would create a formal context for the audit of planning decisions as detailed above and, in turn, might assist in managing the potential administrative burden associated with the proposed amendments to Article 13.3.2 of Part 2 of the Constitution. It is also an approach that would assist in providing an established process for review by the Monitoring Officer or Chief Finance Officer that should then protect and give justification for any necessary intervention.
- 14.12 The provision of training and support to those Officers holding delegated authority should also be considered in response to an increasingly complex planning process and which requires very specific expertise in response to rapidly changing policy and legislative. That same training and guidance should obviously be extended to Councillors who often have to make challenging decisions in response to a myriad of documentation and a range of complex and inter-playing material considerations.

15. **Summary and Conclusions**

- 15.1 The advice of Officers in assessment of the Proposal from their original assessment in November 2018 through to the determination of the appeal was based upon consistent, detailed and robust advice. The decision of the Extraordinary Committee Meeting in January 2020 was reached without the benefit of any substantiated evidence in respect of a Proposal that was substantially compliant with national and local policy. Whilst Councillors were clearly entitled to reach that decision, it inevitably exposed UDC to a clear financial risk both in terms of their own costs in defence of their case and because of the high prospect of a costs award against the local authority.

- 15.2 In turn, the Officers approach in formulation of the UDC appeal case was always reliant upon the weakest of foundations and this was then reflected in the difficulties faced by Officers and the appointed consultative team in the preparation of their evidence. The attendant risk of a full award of costs against UDC would have been very clear and apparent by the professional team throughout this process and as identified in the clearest possible terms in Leading Counsel assessment of the case at the time of the Extraordinary Committee Meeting in January 2020. It is, however, clear that very modest steps were taken to mitigate that risk and this was particular the case with regard to missed opportunity to withdraw some of the RoR in response to the clearly limited available evidence in support of the Council's case.
- 15.3 In our view, this was the product of a system failure rather than the mistake of an individual Councillor and Officer, that centred upon the absence of sufficient oversight in the provision of an automatic procedure of monitoring, review and reassessment. Again, this mechanism should have been put in place by both Councillors and Officers at the Extraordinary Committee Meeting in January 2020 in response to the obvious reputational and cost risks. The absence of these arrangements placed Officers in an invidious position because they had been tasked in the formulation of an apparently hopeless case that was very clearly politically charged and in the absence of any apparent 'safety net' or other form of safeguard.
- 15.4 The absence of oversight was then compounded by the approach taken by the professional team under the supervision of the relevant Officers who had delegated authority and the conduct of the appeal case. Those Officers supervised and endorsed the transition of the appeal case from the terms of the RoR to the presented case at Inquiry of conditional approval of the Proposal. It must, in turn, have been the case that the identified risk could only increase (in prospect and cost) with each step taken to justify the RoR on the terms identified in evidence.
- 15.5 The remedy should be to provide an automatic referral process in specific circumstances where there is a significant cost or reputation risk to UDC and to imbed these terms in the Constitution. Those arrangements would safeguard both Councillors and Officers and, ultimately, would operate in the best interests of the local authority and members of the public.

**Eversheds Sutherland (International) LLP**

**5<sup>th</sup> May 2022**

## **Stansted Application Task and Finish group report.**

### **Notes in dissent of the Task & Finish report on the MAG process.**

#### **1 Introduction:**

- 1.1 In order to fully understand the subject of this report and thereby determine to what extent its fulfilment is brief, it is instructive to trace its origins back to its inception at Scrutiny in December 2018. One might then qualify to what extent the final report measures up to those initial expectations.
- 1.2 The main purpose of scrutiny must be to analyse the procedures followed and where possible identify failings that might be avoided in the future.
- 1.3 Another important purpose of scrutiny is to explain to residents what happened and how we arrived where we did. It is an historical record of process and outcome.
- 1.4 Residents will have to foot the final bill and are therefore entitled to transparent and robust assessment.
- 1.5 A further purpose might be to expose individual fault, if any is found, so as to address the Nolan Principles of good governance. However, it could be argued that to focus exclusively on blame would raise personal and political resistance impeding the productive and restorative value of the exercise. This does not mean that all fault finding should be avoided.
- 1.6 The request to the Scrutiny Committee for a full investigation of this matter was initially made after the Planning Committee's (Plancomm) first decision in 2018 to approve MAG's application which was seen to be highly controversial and raised several questions of form and best practice.
- 1.7 The request was made to the previous administration's Scrutiny Committee in late 2018, then chaired by Cllr Dean. However, at that time it was decided that owing to the ongoing nature of the application, this investigation should be postponed avoiding conflict and commercial prejudice.
- 1.8 It is laudable that this commitment to transparent and robust self-assessment was sustained over the protracted life of this matter.
- 1.9 Once MAG's Appeal had been upheld and the subsequent application to the High Court had been dismissed, the process was restarted and a T & F working group was formed.
- 1.10 The result was the current report produced by an objective, external qualified Solicitor.

- 1.11 However, from the outset there were questions about the scope and remit of the brief to the examiner.
- 1.12 It was decided that the scope should be limited to formal written evidence and would exclude at least two major sources of evidence for reasons of clarity, cost, and expediency.
- 1.13 The first major exclusion of evidence was that of valuable oral evidence by councillors, and specifically by members of either of the planning committees.
- 1.14 The second major exclusion of evidence was that of evidence of the content of the several “member workshops” that preceded the January 2020 Plancomm, and of the member “briefings” following the lodging of MAG’s Appeal and prior to the Appeal process.

It is submitted that these meetings which were deemed valuable to the framing of members’ views prior to determination and in preparation of the appeal were therefore valuable in understanding their frame of mind at those meetings. To exclude them would necessarily result in a diminished understanding of both outcomes.

- 1.15 At the T&F group these issues were raised and debated without effect. Again, the decision to narrow the scope was led by the officers and External advisor.
- 1.16 It is therefore small wonder that the report is perceived as somewhat limited and possibly even falls short of a full, robust assessment of a matter that warrants the fullest attention and transparency.

