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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, 11th October, 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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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 meeting** 6 - 21
To receive the minutes of the previous meeting held on 19 July 2022.
- 3 Chair's Announcements**
To receive any announcements from the Chair.
- 4 Reports from the Leader and Members of the Executive** 22 - 25
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)** 26 - 28
To receive questions from members for the Executive and committee chairmen.
- 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.
- 6a Report referred from Standards Committee: Code of Conduct Complaints summary** 29 - 38
To note the Code of Conduct Complaints summary report.
- 6b Report referred from the Standards Committee: Adoption of Local Government Association New Model Code of Conduct** 39 - 58
To consider adopting the LGA new model Code of Conduct.

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| 6c | Report referred from the Governance, Audit and Performance Committee: Scheme of Delegation | 59 - 96 |
| | To consider the report regarding the Scheme of Delegation. | |
| 6d | Report referred from the Governance, Audit and Performance Committee: Procurement Strategy 2022-2026 | 97 - 107 |
| | To consider the Procurement Strategy 2022-26. | |
| 7 | Matters received about joint arrangements and external organisations | |
| | To consider matters concerning joint arrangements and external organisations. | |
| 8 | Saffron Walden Neighbourhood Plan | 108 - 223 |
| | To consider the report regarding the Saffron Walden Neighbourhood Plan. | |
| 9 | Stansted Airport Costs | 224 - 237 |
| | To consider the report regarding Stansted Airport costs. | |
| 10 | Member Motion: Mishandling of the Local Plan | 238 |
| | To consider the member motion regarding the mishandling of the Local Plan process. | |
| 11 | Exclusion of public and press | |
| | To exclude the public and press due to consideration of reports containing exempt information within the meaning of section 100I and paragraphs 1, 3 and 5 part 1 Schedule 12A Local Government Act 1972. | |

PART 2

Exclusion of Public and Press

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| 12 | Complaint upheld by the Local Government Ombudsman | 239 - 253 |
| | To receive the report regarding the Ombudsman Complaint. | |

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.

All agendas, minutes and live broadcasts can be viewed on the Council's website, through the [Calendar of Meetings](#).

Members of the public and representatives of Parish and Town Councils are permitted to speak or ask questions at this meeting and are encouraged to 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.

In certain circumstances, virtual attendance can also be provided using Zoom; please contact Democratic Services for further information. Those wishing to contribute via Zoom will require an internet connection and a device with a microphone and video camera enabled.

Guidance on the practicalities of participating both in-person or via Zoom will be given at the point of confirming your registration slot. If you have any questions regarding participation or access to meetings, please call Democratic Services on 01799 510 369/410/467/548. Alternatively, enquiries can be sent in writing to committee@uttlesford.gov.uk.

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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Email: Committee@uttlesford.gov.uk

General Enquiries

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

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

Agenda Item 2

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 19 JULY 2022 at 7.00 pm

Present: Councillor H Asker (Chair)
Councillors A Armstrong, G Bagnall, S Barker, A Coote, C Criscione, A Dean, G Driscoll, 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 Merifield, E Oliver, R Pavitt, L Pepper, N Reeve, G Sell, G Smith, M Sutton, M Tayler and J De Vries

Officers in attendance: P Holt (Chief Executive), B Ferguson (Democratic Services Manager), D Hermitage (Director of Planning), J Reynolds (Assistant Director - Legal and Governance) and A Webb (Director - Finance and Corporate Services)

Also present: Mr Woodcock, Dr Noble, Mr Ross and Ms Jones (public speakers)

C20 **MINUTE'S SILENCE**

The Chair welcomed those present to the meeting. She paid tribute to long standing former employee Karen Denmark who had tragically passed away earlier in July. Karen had worked with the Council from 1985 to 2020 and was an exceptional planner who would be sorely missed by all who knew her.

The Chair offered the Council's heartfelt condolences to Karen's family, friends and colleagues and led a minutes silence in her memory.

C21 **PUBLIC SPEAKING**

Mr Woodcock, Dr Noble, Mr Ross and Ms Jones addressed Council. A summary of their statements are appended to these minutes.

C22 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Caton, Day, Eke, Loughlin and Luck.

Councillor Evans declared a non-pecuniary interest in item 10 as the Chair of Stebbing Neighbourhood Plan Steering Group and a resident of Stebbing.

Councillor Merifield declared a non-pecuniary interest in item 10 as a member of Stebbing Parish Council and a resident of Stebbing.

C23 MINUTES OF THE PREVIOUS MEETINGS

The minutes of the meetings on 17 May 2022 and 15 June 2022 were as correct records of the meetings.

C24 CHAIR'S ANNOUNCEMENTS

The Chair provided a brief update on events she had attended since the previous meeting including:

- Services commemorating the Queen`s Platinum Jubilee, at St Mary`s Church in Saffron Walden and also at Chelmsford Cathedral
- Dunmow Town Council`s Summer Solstice event which was most enjoyable and she recommended attendance at what had become an annual event
- Colchester Garrison Armed Forces Day
- Carver Barracks Jubilee Parade where she was honoured to hand out Jubilee medals to the troops
- Saffron Walden Scouts Group AGM
- Afternoon tea with the High Sheriff of Essex at Hyde Hall
- Annual Reception hosted by the Chair of Essex County Council

She said there would be further events coming forward that she would like Members to attend and that dates would be circulated in due course.