## **2 The report:**

- 2.1 There are several questions that demand consideration by the Scrutiny Committee, and we would suggest the following as a start.
- 2.2 From the outset, in Art 2, it states that the assessor “ES” is asked to “identify any procedural error in the process and procedure followed in determination of the planning application, the conduct of the appeal proceedings and the subsequent High Court challenge as relates to the Proposal (as defined below)”.
- 2.3 This statement gives the clear impression that this was a full and comprehensive brief of the entire matter. As we have suggested, the scope and remit were purposely restricted, and this is not a full picture of all the salient issues.
- 2.4 It should be noted that this report represents an historic document that may be referred to in future as a complete history of the matter.
- 2.5 The life of STAL’s application, the subject of this investigation, has been prolonged and controversial and has profoundly affected the district, the council, and its many residents. The costs have been substantial, and one might argue that for that reason alone, it warrants a full and unlimited assessment. If it was confidently felt that all salient issues had been adequately addressed even given its limited scope, and that it represented a largely honest



and accurate understanding of the major issues, then the compromise might be justified.

- 2.6 However, this report assumes certain “facts” such as (in 3.2 and 5.6) that the 2018 Plancomm decision was complete and without question, (glossing over the casting vote loss of a motion to refuse and another casting vote in favour of approving) and ignores the several questions that remained unanswered in that forum. The report then effectively assumes that this unquestionable baseline is the point from which failures may be measured.
- 2.7 The report also assumes that all three legal opinions were independent opinions on the facts, rather than a single opinion endorsed by two subsequent QCs. This point is not clarified, nor is any reference made to the three briefs given to the QCs that would clarify this.
- 2.8 The report also assumes that STAL’s Appeal would ultimately have been upheld if the council had defended it. This is at best a qualified leap of faith. Until a matter has been fully tested in tribunal, the outcome must always be uncertain. In fact, SSE did try to argue for Plancom decision but was confronted by two larger parties arguing for approval.
- 2.9 There is no doubt that the council’s defence was to reinterpret the decision notice from refusal to approval with conditions and instead of defending the Plancom’s decision, was to contrive a compromise position in terms of Condition 15. This fact is well argued in the report. But to assume that the case was already lost is a flaw in reasoning that has implications for the members of Plancomm and indeed for its defence team.
- 2.10 The report concludes, based on this “evidence”, that the members arrived at the unanimous decision to refuse on political grounds rather than on the evidence. (S13).
- 2.11 It is impossible to determine what is actually in the subjective minds of all members of the committee without even interviewing them! This conclusion is therefore based on the writer’s own personal judgement of the facts as he was given them, rather than on any real evidence.
- 2.12 The evidence available to the writer was limited to written text (and apparently handwritten notes) and ignores the possibility that oral evidence might show something entirely different.

### **3 Briefings and workshops:**

- 3.1 Consideration of briefings should have been included in this report. For example, whereas members were advised by a senior officer that the only intervening material consideration was climate change and that the S106 allocation might reasonably be substantially increased, this advice was given during briefings and served to guide members in their assessments. These comments were not considered by the writer and therefore form no part of his assessment of the merits of the case.

#### **4 Members questions:**

- 4.1 Other perhaps less crucial issues are erroneously alluded to such as the answers to 16 questions posed by a large cohort of members prior to the Appeal. This issue is glossed over and implies that answers were in fact given when they were not. S7.11 and This was the subject of an ECM and should therefore have formed part of the review. Had these questions been robustly debated and possibly been influential in the defence, the outcome of the Appeal might have differed. What it might also have shown is the commitment and enthusiasm members had for understanding the process and doing the right thing for the council. Regardless of its impact, this is one example where this report fails the members and muddies the water around this affair.

#### **5 Written evidence:**

- 5.1 The recommendations flow logically and constructively from the evidence considered but it would seem remiss to gloss over the failure to take adequate and judicious minutes in an application of this scale and not ensure the functioning of the audio-visual recording.
- 5.2 After all there was never any doubt that regardless of their reasoning, the applicant was always going to appeal a refusal. This fact is supported in the fact that the costs of a possible appeal was budgeted for a year earlier. But this this failure to adequately record important details goes to every element of the case.
- 5.3 Prior to the first Plancom meeting several meetings were allegedly held between officers, the applicant, and possibly other members.
- 5.4 The lack of records of these meetings was pointed out as far back as 2018. Yet this report makes no recommendations about those clear lapses of best practice.
- 5.5 The very vulnerability of this report lies in the lack of written evidence of all these dealings. Whilst we recognise the importance of cost cutting, this should not be done at the expense of facts and the conclusions drawn from such facts.

#### **6 Endorsement by members of the T&F Group:**

- 6.1 Whilst we would agree that the apportionment of blame is less important than transparent enquiry and setting solutions for the future, this report pretends to be a fair and even-handed assessment and will be taken as an objective assessment by members of the T&F group under the chairmanship of Cllr Le Count.
- 6.2 We would argue that it is a bold and perhaps valiant attempt at some understanding but that it does not go far enough to assess all the failures of the system truly and faithfully. Nor does it show a hard-working Plancomm or its members in a fair and objective light.

6.3 If we choose not to apportion blame, then why does this report feel so much like it does? And if we choose to understand the members' motives and frame of mind, wouldn't it be fairer to interview them and consider all the inputs that informed their decision?

## **7 Summary:**

7.1 In summary, a common thread of failure that runs through this entire matter is the failure to make adequate record of meetings and discussions of the issues. This dates back to before the submission of the application and the meetings between officers, the applicant and even members. These meetings were cause for real controversy then and remain opaque.

7.2 The controversies of the decision to hear this application at the LPA rather than by the SoS and the first sitting of the Plancom were lost to history for lack of written record and the external examiner appears to begin his investigation from the start of the new administration. Yet even there there's is no comprehensive understanding of the various workshop that were deemed essential to informing members. Again, no record was kept of those meetings. The examiner has no record and proceeds to conclusion without reference to the advice given to members 2 months prior to the second plancom meeting.

7.3 His conclusion is therefore unaffected by essential guidelines given to members and is arrived at in a vacuum.

7.4 His conclusions about the preparation for the appeal are similarly based not on comprehensive minutes from the meeting (and no mention is made of this major oversight) and his grasp of members concern for the appeal is equally blind to the several serious briefings that members attended with the snr defence team. Again, no records were made. This does not mean they were not evidenced but simply that he had no access to that evidence.

7.5 The subsequent ECM and 16 questions are not adequately discussed, and the implication of full answers not debated.

7.6 This sustained lack of written record is a serious breach of good governance and renders the report inadequate, inaccurate, and unfair.