C25 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

Three reports had been submitted from the Portfolio Holder for Council and Public Services, the Portfolio Holder for Planning and the Portfolio Holder for Environment and Green Issues were all noted.

Councillor Barker said that Councillor Freeman`s report detailed work with the North Essex Parking Partnership (NEPP) improving junction protection where inconsiderate parking was a safety issue. She said that this was an issue around the estates in Takeley, with the main estate in Priors Green being particularly problematic, which was situated in the parishes of both Takeley and Little Canfield. She said that she had written to Councillor Freeman last week asking him when he would talk to Little Canfield about this issue as when she had spoken with the NEPP they were not aware of any active schemes being put forward.

Councillor Freeman said that he had responded to two Little Canfield residents and had explained their parking options and how they could achieve residents parking for themselves or on one occasion junction protection, which had a lower standard of public involvement than required for residents parking. He said that double yellow lines would be installed as junction protection and that the residents knew how to take the resident parking forward.

Councillor Barker asked Councillor Freeman to let the Parish Council know what action he had taken.

C26

QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRS (UP TO 30 MINUTES)

Councillor Barker asked in reference to Question 2, when would the Housing Waiting List Scheme be considered at the Housing Board and then Cabinet.

Councillor Coote said that it would go to Housing Board and then Cabinet when it was necessary.

Councillor Gregory asked in reference to Question 3, whether the Council had undertaken internal due diligence before deciding to spend £32,000 of residents money as detailed in Councillor Pepper's report.

Councillor Pepper said that when looking at ways to reduce the Council's carbon emissions, it was identified that the London Road offices were not suitable for solar panels. Nonetheless, she had wanted to send out a clear message demonstrating the Council's commitment to Climate Change and it was agreed that switching to green energy from black fossil fuel energy, although expensive, was necessary. Therefore, she said the right due diligence had been undertaken by Officers.

Councillor Gregory asked that the minutes reflected that Councillor Pepper did not answer his question.

Councillor Khan asked in reference to Question 4, what specific help was being provided to residents presenting to their GPs sick with worry about financial burden.

Councillor Sutton offered to provide a further response by email to Councillor Khan. She said she could list the agencies they were working with to support residents.

Councillor Khan agreed and asked for the response to be copied in to all Councillors.

Councillor Dean asked, in reference to Question 7, for details to be provided regarding the breakdown of Standards complaints into political groups. He also asked whether Councillor LeCount would be a more proactive Chair of the Group.

Councillor LeCount said that he had only be in post for two months. He said that Councillor Dean's question would be answered and was currently being reviewed by the Monitoring Officer and the Chief Executive. He said that Councillor Dean would receive a response to his questions within six weeks.

Councillor Sell asked, in reference to Question 8, for clarity whether the £80,000 figure was correct. He asked whether any further details could be shared of the green initiatives for the local parishes and specific sums available.

Councillor Pepper said that there was a meeting scheduled next week to discuss financial allocations. She said that she would circulate the information as it became available.

C27 MATTERS REFERRED FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

The Chair confirmed that all matters had been included as stand alone agenda items.

C28 MATTERS RECEIVED ABOUT JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

No matters received.

C29 SCRUTINY COMMITTEE ANNUAL REPORT

Councillor Gregory, Chair of the Scrutiny Committee, presented the Scrutiny Committee's Annual Report.

He thanked the following Officers for their work:

- The Local Plan and New Communities Manager for his work on the Local Plan
- The Business and Performance Manager for her work on economic development
- The Assistant Director of Environmental Services for his work on Climate Change
- The Director of Finance and Corporate Services for his helpful work on Finance
- The Assistant Director of Resources also for her work on Finance
- The Assistant Director of Corporate Services as lead Officer

He also thanked the Scrutiny Committee for their work, including cross party colleagues who had ensured that party politics were put to one side in the interests of the Council and residents as a whole. He extended particular thanks to the Vice-Chair Councillor Le Count and Councillor Jones.

He said that Uttlesford has not always had the most open culture but that he was very pleased to acknowledge the openness and transparency that the current administration demonstrated under the Chief Executive.

He said that openness was vital, and that it was Scrutiny's job to ask reasonable questions and expect reasonable answers.

He highlighted the following from the previous year;

- Review of the Local Plan process, conducted extraordinarily well by the Local Plan and New Communities Manager and his team in challenging times
- Planning Obligations have been brought forward, have gone to Cabinet and are now under the process of being implemented, led by Councillors Criscione and Jones and the Assistant Director of Environmental Services. He said that he expected great things under the new Director of Planning
- Economic recovery had been excellent
- The Corporate Plan Delivery Plan had seen a huge improvement
- The Committee had found some of the Climate Change representations unconvincing
- The budget was well received but further engagement was required with people who were making suggestions that would improve performance. He asked Officers to embrace accountability.

Councillor Dean thanked Councillor Gregory for the report. He said that paragraph 39 relating to the Local Plan lacked comment about outcomes. He noted that paragraphs 24 and 25 stated that things got underway in June 2021, but actually began in 2018.

Councillor Gregory confirmed that the role of Scrutiny with regard to the Local Plan was only process. He said that the issue arose from the status of the Stansted application as Scrutiny was constitutionally barred from involving itself with live applications. The Stansted application flitted between live and resolved a number of times, further muddled by the delay in the publication of the decision notice, the possibility of appeal and subsequently judicial review. Scrutiny was required to wait until absolute closure was achieved before addressing it.

The report was noted.

C30

GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE ANNUAL REPORT

Councillor Oliver, Chair of the Governance, Audit and Performance Committee (GAP), presented the Committee's Annual Report.

He thanked members and the Vice-Chair, Councillor Driscoll, and commended the Assistant Director of Corporate Services as lead officer and the Internal Auditor for their assistance to the Committee.

He noted that External Auditors had been reviewed by the Public Sector Audit Appointments Ltd but remained two years behind signing off the Council's accounts. He said that he hoped that the investigations that had been holding up this matter would soon be resolved.

He highlighted that the Internal Auditor had spent a lot of time this year looking at Uttlesford NORSE Services Ltd which had resulted in considerable concerns being raised. Uttlesford NORSE has been considered four times by GAP in the

past year and this had resulted in an audit opinion of limited assurance due to the significant number of control weaknesses. He said that he was hopeful that the new Members on the board of Uttlesford NORSE Services would work with the Committee to resolve the outstanding issues.

He noted that GAP have reviewed areas of the Constitution which were being moved forward and that the Community Governance Review of the Parishes had been completed, with a number of changes accommodated.

He said that annual reports had been received from the PFI contracts and Local Government Ombudsman. 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.

He said that the Contract Procedure Rules and new arrangements for Statutory Senior Officer Disciplinary Procedures had been agreed.

Councillor Foley said that the Chief Executive had quickly responded to the issues relating to NORSE and should be commended.

Councillor Khan acknowledged the hard work of the GAP Committee and related Officers. He said that Uttlesford NORSE was the biggest failure of contract management in public services that he had ever seen and that the Chief Executive felt the same. He said that he looked forward to taking forward improvements with Councillor Coote and the Housing Board. Having missed the previous meeting due to annual leave, he asked whether the External Auditor was going to sign off the outstanding historic accounts.

Councillor Oliver said that he couldn't comment but that he hoped that the External Auditor would be present at the next meeting. He added that he hoped that the new representative from Uttlesford NORSE would also be in attendance.

The report was noted.

C31 STEBBING NEIGHBOURHOOD PLAN

Councillor Evans presented the Stebbing Neighbourhood Plan report. He extended thanks to the members of the steering group in Stebbing that had worked tirelessly for six years to reach this point, ably assisted by the Planning Policy Officer and the external Neighbourhood Planning Consultant.

He said that the turnout of voters on 23 June 2022 was extremely high at 48% and was the highest Neighbourhood Plan turnout recorded in Uttlesford.

He said that the post-referendum meeting of the steering group had identified that the Neighbourhood Plan process had resulted in a number of benefits for the community, including educating residents on planning policy matters and pieces of evidence that were not previously known about. He said that the 21 policies, 155 heritage assets and 8 housing allocations within the plan had already been given weight by a Planning Inspector and Council Officers.

He noted that the entire cost of delivering the Neighbourhood Plan was recoverable from central Government, who continued to support neighbourhood planning.

He proposed that Council formally made the Stebbing Neighbourhood Plan as part of the statutory development plan for the District.

Councillor Criscione said that Councillor Evans should be very proud and noted that 43% of respondents to the consultation had lived in the area for less than 10 years and that the new and fresh thinking was welcomed.

Councillor Isham said that it was a fine document and added his thanks to Councillor Evans for his help and advice, noting that he would be requesting further guidance with Broxted's plan.

Councillor Khan added his congratulations to Councillor Evans and asked for clarification on the definition of affordable homes within the plan.

Councillor Evans said that they were reliant upon land becoming available and that regrettably they had no policy within the Neighbourhood Plan for council housing. The land allocated within the plan was for affordable housing through housing association dwellings.

Councillor Hargreaves noted the hard work that goes into preparing a Neighbourhood Plan and commended the plan to Council.

Councillor Merifield said that she was delighted to second the proposal and thanked the Neighbourhood Plan steering group and residents who helped and turned out to vote.

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

RESOLVED: To formally make the Stebbing Neighbourhood Plan as part of the statutory development plan for the District.

C32 **HOUSEHOLD SUPPORT FUNDING**

Councillor Hargreaves presented the Household Support Funding report.

Councillor Khan said that he supported this proposal, but asked whether the funding could be administered by a third party rather than Essex County Council.

Councillor Hargreaves said that the Council were just the agent for the funding and did not have the power to allocate it to a third party.

Councillor Criscione said that he supported the proposal, but asked whether there was more the Council could do to support residents, in particular to foster carers and adopters who are often not included in such schemes.

Councillor Hargreaves recommended that Council approved the proposal, which was seconded by Councillor Reeve.

The Chair moved to a vote and the proposal was unanimously agreed.

RESOLVED: To approve the extension of the discretionary Council Tax Rebate Scheme:

- I. To include a council tax rebate of £80 to the vulnerable, disabled and their carers on low incomes and in receipt of LCTS
- II. To extend the eligible date to the 1 April 2022

The Chair adjourned the meeting at 20:22. The meeting would be reconvened on Thursday 21 July 2022 at 19:00 to resolve the remaining items of business.

C33 **MEETING RECONVENED**

The meeting was reconvened at 7.00pm on Thursday 21 July 2022. The Chair reconvened the meeting.