Cllr Paul Fairhurst  
Cllr Ayub Khan

4th July 2022

# Agenda Item 13

<b>Committee:</b>	Council	<b>Date:</b>	Tuesday, 19 July 2022
<b>Title:</b>	Stansted Review – lessons learned action plan		
<b>Report Author:</b>	Peter Holt, Chief Executive Dean Hermitage, Director of Planning Adrian Webb, S151 Officer Jane Reynolds, Monitoring Officer pholt@uttlesford.gov.uk 01799 510400		

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## Summary

1. This report proposes the action plan to be implemented to apply the lessons drawn from the independent expert review into the handling of the Stansted Airport expansion, 2017-2021, the report of which it is presented alongside.
2. It is important to note that this report is essentially about good governance, rather than solely about the handling of planning applications and appeals, as the lessons learned apply much more widely than only to that particular area of the council's statutory duties.
3. It is similarly important to note that this particular Council report looks forwards not backwards. In making proposals for the future, it rightly draws the important lessons from the past from the independent expert report which looked in considerable depth and detail at the history of its particular subject matter.
4. Running a council, with its broad range of statutory duties and discretionary services is a shared endeavour between elected Council Members and permanent, professional Council Officers, each playing their appropriate roles, and acting at varying times independently and at other times in close concert. This report therefore necessarily seeks to add clarity and understanding in the practical measures in the action plan to how that shared endeavour can be best delivered in practice in deliverance of good governance, and how good quality decision making can lead ultimately to better outcomes for local residents.
5. Elected Members' duties and powers in decision making are generally at a higher level than those delegated to Officers, though in taking those decisions Members necessarily and appropriately rely on the advice and assistance of professional Officers, and occasionally through Officers on the further advice of external expert professionals commissioned to assist. In contrast, those powers held by Officers in decision making are in large part delegated to them from Members – although they also have some duties given to them in their own right by Law – and in either case, they hold their own responsibility and accountability for their actions and decisions. Necessarily therefore each

element in this action plan falls into one of two categories: either those decisions reserved to Members in line with the law and/or the Council's Constitution which they are asked to decide and then separately those other actions relating to responsibilities which are held by Officers, either delegated in the course of deliverance of their professional duties, or else (occasionally) held statutorily in their own rights, which Members are asked instead only to note.

6. Unusually, this Officer report contains not only the name of its lead author, the Chief Executive, who would routinely be supported in its drafting by other relevant lead officers. Instead, this report at its head carries the names also of the Director of Planning (as the professional lead adviser to the Council on all planning matters), the Section 151 Officer (who carries statutory responsibility in his own right for certain matters of financial propriety) and the Monitoring Officer (who carries statutory responsibility in her own right for certain issues of good governance). This is to reinforce that this report represents a broader settled and unanimous assessment and advice to Councillors from a range of senior Officers.

### **Recommendations**

7. That those action plan changes requiring changes to either the Council's Constitution or explicitly to future Member behaviours – as clearly identified thematically in each section of the report are approved.
8. Specifically, that Council forms a Task and Finish Group to consider draft Constitutional Changes as proposed in section 15.2.2, to be made up of one member each nominated by the Conservative and Independent party groups, and two members from the joint Liberal Democrat and Green group, alongside five members nominated by the majority Residents for Uttlesford group.
9. That those action plan changes relating to operational processes and approaches in areas either delegated to Officers or else held independently by Officers statutorily in their own rights – again as clearly identified thematically in each section of the report are noted.

### **Financial Implications**

10. The direct or immediate financial implications of this report and its adoption are extremely limited. The indirect or longer-term financial implications are in contrast potentially extensive, as this action plan is intended to protect the authority from future substantial legal costs in pursuance of future decision making and operation of Council services.

### **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.
  - The report of the independent expert review into the Council's handling of the Stansted Airport expansion application, 2017-2021

- The Council's Constitution

## Impact

12. Various elements of the impact of this action plan are addressed in more detail in the body of the report. At a headline level, the impact of this action plan is:

Communication/Consultation	Issues around the quality and consistency of communication, both orally and in writing, largely internally to the Council between Members and Officers but also externally, are at the heart of a sizeable proportion of the matter.
Community Safety	None directly – beyond positive outcomes in this regard being more likely to be delivered through improved governance.
Equalities	None directly – beyond positive outcomes in this regard being more likely to be delivered through improved governance.
Health and Safety	None directly – beyond positive outcomes in this regard being more likely to be delivered through improved governance.
Human Rights/Legal Implications	Issues around governance, are at the heart of a sizeable proportion of the matter, and are addressed extensively in the main body of this report.
Sustainability	None directly – notwithstanding that the subject of the Stansted Airport issue itself related closely to environmental sustainability – beyond positive outcomes in this regard being more likely to be delivered through improved governance.
Ward-specific impacts	All wards
Workforce/Workplace	Issues around systems of staff working, management and accountability are central to this action plan, the introduction of which will also contribute positively to staff recruitment and retention issues.

## Situation

### 13. Considering financial implications as part of considering individual planning applications

#### 13.1 Narrative:

- 13.1.1 Matters which are relevant to consider when determining a planning application - whether to approve it, to approve it with imposition of conditions, or to reject it – are relatively tightly defined by statute and precedent. This is the case whether that application is taken under delegated powers by Officers or else escalated for decision at Planning Committee. By the nature of the criteria for escalating individual applications to the Planning Committee, those that also have substantial financial implications to the authority are essentially a subset of the Major Applications considered at committee.
- 13.1.2 The basic requirement for good governance applies to quasi-judicial consideration of individual cases on their own merits at the Planning Committee as much as it does to any other aspect of Council decision making, namely **the Wednesbury Test**: good decisions are those on which all proper and material considerations are weighed whilst all irrelevant factors are put aside and not allowed to influence the decision made.
- 13.1.3 Any such Major Application is potentially expensive to the authority should it be appealed to the Planning Inspectorate. Should the Council's case at such an appeal be considered materially weak by the Inspector appointed, there is the potential for the Inspector to order that the reasonable costs incurred by the appellant are also met by the authority.
- 13.1.4 In relation to the Stansted Airport expansion appeal, the Council's own costs ran to just over £1 million. In that case, the Inspector found that the authority's case at appeal was so materially weak as to make it appropriate to order that the appellant's reasonable costs were also met by the Council. Those costs are still being negotiated between the authority and the Airport, and were subject to a public report to Council in June 2022, in which Members authorised Officers to offer £1.4 million in settlement thereof.
- 13.1.5 Costs to the authority in recent history of such appeals have been substantial, albeit none in the same league as the costs of the Stansted appeal costs, both direct to the authority and costs of the appellant awarded against the authority.
- 13.1.6 The total net expenditure on the full range of Council services in each of those years is approximately £16 million, so it can be seen that the costs of servicing Planning Appeals – whether won or lost – is a substantial proportion of the authority's budget, with any costs in excess of budgetary provision needing to be met from reserves. These are legitimate costs, and every Planning Authority needs to make suitable provision for such expenditure as the cost of doing business in defending its entirely legitimate duty to reject inappropriate planning applications.