Apologies for absence for the evening's session were received from Councillors Barker, Caton, Criscione, Day, De Vries, Foley, Luck, Oliver and Tayler.

Councillor Dean declared a personal interest as a member of Stansted Airport Watch.

C34 **STANSTED AIRPORT SCRUTINY REVIEW: INDEPENDENT REPORT OF THE STANSTED AIRPORT EXPANSION PLANNING APPLICATION**

Councillor Light raised a point of order. She said that the role of the Chair was to ensure that the Council meeting was a forum to debate matters of concern to the local community and to hold the Executive to account. She said that the proposals to manage the meeting had limited the number of Members that could speak and that all Members had the right to speak for their constitutional five minutes.

Councillor Fairhurst said that he had not agreed with the proposals in relation to speakers and asked who had agreed with these arrangements.

The Chief Executive said that the rules of debate had not been amended and were owned by all Councillors.

Councillor Light said that the meeting was unconstitutional.

The Chair reminded Councillors about her request for respect when she took on the Chair.

Councillor Le Count presented the Stansted Airport Independent Review report. He thanked the independent expert, Members of the Task and Finish Group and the Monitoring Officer. He proposed the recommendation to receive and note the Independent Review report.

Councillor Gregory seconded the proposal. He reserved the right to speak.

Councillor Isham said that the Council's defence strategy never had any intention to win the refusal decision at appeal. He said that condition 15 was conditional on approval, which the Inspector saw through immediately, as did the judge at the judicial review. Condition 15 was ultimately deemed unreasonable and resulted in full costs being awarded against the Council. He said that Uttlesford's approach at the hearing was disastrous and, in legal terms, unreasonable. He said that responsibilities were not addressed within the report and that the administration needed to be held accountable. Instead, the report blamed the Planning Committee, which was not evidenced. He said that although the Chief Executive's action plan appeared promising, if failures of process, professional responsibilities and oversight were not addressed, then there was no guarantee that the same would not happen again. He said that the action plan needed to follow in depth scrutiny of the full story. He asked that the action plan be revised to include addressing all the evidence, questions and statements raised at Scrutiny so that Members could be fully informed to then sign off the revised report.

Councillor Merifield thanked all those who had worked to bring the review before Members. She reminded Members that the motion in 2019 to refer the application back to the Planning Committee was truly cross party and received only one vote against and one abstention. She said that it was a privilege to Chair the Planning Committee, and whilst there were disagreements, Members were united in working in the best interests of residents and communities. The cross party decision that Planning Committee made in January 2020 regarding the Airport application was complex. However, regardless of party membership the decision was made by Committee collectively, within the constraints as they were understood.

Councillor Smith asked why the Council had decided to overturn the decision of 2019. He said that Leadership was about taking decisions that might not be liked, but were in the best interests of the district. He said that the application was in line with national policy and should have been approved. In response to comments regarding the 2019 decision, he said that the use of the casting vote by the Chair was part of the legitimate democratic process and should not be undermined.

Councillor Emanuel said that it was an excellent decision to engage an independent, highly qualified external resource to conduct the review and highlighted the Council's commitment to transparency and openness. She said that an application relating to nationally significant infrastructure should have been undertaken by the Government, as had been the case of airport expansions at Heathrow, Gatwick and Leeds-Bradford. She said that until the announcement of "Jet Zero" this week there had been no update to government planning policy on aviation and climate change since Net Zero became law in the

UK. The Jet Zero policy was already subject to criticism for being unrealistic and over-reliant on unproven technology and Net Zero policy itself was deemed unlawful and failed to meet the Climate Change Act obligations. She said that the weight accorded to climate change ultimately tipped the balance against the Council, but morally she thought that the Council behaved with integrity and it should be acknowledged that the Council tried to protect residents from harm and were right to do so. She said it was invidious and inappropriate to attempt to single out individuals for blame for democratic decisions that have been made. The Council had a collective responsibility for their actions and while scrutiny was absolutely within their remit, scapegoating was not.

Councillor Khan said that the dissenting document fully covered why the partial report should be sent back for further work. He said that the Nolan principles ensure that those in public office were held accountable for their decisions. He said that although some of the officers responsible for the failed management of the defence were no longer with the Council, the lead Member and the then Leader of the Council remained in office and were responsible for liaising with officers on a regular basis. He said that they were accountable, bore responsibility for the process and invited the lead Member for Planning to offer his resignation.

Councillor Pepper said that Climate Change was occurring in real time, as evidenced recently by unprecedented temperatures in the UK. She said that there was undeniable scientific evidence that climate change was causing more harm than previously anticipated. In January 2020 the Council made a bold, democratic cross party decision to challenge the airport expansion. She said that the result would not have been different, regardless of evidence or the carbon commitments enshrined in law. She said that local government deserved more power to make decisions based on the needs of local residents.

Councillor Lemon said that he had always fought against the airport but having listened to the debate he felt that the Council had let the community down.

Councillor Freeman said that this was an opportunity to learn from the past. He said that Officers were custodians of the democratic process and needed to be listened to. He said that planning law was legislated by central government and was complex, but it remained the only planning tool the Council had to control development. He commended the report.