- 13.1.7 The ultimate decision to either approve or reject planning applications is not an exact science, even when properly applying the Wednesbury Principles. Having a proportion of decisions appealed is actually a positive indicator of the Planning Authority's overall effectiveness. If none were appealed, this might be an indicator that an authority had become overly timid in its proper use of its powers to reject anything more than absolutely open-and-shut cases of fatally flawed applications.
- 13.1.8 It is an unarguable reality that Uttlesford District Council is in a weaker position than other authorities in being able to confidently defend any rejected applications taken to appeal by the applicant because of the combination of not having an up to date Local Plan in place [which is the subject of extensive work reported elsewhere to remedy], of not having a 5 year housing land supply at the level required by Government [which is again being addressed through the Local Plan process], and of being currently the only English local authority placed in 'special measures' by Government as a result of exceeding the upper ratio established nationally for proportion of major applications overturned at appeal [which is being addressed through a detailed action plan of its own, which is routinely reported to Councillors elsewhere]. The widespread knowledge of this situation potentially creates a vicious cycle in which applicants disappointed by rejection of their application may perceive that they have a greater chance of success if they were to appeal (compared to other council areas across the country), and thus generate more appeals and increase costs to the authority, even if the Council successfully defends against those appeals.
- 13.1.9 Notwithstanding the sizeable costs to the authority of planning appeals – won or lost – and the relative weakness of the authority (and the potential impact of the perception thereof), **the potential cost of an appeal is not a legitimate and material consideration for members of the Planning Committee to factor into their decision making over any individual application before them.** Every single planning application must be considered solely against relevant considerations and on its own merits, and not part of a bigger picture relating to affordability overall of defending planning appeals.
- 13.1.10 It would therefore be entirely and wholly wrong to make any systems changes or to promote any behavioural changes that led Members of the Planning Committee to consider the risk and scale of individual costs at appeal before they decide to either approve or reject any specific application before them. Recently introduced mandatory training for Members of the Planning Committee (building on years of earlier such training long since in place) has reinforced this point.
- 13.1.11 The independent expert review rightly drew attention to the difference between on the one hand the advice (such as in the financial implications section of the report to full Council in June 2019) which were stark and unequivocal in highlighting the impact and likelihood of substantial abortive expenditure flowing from an appeal should the previous planning decision be materially altered to the detriment of the Airport as applicant and on the



other hand the almost cursory and mildly-phrased financial implications section of the report to Planning Committee in January 2020. To be clear, this contrast was appropriate and proper, as it would have been improper to encourage Members at that Planning Committee to continue to approve the application on the grounds of the likelihood of substantial costs – which we now know to be well into seven figures.

13.1.12 Having made clear that the implications of the Wednesbury Test as applied to all future considerations of the Planning Committee as they have been in the past, there is though an entirely appropriate general approach which can legitimately and clearly needs to be further reinforced in training for Members of the Planning Committee, but also for all other Members who do not sit on the Planning Committee.

13.1.13 Councillors who do not sit on the Planning Committee also have a role in calling in individual applications for consideration by their colleagues at the Planning Committee, where they would otherwise be decided by Officers under delegated powers. It is therefore important that all 39 Councillors are better trained on and made aware of the overall implications to the authority's delivery of wider service and outcome ambitions that flow consequentially from the costs of those appeals.

13.1.14 As illustrated by the airport expansion application that triggered the commissioning of the independent expert review, Councillors who do not sit on the Planning Committee also potentially played a role deciding whether to refer back a matter to the Planning Committee for fresh consideration. The number of such considerations for referral back may indeed increase as a result of other recommendations arising from this independent expert review, so it is doubly important that all 39 Councillors understand the wider context and implications of costs of appeals, particularly lost appeals.

13.1.15 Put simply, Councillors need to be better supported and reinforced in their understanding that the costs flowing from appeals generally, particularly lost appeals, are significantly harmful to the delivery of their overall policy objectives, and that the importance of taking the appropriate decision on a quasi-judicial basis of any individual application before the Planning Committee is acute, even though the individual cost of a potential appeal (won or lost) against that individual decision before them is very explicitly not a proper material consideration. Councillors not sitting on the Planning Committee need also to be better supported and reinforced in their understanding of how these issues are also for them, albeit at a lower level than covered by the mandatory training already in place for Members of the Planning Committee itself.

### **13.2 Action plan elements requiring formal Member decision:**

13.2.1 That Members add to their recent decision to make training mandatory for all Planning Committee members, in deciding to make training compulsory for all Councillors at an appropriate level addressing the points covered in sections 12.1.12 to 12.1.15 above.

13.2.2 That Members agree that this additional general Member training should be developed and delivered as soon as possible, and then delivered afresh following the May 2023 elections, with annual refreshers thereafter, and also urgently individually to any new Members elected at by-elections.

**13.3 Action plan elements to be implemented by Officers as delegated/on their own authority:**

13.3.1 Officers will develop the training for all Councillors at an appropriate level addressing the points covered in sections 12.1.12 to 12.1.15 above, and deliver it as approved by Members in sections 12.2.1 and 12.2.2 above.

13.3.2 Officers will urgently review the wording used in the financial implications section of reports to Planning Committee with a view to striking the most appropriate balance between proper considerations for Members to consider as part of their quasi-judicial judgment on the application before them [where risk and financial impact of potential appeal is not a proper material consideration] but without running the risk of inadvertently and wholly wrongly giving the impression to Members that there is simply no financial downside to the overall pattern of appeals and associated costs when so very clearly there is.