Councillor Dean said that he feared that the Council's political leaders were trying to scapegoat their own Planning Committee, and that the independent report blamed the Committee for acting politically, which was incorrect. He said that he had provided a report of his reaction to the report to Scrutiny and an updated version to Members of Council. His report had said that the independent report was incomplete and undermined the democratic standards of the Council. He urged Members to not accept the report and finish the job properly.

Councillor Evans said that the consistent advice that he had received from the then Chief Executive, Director of Public Services and Monitoring Officer was that he had no role in the Stansted Airport planning appeal, and that the conduct

and management of the appeal were entirely delegated to Officers, as per the Constitution. He rejected Councillor Khan's invitation to stand down as there was no lack of diligence. He welcomed the reports and thanked those who had contributed to the work of the Scrutiny Task and Finish Group.

Councillor Gregory said that the report was incomplete, but highlighted a series of failures in process and substance. He said that much could not be determined as evidence did not exist, such as the 43 meetings with the airport that took place in 8 months, of which only 2 were minuted. He said that there had been a failure to comply with the Constitution or accepted good practices. He said that Council's instructions to Scrutiny had been crystal clear, as were Scrutiny's terms of reference and those of the Task and Finish Group. The review had been delivered and the entirety of the independent report was in the public domain. He said that the Chief Executive and Monitoring Officer had done a huge amount of work to achieve maximum transparency in extraordinarily difficult circumstances. He said that the Council had failed residents, but this was the basis for improvement and the Chief Executive had already started to address these failings. He asked Members to receive the report and focus on improvements.

Councillor Hargreaves requested a recorded vote.

Councillor:	Vote:
Armstrong	For
Asker	Abstain
Bagnall	For
Coote	For
Dean	Abstain
Driscoll	For
Emanuel	For
Evans	For
Fairhurst	Against
Freeman	For
Gregory	For
Hargreaves	For
Isham	Against
Jones	For
Khan	Against
Lavelle	For
LeCount	For
Lees	For
Lemon	Abstain
Light	Against
Loughlin	Against
Merifield	For
Pavitt	For
Pepper	For
Reeve	For
Sell	Against
Smith	For
Sutton	For

The result was declared with 19 votes for, 6 against and 3 abstentions.

RESOLVED: to receive and note the independent expert review report into the handling of the Stansted airport expansion planning application.

C35 **STANSTED AIRPORT SCRUTINY REVIEW: LESSONS LEARNED ACTION PLAN**

Councillor Hargreaves presented the Stansted Airport Review: Lessons Learned Action Plan report.

He proposed to approve the recommendations as set out in the report:

- I. The 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 were approved.
- II. That Council formed 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.
- III. The 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 were noted.

Councillor Lees seconded the proposal. She reserved the right to speak.

Councillor Sell welcomed the report and recommendations. He acknowledged that Members had received a significant amount of training for the Stansted Airport application. He suggested that the culture of the Council was undermined by the independent report and that the Council needed to move forward.

Councillor Driscoll said that he supported training for Members.

Councillor Smith said the review of the Constitution should be thorough.

Councillor Bagnall said that lessons would be learned but the Council needed to move forward.

Councillor Fairhurst said that the Council should be rigorous and robust in their self scrutiny and that the lessons would be learned. He asked how the Council would avoid repeating the errors of the past.

Councillor Lavelle said that the recommendations were relevant to all of the semi-judicial committees. He said that the proposed Task and Finish Group to focus on amendments to the Constitution was fundamental to progress.

He said that Members were reliant on the officers to help with the technical details on how to implement matters within a semi-judicial process. It was a shared endeavor. He said that when officer recommendations were significantly different to what had been discussed at Committee, this should be brought back to Committee for agreement.

Councillor Isham said that it was within the remit of the Monitoring Officer to assess any minutes held on meetings with the Airport. The evidence base which informed the Action Plan was incomplete. It was for the Chief Executive to review these processes.

Councillor Gregory said certain information had been denied to the Task and Finish Group in line with privacy laws. He said the current commitment to openness and transparency was not so apparent in the past.

Councillor Reeve said that he remained proud of the Council and supported the recommendations for improvement. He paid tribute to current and former officers on whose expert advice Members routinely rely. He said that written notes would be made of Member briefings as had been requested.

Councillor Lees said that Members were advised how the meeting would be run by the email from the Chief Executive. She said that she would have welcomed comments ahead of the meeting from any aggrieved parties and would have been open to negotiation. She said that she would like to be more collaborative and work together to move forward. Furthermore, she said that Officer and Developer meetings would be noted for the file in future and had already been introduced.

The Chair moved to a vote.

RESOLVED:

- I. To approve 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.
- II. That the 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.
- III. To note 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.

The meeting ended at 20:34.

Summary of Public Statements: Full Council, 19 July 2022

Mr Woodcock

Mr Woodcock, a resident of Stansted Mountfitchet reminded Council that he had addressed them in February 2022 regarding the need for an NHS licensed community pharmacy to be located as near as possible to Stansted Surgery. He said that he had subsequently learned that the communities of Stansted Mountfitchet, Stort Valley and the surrounding communities urgently need the Council's assistance.

He said that Essex County Council were conducting another online consultation which he had forwarded to Council on 8 July 2022 including the draft Pharmaceutical Needs Assessment Report dated May 2022. He asked whether District Councillors had been informed of the consultation by the County Council. He asked Members to consider the report and respond to the survey before 5 August 2022.