13.3.3 Senior Officers will assess and act accordingly to address any broader training implications on this issue for staff, both technically and around behaviours, including with a specific focus on Member/Officer relations, and 'telling truth to power'.

**14. Decision Notices following consideration of individual planning applications**

**14.1 Narrative:**

14.1.1 The capturing, recording and conveying to both applicants and other interested parties of important elements of detail in giving effect to decisions on applications at the Planning Committee is necessarily complex.

14.1.2 Decision Notices containing this detail often take some time to be finalised by Officers after the meeting of the Planning Committee in question, although clearly this needs to be as speedy as is reasonably practicable.

14.1.3 Because of the technical complexity required in this process, the drafting and issuing of Decision Notices is necessarily a professional task, and is therefore appropriately delegated to Officers.

14.1.4 Any requirement for the Planning Committee to routinely consider and approve draft Decision Notices at a future meeting would be undesirable in terms of the delays it would lead to, and because of the volume of such notices, it would also be an unreasonable demand on Members' scarce time. It would also be an unreasonable expectation to place on Members that they took responsibility for signing off such technical documents without often substantial additional advice deconstructing and explaining

each such Decision Notice if it were taken back to Committee – meaning that any such change to routine procedure would also place a very substantial additional burden on Officers in terms of workload.

- 14.1.5 Notwithstanding the rationale for delegated responsibility to Officers for the drafting and then issuing of Decision Notices set out in sections 13.1.1-13.1.4 above the independent expert review of the Stansted Airport expansion decision which has triggered this process highlights an important anomaly, which has also been the subject of considerable Member discussion, namely how the Planning Committee of January 2020 in reconsidering the Stansted expansion application, on referral back by full Council in June 2019, reached a decision to reject but that the subsequent Decision Notice delegated to Officers instead showed a decision to accept but subject to important conditions.
- 14.1.6 For avoidance of doubt, it is clear that Officers, under their delegated powers, issued this Decision Notice in good faith and to seek to give effect to the desired outcome of the Planning Committee – namely to halt the proposed substantial increase in airport passenger numbers that was the clear policy objective behind the Planning Committee’s vote to reject. This approach was clearly taken by Officers under their delegated powers because of the weight of best professional advice that the Planning Committee’s intent would less likely be achieved by issuing a Decision Notice to reject rather than one which accepted subject to conditions so onerous as to likely frustrate the expansion. This decision was clearly taken specifically in anticipation of how to defend the appeal.
- 14.1.7 Ultimately, as is a simple matter of history, the appeal found in favour of the Airport and the go-ahead for the expansion was given – and the imposition of such onerous conditions lay behind the published reasoning of the Inspector to award costs against the authority.
- 14.1.8 Although it cannot be said with the absolute certainty of lived history that the outcome of the appeal would have been the same, including costs also awarded against the authority, should the Decision Notice have been one showing outright rejection rather than acceptance on strict and onerous conditions, it is clearly the weight of best professional advice that this negative conclusion would have been even more likely. Put another way, the acceptance but on imposition of onerous conditions was an ultimately fruitless attempt, but it was attempted because it stood possibly greater chance of success in defending the appeal than any attempt to defend a flat rejection would have been.
- 14.1.9 That all notwithstanding, looking to the future, there is certainly a strong argument that any professional decision taken by Officers under delegated powers to so materially alter the basic decision on any application taken at Planning Committee (whether from a rejection to an acceptance but under strict and onerous conditions as in this case, or any other such material shift) should be referred back to the Planning Committee for fresh decision before enactment. Although this would generate fresh work in a detailed Officer report explaining the apparent anomaly and the reason for an on-

the-face-of-it different/contradictory approach, and it would also potentially risk a delay, it would be ultimately beneficial in terms of transparency and public accountability.

- 14.1.10 This same principle should also be applied equally to any other kind of decision taken by any other Council Committee where a Committee decision in its implementation appears to be materially altered once delegated to Officers, even if such a fresh approach were taken following a professional assessment of how best to achieve the original policy decision imperative.

**14.2 Action plan elements requiring formal Member decision:**

- 14.2.1 To commission Officers to urgently bring back for full Council debate and decision any Constitutional amendment necessary to give life to the actions proposed in 13.1.9 [re the Planning Committee] and 13.1.10 [re all other formal decision making for a] above.

- 14.2.2 That Members undertake to actively participate in any training developed to support them in operating within this new referral back process – importantly to understand their role in considering complex technical factors, understanding the importance of avoiding the risks associated with seeking to apply matters of professional expertise outside their role in substituting their own technical solutions beyond those contained in options brought before them.

**14.3 Action plan elements to be implemented by Officers as delegated/on their own authority:**

- 14.3.1 To urgently prepare such Constitutional amendments as necessary to give life to the actions proposed in 13.1.9 [re the Planning Committee] and 13.1.10 [re all other formal decision making for a] above under the Chief Executive's own authority, even if not commissioned to do so under recommendation 13.2.1 above.

- 14.3.2 Pending any Constitutional changes being agreed as per section 13.2.1 above, Officers will be instructed with immediate effect by the Chief Executive to bring forward any such cases as would be covered by such Constitutional changes for him to consider taking back to the relevant Committee under his own authority, with those reports containing lawful options open to the Members along with clear advice on the route best likely to achieve their previously settled policy decision.

- 14.3.3 To prepare henceforth an annual report to go to the Council's Governance, Audit and Performance Committee listing any individual uses from this date forwards of these new procedures and seeking to draw out any issues or trends from the broader picture, with recommendations and learning points as necessary.

- 14.3.4 Senior Officers will assess and act accordingly to address any broader training implications on this issue for staff, both technically and around

behaviours, including with a specific focus on Member/Officer relations, and 'telling truth to power'.

## **15. Management of Planning Appeals**

### **15.1 Narrative:**

- 15.1.1 As can be seen from the table in para 12.1.5 above, the authority routinely defends planning appeals from applicants when either their appeal has been rejected, or approved but with what they consider to be unreasonably onerous conditions, or on grounds of non-determination.
- 15.1.2 As alluded to in 12.1.6 and 12.1.7 above, being taken to Appeal by an applicant is a natural, proper and even healthy element of an effectively operating Planning Authority.
- 15.1.3 By definition, the Planning Authority is going to want to defend its decisions at appeal. This is because the authority should only take planning decisions (and decisions generally) that it is proud to stand behind and defend. In planning terms, it is never acceptable for the authority to either reject an application without solid grounds for doing so, nor to approve it with conditions it believes to be unreasonably onerous in the hope that the applicant will simply back off and not choose to appeal.
- 15.1.4 As a general rule therefore, every appealed planning determination will rightly be vigorously defended.
- 15.1.5 As explored above, this can be a very expensive process, even just in the Council's own costs, as a successful defence will often require the commissioning of additional expert evidence (in terms of reports, and potentially in-person expert witness attendance at the Appeal itself), as well as using a barrister, possibly consultants, and in considerable staff time.
- 15.1.6 A balance will in each case need to be struck between constraining the Council's costs incurred and the likelihood of the input required to enable the Council to have the best chance to win. A further consideration is that an appeals can in some circumstances lead to the awarding of costs against the authority, meaning that a greater expenditure up front by the Council will need to be weighed against an assessment of external costs which may be awarded against it.
- 15.1.7 Striking this balance is not an exact science, but it is a matter of professional judgment best taken by the professional experts the authority employs.
- 15.1.8 The grounds on which the authority's defence is mounted will normally be straightforward – the defence will be on the grounds of the Decision Notice prepared and issued by Officers under their delegated powers, which in turn will reflect the decision taken (whether at Planning Committee or else directly by Officers under their delegated powers). Circumstances in which there is still discretion on which grounds to defend an appeal are dealt with in section 13 above – ie where an Appeal is lodged before a Decision

Notice is issued. This section [14] therefore seeks only to address the nature of the defence decisions in terms of scale and approach, rather than on underlying grounds.

15.1.9 It would seem sensible that the management of each Appeal is governed by an individual Appeal Management Strategy, setting out both allocation of resources and choice of tactical focus – ie main grounds for argument. Necessarily such Appeal Management Strategy will be highly sensitive, as they would be of massive use to the appellant should they be leaked, and so they will be highly restricted documents amongst relevant Officers and others such as any barrister commissioned, and potentially witnesses called.

15.1.10 Where possible, a shorter and less sensitive summary version should be afforded to Members, as well as to interested members of the public and to partners, such as interested Parish Councils, who often follow such appeals closely, and attend them in person. The publication of this de-sensitised version – a Summary Appeal Management Plan – will help reinforce Member, public and partner confidence, as well as serving our fundamental general commitment to transparency.

15.1.11 As with any such system, it is sensible to have a review mechanism to technically quality assure whilst they are live, and to review post implementation. In a Member-led organisation such as Uttlesford District Council, it will also be appropriate to brief Members and allow them to quality assure the broader application of this process over time.

## **15.2 Action plan elements requiring formal Member decision:**

15.2.1 That Members undertake to actively participate in any briefing developed to support them in operating within this individual Summary Appeal Management Plan process, as well as with periodic reports summarising the issues associated with appeals over that period, including any lessons to be learned and implemented generally.

## **15.3 Action plan elements to be implemented by Officers as delegated/on their own authority:**

15.3.1 The Director of Planning will review the current approach to handling Planning Appeals, and introduce a new system for instituting confidential Planning Appeal Plans and publishing Summary Planning Appeal Strategies as he considers appropriate and proportionate, including quality assuring individual plans prior to adoption at a suitably senior level.

15.3.2 The Director of Planning will also consider and implement a new periodic review process for both confidential discussion in more granular and confidential detail amongst Officers and expert partners, as well as perhaps annually at a higher level with Councillors, albeit with fewer specifics that give away less general strategy of value to future appellants.

- 15.3.3 The Director of Planning will also consider the partnership approach with other interested parties also represented at Appeals, including (but not limited to) Parish/Town Councils. This should reflect synergies and shared objectives whilst also maintaining an appropriate distinction where interests are not necessarily 100% aligned.
- 15.3.4 Officers will develop and deliver briefings/training on this approach to Members, with Parishes, and at a headline explanatory level to members of the public.
- 15.3.5 Senior Officers will assess and act accordingly to address any broader training implications on this issue for staff, both technically and around behaviours, including with a specific focus on Member/Officer relations, and 'telling truth to power'.

## **16. Revisiting decisions previously formally taken**

### **16.1 Narrative:**

- 16.1.1 It is – rightly – truly exceptional for any individual case (whether it is a planning application or any other element of council business, such as a licensing application or a grant application) to be considered once, decided on, enacted (to whatever degree) only then for the original decision to be revisited afresh. Such second-guessing leads to uncertainty, lack of transparency, and a greater likelihood of unfairness, inconsistency and inequity. The impacts on third parties who are relying on the Council making a decision and sticking to it are particularly acute – and in a general sense, likely to lead to negative impacts and increased costs on their part, which they would unsurprisingly often want to seek to reclaim from the authority. There is also a clear division of responsibilities between key decisions reserved for elected Councillors and for the mass of more routine, lower-level decisions delegated to Officers – and the clarity for this division is as set out in the Schedule of Delegated Powers. This reinforces the general point for key decisions that 'Officers advise, but elected members decide'.
- 16.1.2 In contrast, with policy decisions, it is routine good practice to reconsider them and refresh them in light of experience and changing external circumstances from time to time, such as on an annual/four-yearly basis. Refreshed and revised policies should of course in general be applied prospectively (from that point or a future date onwards) and not retrospectively, as this too would likely lead to confusion, unfairness and potential claims against the authority.
- 16.1.3 The Stansted Airport expansion application subject of the independent expert review commissioned by the Council is of course one such case where the Planning Committee decided on the original planning application – to approve it – only then to have the matter referred by vote of full Council after an all-out election back to the Planning Committee.

16.1.4 Members were advised in that case that although they did indeed have the power to make such a referral back, there were considerable risks and likely costs (both financial and reputational) if they were to do so (and were the Planning Committee to not simply re-approve the application). At a simplistic level, all any aggrieved party needs to do to contest a decision of a body that first decided one way and then the other is to play back the decision maker's own words/logic from the time they decided on the occasion that suits the third party's preferred outcome.

16.1.5 One of the clear implications arising from this review which requires action is therefore around Member training to better understand such risks should they consider such a comparable option in future. This should clearly better support Members in understanding factors generally related to the subject under consideration but which are not always aligned with the proper material considerations allowed for in law.