He said that:

- The base data within the report identified that Uttlesford had only eight licensed community pharmacies, one per 12,000 residents or 80 square kilometres
- It was reported that there were eight dispensing doctors surgeries within the district, but they were not identified by location
- Uttlesford had fewer community pharmacies than any other Essex district
- Uttlesford residents have to travel further to access a community pharmacy than other Essex residents
- NHS regulations state that community pharmacies should be one mile apart. Saffron Walden and Dunmow both have two pharmacies that are a few hundred yards apart. Access from local surgeries was relatively easy,

unlike Chapel Hill in Stansted which involved a walk up a steep hill from the surgery to access the only pharmacy on Cambridge Road, which was often closed

He asked Members to;

- Read the draft Essex County Council Health and Wellbeing Pharmaceutical Needs Report
- Read his report to Essex County Council, titled “The Case For An Additional NHS Licensed Pharmacy In Stansted Mountfitchet”
- Note his analysis of part of the report and compare the facts relating to Uttlesford compared with other Essex districts
- Respond to the latest Essex County Council consultation

Dr Noble

Dr Noble asked Councillor Evan to explain how the Planning Department had been overhauled recently. He said that he had recently moved to the area from another district, understood the challenges that planning presented and was interested to learn exactly what changes had been implemented.

Councillor Evans said that the East of England Peer Review (EPR) undertaken in autumn 2021 had provided the foundation for the work currently underway and to be undertaken in the future.

He said that updates regarding the Local Plan could be accessed through the Council’s website.

He said that reports presented to the Scrutiny Committee in February 2022 followed through from work identified in the EPR and outlined all of the steps undertaken to that date. This was then taken to Cabinet in the same month and subsequently a Director of Planning was recruited. Additionally they were looking to recruit additional planning officers, although this was currently proving challenging countrywide.

He said that there would be a further detailed report regarding progress made and actions taken presented to Council in September 2022 and that he would email Dr Noble his detailed response to the question.

Dr Noble asked how many vacancies there currently were in the Planning Department and said that he had heard in the pub that planning powers had been revoked from the Council and whether this impacted the current planning outlook.

In response to a question from the Chair, Dr Noble agreed that he would be content to receive Councillor Evans’ response by email.

Councillor Sell asked that Councillor Evans’ email to Dr Noble be shared with all Members, which was agreed by the Chair.

Mr Ross

Mr Ross, Chair of Stansted Airport Watch, said that he had focused on learning lessons for the future from the Stansted Airport Inquiry when he addressed Scrutiny Committee last week and had made five recommendations.

He said that Scrutiny Meeting had lasted for over three hours, during which time Members from all parties had made some excellent points. He hoped that the shortcomings identified would be addressed to ensure lessons were learned and appropriate changes made to the Constitution.

He said that he was not impressed with the external report and that the claim that the Planning Committee had acted politically was nonsensical as it was a cross party decision.

He said that the Action Plan drafted by the Chief Executive went some way to addressing the shortcomings, but did not go far enough. The starting point appeared to be the presumption that the Planning Committee were responsible for the disappointing outcome of the inquiry. He said that Members were not responsible for the decision or the failure to record thirty or forty meetings, contrary to the Council's Constitution and he raised concerns that there was nothing in the action plan to prevent a recurrence of the same issue. He noted that Members were not responsible for entering into what appeared to be an open ended financial arrangement with barristers which did not represent value for money for residents, and again was not addressed within the action plan to prevent recurrence.

He said that a very similar public inquiry took place in 2007, again opposed and lost by the Council. Costs were awarded against the Council, but on that occasion BAA owned the airport and settled for £100,000. MAG who now own the airport seem to want their pound of flesh in their settlement. He thought it was worth bearing in mind.

Ms Jones

Ms Jones, a Broxton resident for over forty years said that she was very aware of the growth of Stansted Airport and the different activities undertaken to attempt to curtail further growth. She said that she was disappointed at the recent activity surrounding the latest planning application and that she felt some Councillors had been unfairly criticised and castigated.

She said that she was not fully familiar with the Council administration protocol, but thought that Councillors who put themselves forward to support their constituents needed residents support and thanks.

She said that if Councillors had failed to follow protocol then perhaps it required revision and change. She thanked Councillors who had put themselves forward to represent others.

Agenda Item 4

Councillor John Evans, Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan

Report to Council: 11 October 2022

Local Plan

As Members will no doubt be aware, the Council was due to consult on its Regulation 18 'Preferred Options' document in November 2022. Last month, we announced that the production of this document is delayed. The publication and consultation was aborted as it had become apparent to senior officers that, despite strenuous efforts by the Local Plans team, the intended document could not be completed to an acceptable standard within target timescales.

It is therefore proposed to schedule a post-local election Reg.18 consultation, in early summer 2023. A proposed revised local plan timetable (known as the LDS) is being presented to a joint session of the Local Plan Leadership Group and Scrutiny Committee on 10 October.

It is proposed to use the time between now and June 2023 to produce a more focused, accessible and effective form of consultation document, address perceived shortcomings in some of the current content, and further develop and integrate the evidence required to support the plan. This 'Draft Plan' should make consultation more effective, and in various ways progress the Council further towards what is the most crucial step in the process; the Regulation 19 submission of a completed and sound 'final' plan for examination. It is not expected that the Reg19 would be delayed much beyond an additional three months, as by producing a more robust Reg18 document, we can compress the time needed to produce the Reg19 stage of the plan.