16.1.6 The independent expert review does though clearly conclude that there does need to be better and more formal explicit Constitutional provision for reconsideration of various matters in certain exceptional circumstances. It says at para 1.4

“There was a clear error of judgment by both Councillors and Officers in failing to secure an automatic review procedure, following the decision of the Extraordinary Committee Meeting in January 2020 to refuse the Proposal against Officer advice.”

16.1.7 And continues on that theme in the recommendations section at sections 15.3-15.5:

“In our view, this was the product of a system failure rather than the mistake of an individual Councillor and Officer, that centred upon the absence of sufficient oversight in the provision of an automatic procedure of monitoring, review and reassessment. Again, this mechanism should have been put in place by both Councillors and Officers at the Extraordinary Committee Meeting in January 2020 in response to the obvious reputational and costs risk. The absence of these arrangements placed Officers in an invidious position because they had been tasked in the formulation of an apparently hopeless case that was very clearly politically charged and in the absence of any apparent ‘safety net’ or other form of safeguard.

The absence of oversight was then compounded by the approach taken by the professional team under the supervision of the relevant Officers who had delegated authority and the conduct of the appeal case. Those Officers supervised and endorsed the transition of the appeal case from the terms of the RoR to the presented case at Inquiry of conditional approval of the Proposal. It must, in turn, have been the case that the identified risk could only increase (in prospect and cost) with each step taken to justify the RoR on the terms identified in evidence.

The remedy is to provide an automatic referral process in specific circumstances where there is a significant cost or reputation risk to UDC and to imbed these terms in the Constitution. Those arrangements would safeguard both Councillors



and Officers and, ultimately, would operate in the best interests of the local authority and members of the public.”

#### 16.1.8 And specifically in para 14.6

“In this context, the obvious remedy would be to extend the provisions of Article 13.3.2 of Part 2 of the Constitution that define those “*key decisions by or on behalf of the Leader or Cabinet*” to provide an automatic referral process in specific circumstances. We would recommend that this is achieved by the extension of the categories of decisions identified at Article 13.3.2 to include:

*“The decision relates to a planning proposal likely to potentially result in a cost award against the Council in excess of £[X]00,000 or the provision of external professional services in excess of £[X]00,000 ””*

16.1.9 This provides both an argument that there needs to be provision for an automatic review process, as well as introducing a financial trigger above an as-yet unspecified number of hundreds of thousands of pounds worth of costs.

16.1.10 The building of this trigger around the word ‘likely’ suggests perhaps a minimum threshold of better-than-50:50 chance of incurring such costs, and that is necessarily subjective. It would also suggest that the trigger would not be met if the professional advice was that there was a 60:40 chance of not incurring costs above that threshold – it a 40% likelihood of potentially costing maybe millions of pounds, but not hitting the trigger.

16.1.11 Although there is necessarily some inexactitude in putting a cost to an enquiry before it has even started, this too could be worked through to make good use of such a phrasing for a trigger.

16.1.12 Although Planning Committee decisions are very much quasi-judicial and not matters for the Cabinet, nor indeed for full Council to reverse, once a decision has been taken by the Planning Committee, it is indeed potentially appropriate to refer back to either Cabinet or full Council.

16.1.13 It is a matter of fine judgment if the referral to Cabinet served a sufficiently positive purpose if Cabinet in turn needed to recommend reconsideration to full Council for full Council to refer the matter back to the Planning Committee.

16.1.14 Considering the time sensitivity of Planning Committee matters, it might be considered advantageous instead to grant named Officers the power to short-circuit this proposed new review process, by using powers to refer the matter straight to full Council (which of course also has the power to appoint and dismiss Members from the Planning Committee).

16.1.15 As such, the Chief Executive instead offers the similar construction for a Constitutional amendment in the form of:

16.1.16 *“Where a decision relates to a planning decision with a substantial likelihood of resulting in costs to the Council in excess of £200,000 by way of costs awards*

*and/or or the provision of external professional services the Chief Executive or Planning Director shall take a report in a timely fashion to a meeting of full Council to discuss and determine whether to refer back to the Planning Committee for reconsideration. There shall only be one such referral per application, with the Planning Committee entitled to reconfirm its decision without further such referral back.”*

16.1.17 The recommendation below to this affect affords Members the opportunity to discuss and debate this wording, as well as for Officers to seek further expert advice thereon before bringing back proposed Constitutional amendments to full Council for decision. This further reinforces the point that although additional powers are proposed for Officers to be able, in exceptional circumstances only, to be able to refer a matter back to Members for reconsideration, that it will still be for such key decisions that ‘Officers advise, but elected Members decide’.

## **16.2 Action plan elements requiring formal Member decision:**

16.2.1 That Members undertake to actively participate in any training developed to support them in operating within this approach to the exceptional cases where pre-existing casework decisions are revisited.

16.2.2 That Members establish a new task-and-finish working group to consider the wording of a potential Constitutional amendment as discussed in sections 15.1.6 to 15.1.15 and as currently drafted in section 15.1.16.

## **16.3 Action plan elements to be implemented by Officers as delegated/on their own authority:**

16.3.1 To develop and deliver such Member training.

16.3.2 Senior Officers will assess and act accordingly to address any broader training implications on this issue for staff, both technically and around behaviours, including with a specific focus on Member/Officer relations, and ‘telling truth to power’.

16.3.3 To support the Member task and finish group proposed in section 15.2.2 above.

## **17. Provision of expert advice to Members in support of their decision making**

### **17.1 Narrative:**

17.1.1 The Council employs staff, with years of relevant experience, and requiring professional qualifications and ongoing continuous professional development in their field. This is routinely supplemented as necessary by the commissioning of external expert advice, usually because the matter at hand is so specialist, although also at times because of reasons of in-house capacity.