Between now and June, the overall spatial strategy will be further developed and clarified; strategic site choices will be more clearly distinguished and their rationale explained; the site selection process (a key criticism of emerging proposals to date) will be re-run to more rigorous standards, potentially resulting in different and more robustly justified, proposed site allocations; proposed development management policies will be refined; and questions to consultees drafted.

Unfortunately, the Local Plan team has suffered from high staff turnover in the past two years, with three of seven planners in the team leaving the council within the last four weeks – including the team's Manager.

In response, we have reviewed job roles, job descriptions, notice periods, and are in the process of re-profiling the Planning Service structure. We have brought in highly experienced interim planners to maintain impetus, and will be recruiting to the vacant roles on a permanent basis in the next few weeks.

A refreshed and detailed project plan to support the Reg18 work is currently being developed and will be reported to the LPLG and Scrutiny Committee.

Development Management

The development management team continues to work on its performance transformation programme in response to the authority being designated by the SoS in February of this year. Members will recall, the designation was due unsatisfactory performance in the quality of its decision making on major applications – in essence, we could not successfully defend enough of our major planning decisions made between 2018-2020. In July, DLUHC wrote to the council advising that its performance was still below the threshold required. This came as no surprise, as period from which the government' performance statistics were taken goes back to the two years to March 2021. Thus, applicants for major applications have the option to submit any major planning application to the Planning Inspectorate (PINS) for determination. So far we have seen four such applications, compared to some 30 whereby the applicant has chosen to submit their application instead to UDC. This is testament to the early positive results of our transformation programme. Our pre-application advice service has generated some £180k so far this year.

At the request of DLUHC officials in July, we have sent them details of our performance action plan. This highlights details of the improvements made and those in train, such as the Community Involvement Protocol which sets out how UDC will involve elected Members, parish and town councils in the pre-application stages of schemes; the Exacom project – a database of all UDC S106 agreements which will be available online from December for anyone wanting to view legal agreements.

The period has been particularly busy regarding appeals, including public inquiries. One significant case considered at inquiry, Warish Hall, Takelely was dismissed by the Inspector, this was development in three parts and the Inspector placed significant weight upon the harm upon heritage assets, particularly around the area around Smiths Green. Last month, the Council successfully ran two public inquiries simultaneously at London Road (Griffin Park, Saffron Walden) and at Little Canfield (Highwood Quarry, Little Easton), we await the results of these two appeals.

Similarly, in enforcement, as of last month we have a regulations-compliant, searchable online enforcement register.

Building Control

Finally, our building control team has 80% of the market share of building control contracts in the district. This is exceptionally high for a council building control function that operates in a competitive market. The service is also contracted to carry out all dangerous structures work for Harlow Council, as well as within our district.

Councillor Alex Armstrong, Portfolio Holder for Sports, Leisure and the Arts

Report to Council: 11 October 2022

Community and Sports Grants

The council has been considering and issuing Community, Uttlesford Active and Sports grants in the district since the previous Full Council meeting. A summary of grant allocations can be found below:

Uttlesford Active Grants:

Organisation	Project	Grant allocation
Uttlesford School Sports Partnership	Targeted School Activity Programme	£1,500
Touch Point Stansted	Community Yoga	£1,370
Active Parkinson's	Weekly activity class in Great Easton	£1,500
Saffron Walden PSG Girls FC	Training and upskilling new coaches	£850
Enterprise East	Community Line dancing for the elderly	£1,000
Lets Talk Stansted Mental Health Project	Open water swimming and Yoga	£1,500
Carry On Dancing	Community Dancing project	£600
Approved		
changing lives	Refugee Family Sport Activities IBIS	£1,440
Great Easton Primary School	Girls' Sports Activity Programme	£360
Mencap	Community Gardening Project	£1,400
Ollie Clark Tennis	Great Dunmow Introduction to Tennis Programme for Young People	£800
		£12,320

Sports and Community Project Grants:

White Roding Sports Football Club	Purchase removable goal posts	£500.00
High Roding C ricket Club	Purchase bowling machine	£500.00
Ashdon Parish Council	Accessible swing	£2600
Barnston Parish Council	Play equipment	£2600
Castle Hill Tennis Club	Replace fence	£2237
Great Chesterford Bowls Club	Replace male and female toilets	£3500
Chesterford Cricket Club	Replace graas cutting machinery	£1850
Dunmow Cricket Club	New tables, chairs, renovate toilets, purchase equipment	£3500
Dunmow Tennis Club	Development programme for junior section	£3500
Dunmow Rovers Youth Football Club	Equipment and local services	£2000
Duton Hill Communtiy Association	Replace broken worn out play equipment	£3500
Great Chesterford Parish Council	Refurbishment of fixed cricket nets	£550

Uttlesford District Council Meeting 11 October 2022

Written Questions to Members of the Executive and Committee Chairs

Written responses to be published on 10 October 2022

1. By Councillor Khan to Councillor Lees - the Leader of the Council:

“The public have a right to expect councillors to be accountable. This is enshrined within the Nolan Principles that set the framework for our own Code of Conduct.

Given the announced further delay to the Local Plan and the £(multi-million) costs awarded to Stansted Airport because of the failed planning appeal, can the Leader of the Council explain if and why she has confidence in Cllr John Evans as the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan.