- 17.1.2 Councillors come with an electoral mandate and a range of skills, knowledge, experience that Officers do not have – particularly the ongoing direct link to understanding our residents’ lived experiences and priorities. Councillors routinely develop considerable knowledge in the areas of council services they spend most time on, particularly in the case of Planning Committee members, who pick up a huge amount of relevant detail over the years. Although sometimes Councillors also have professional skills from their own careers that come to the table with them, it is important for them to rely on the best professional advice they are given and to apply their best judgment to it, rather than seek to out-expert the experts.
- 17.1.3 This joint enterprise between Councillors and Officers (and external experts commissioned) is more often than not a well-trodden and highly productive relationship.
- 17.1.4 Decisions taken at different levels needs to be (and generally is) clearly distinguished, both by our Constitution and by the accompanying Schedule of Delegated Powers. Earlier sections in this action plan tease out some areas at the margins between Member decision making and delegated Officer powers requiring some tweaking.
- 17.1.5 It is particularly important in taking decisions that there is a clear audit trail, that supports Members and Officers to show that the Wednesbury Principles are being followed. Officer reports are constructed to enable that.
- 17.1.6 The independent expert review report does however point at multiple occasions in the handling of the Stansted Airport expansion application where the audit trail and thus the evidence of strong governance is considerably wanting, if not downright absent – particularly when it came to the advice received from external experts, mainly leading barristers.
- 17.1.7 The independent external review reveals quite clearly how many of those external consultations had no real audit trail. This has been a matter of understandable consternation to various Councillors, including Members of the Task and Finish Group established by the Scrutiny Committee to see that this independent expert review process was properly completed, and reported up to Scrutiny and full Council, as it now has been.
- 17.1.8 Where some Members of the Task and Finish Group expressed a wish for further evidence to be taken, including from interviewing various Councillors, Officers and external third parties who took part in those various exchanges to try to get closer to who said what, the Chief Executive advised that this was not possible on two grounds. Firstly, and most importantly, the expectation that a clear and consistent ‘single version of truth’ would somehow emerge from seeking to interview dozens of different people who sat through lengthy discussions now some years ago, is so unlikely as to be a hopeless mission. Secondly, the cost and time that would almost certainly be taken up by such a process would be disproportionate to the almost certainly vague outcome it would produce.

- 17.1.9 This view is shared by the independent expert commissioned to carry out the report. He would not accept the commission to do that work even if we did think it a good idea and the use of many extra tens of thousands of pounds of taxpayers' money.
- 17.1.10 Importantly though, Members can take value from the conclusions that the independent expert reviewer has included in his report and from which positive, valuable learning can be drawn for the future.
- 17.1.11 The first positive learning point is around audit trails and clarity of the important things that Members should take away from workshops or question-and-answer sessions with experts, whether in-house professionals or external consultants, QCs etc. Although free-flowing workshops and question-and-answer sessions can serve a valuable purpose, alongside formal, locked-down Officer reports, to make them fit properly into an audit trail and thus flow through to a clear and proper application of the Wednesbury Principles.
- 17.1.12 Specifically, any such workshop or question-and-answer session should have a clear framework set out in the invitation – ie what will be covered. It may prove helpful to start off any such session with a presentation, and this too can be captured and shared as part of the audit trail showing how there has been a clear focus on relevant factors and a setting aside of irrelevant factors. Finally, any such meeting should be followed up routinely in future by a written note of key take-away points. Such a follow up note should explicitly not try and capture a whole one or two hours work of he-said-she-said, but instead focus down onto the key points – ie those that Members should pay regard to in reaching any formal decision.
- 17.1.13 The independent expert review report also lays bare the somewhat extraordinary number of senior barristers from whom the authority sought advice on this one case. Even if there were very good reasons for seeking so many different external opinions, one obvious and entirely predictable outcome in terms of perception is that the authority kept on trying QCs until it could find one whose advice sufficiently fitted its world view enough to carry on towards its desired course of action, regardless of the risks.

## **17.2 Action plan elements requiring formal Member decision:**

- 17.2.1 Members are invited to accept the principle that any future free-flowing workshops or question-and-answer sessions with experts (in-house or external) are going to be slightly more structured, and with the relevant points captured and shared in writing, so that they can be supported in fulfilling their duties under good governance to focus on relevant factors and disregard irrelevant factors.
- 17.2.2 Members are invited to accept the principle that for purposes of transparency, clear accountability, and good governance that should they wish for a second opinion on a matter, from an external expert, that this should be made through the relevant Officer, who will consider it, and seek agreement from the Chief Executive as necessary. Members should

accept that although an external expert opinion will often be commissioned, the seeking of ‘third opinions’ will very rarely be approved.

17.2.3 Members are invited to accept the principle that if they have prior experience of any particular external expert – positive or negative – they are welcome to share this with the relevant Officer prior to the selection of any external expert, but that the principles on which a selection will be made are those as set out in 16.1.1 above.

17.2.4 That Members undertake to actively participate in any training developed to support them in operating within this approach to the exceptional cases where pre-existing casework decisions are revisited.

**17.3 Action plan elements to be implemented by Officers as delegated/on their own authority:**

17.3.1 The Chief Executive will ensure a clear expectation amongst Officers that on future occasions where there is a sense that Members will benefit from supplementing formal written Officer advice with free-flowing workshops or question-and-answer sessions, that these are organised in line with the principles set out in 16.1.12 above.

17.3.2 Further, the Chief Executive will instruct that Officers seek his personal approval prior to commissioning any second or subsequent external expert to provide advice on essentially the same matter, with that approval only likely to be given in genuinely exceptional circumstances.

17.3.3 The Chief Executive will instruct Officers that their first priority in selecting any external expert adviser is the quality and independence of that external advice, and that taking recommendations from any Member on who or who not to commission for that purpose is generally to be avoided. Moreover, Officers are to be instructed that if any Member does recommend selecting or avoiding any external expert unsolicited, then that should be promptly reported to the Chief Executive who will take a view as to how, if at all, that should be allowed to influence the selection of an external expert.

17.3.4 Senior Officers will assess and act accordingly to address any broader training implications on this issue for staff, both technically and around behaviours, including with a specific focus on Member/Officer relations, and ‘telling truth to power’.

**Risk Analysis**

18.

Risk	Likelihood	Impact	Mitigating actions
That publication of the independent expert review report and subsequent consideration of its	low	low	The authority has already published and publicly debated a report at full Council in

content in public undermines the ongoing costs negotiations between the authority and Stansted Airport			June 2022 making an offer to Stansted Airport in settlement of costs.
That the authority fails to learn and implement lessons from this matter	low	high	The cross party task and finish group that has worked on this process is illustrative of the whole council appetite to learn and implement positive learning. The commissioning of an independent expert to conduct the review adds to its credibility and objectivity.

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.