If the Leader does have confidence in Cllr Evans, would she please explain to the residents of Uttlesford what her key reasons are for Cllr Evans remaining in post and continuing to draw the special responsibility allowance for his role, given the failure to deliver a Local Plan and the mismanagement of the Stansted Airport appeal defence, both of which areas are within Cllr Evans’ portfolio and cabinet responsibility.”

2. By Councillor Barker to Councillor Coote - Cabinet Member for Housing:

“As private landlords are likely to be required to have an EPC of "C" or better when letting property from 2025, I am sure you would agree that we would want the same or better for our social tenants.

Can I therefore ask what proportion of our UDC housing is band C or better and what are we doing to improve this; and what proportion of Housing Association Housing is Band C or better and how are we working with those social landlords to reach band C sooner rather than the back stop date of 2035?”

3. By Councillor Sell to Councillor Lees - the Leader of the Council

“Next year marks the 50th anniversary of the first elections to Uttlesford District Council. What plans does the Administration have to mark this occasion.”

4. By Councillor Caton to Councillors Hargreaves and Reeve – Cabinet Members for Finance and the Budget & the Economy, Investment and Corporate Strategy:

“Has the Council taken action to reduce the impact of interest rate increases on the income generated by the council’s £300m Investment portfolio?”

Secondly, what has been done to mitigate any reduction in income from further interest rate increases on the council’s budget for 2023/24 and subsequent financial years?”

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

“Can I have a breakdown of all costs on both the previous and new Local Plan since 2019 when this administration took control of the council. Including but not limited to details of internal staff costs, external costs (consultants, advisors, etc.), management overheads, and the costs for any competitions or awards that UDC has entered into that were related to the Local Plan?”

6. By Councillor Smith to Councillor Evans - Cabinet Member for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan:

“Since the Call for Sites for the new Local Plan closed in the spring of 2021, how many meetings have taken place on behalf of UDC with landowners or their agents relating to sites that were not originally submitted? Who was present in those meetings and how many of these meetings were recorded through minutes?”

7. By Councillor Light to Councillor Freeman – Cabinet Member for Council and Public Services:

“Over the years, you have demonstrated your concerns for residents, especially for the more vulnerable ones, and have stated that the Garden Room community centre in Saffron Walden would be maintained. The requirement before winter for a warm and welcoming centre which will cater for a multiplicity of needs is indisputable, and as ward councillor, residents regularly ask me when the centre will reopen. As you are aware, Saffron Walden Town Council has submitted a proposal to run the community centre and with its excellent record of managing venues will ensure the centre will be successful in meeting residents’ needs.

Can you confirm that the Garden Room will reopen as a community centre for local residents as it has been in the past?”

8. By Councillor Light to Councillor Sutton - Cabinet Member for Communities, Health, Youth, Public Safety, Emergency Planning and liaison with the Police and Fire & Rescue Service:

“When we founded the Youth Council, it consisted of 22 members, held regular meetings, and this Council has a seat reserved for a Youth Councillor at each Full Council meeting.

Could you please give Council a comprehensive progress report towards reestablishing the Youth Council since our last request in April, 2022 when there were only two Youth Councillors due to Covid?”

9. By Councillor Fairhurst to Councillor Lees - the Leader of the Council:

“Could you please inform us who is responsible and accountable for the lack of oversight and the reputational and financial harm in the following areas of concern and what actions they will be taking in mitigation?”

- the disastrous change of the defence strategy relating to the Stansted Airport application which resulted in the granting of planning permission and at least £1.5 million in financial penalty awarded against this Council where even the external adviser pointed to a lack of oversight; yet nobody is responsible
- the imprudent interpretation of CIPFA guidelines for the Council’s commercial investments which has led to a reduction in yield of at least £1 million a year, ignoring the risk of interest rates rise in borrowing from private lenders and now being forced to retreat to public lending which will cost a substantial sum every year; yet nobody is responsible
- the poor management of the Local Plan resulting in more than 3.5 years of significant additional costs and resources, exposure to mass building by developers and a return to May 2019 in terms of development of the Plan; yet nobody is responsible
- the lack of action and acknowledgement that the police investigation which has overshadowed this Council since March 2020 was a serious matter despite calls for action; yet nobody is responsible.”

Committee: Full Council

Date:

Title: Code of Conduct Complaints summary

11 October 2022

Report Author: Jane Reynolds Assistant Director.
Governance and Legal and Monitoring Officer
jreynolds@uttlesford.gov.uk

Summary

1. This report provides a summary of Code of Conduct Complaints submitted and dealt with from July 2020 to July 2022 (appendix 1).

Recommendations

2. That Council note the report.

Financial Implications

3. Council are asked to note the costs at paragraph 9.8 and 9.9 below.

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:

[\(Public Pack\) Agenda Document for Standards Committee, 21/09/2022 \(moderngov.co.uk\)](#) referencing the report of 21st September 2022

Impact

- 5.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	Several code of conduct complaints raised equalities issues in relation to access and assistance under the procedure. These were dealt with as part of the process of each individual complaint. The code of conduct procedure was assessed in terms of human rights and legal issues when it was first adopted, and it has been kept under review but when a decision is taken on whether to adopt the new code of

	conduct (the subject of a separate report to this Council of the same date) or not, the procedure will be put through a full equality impact assessment.
Health and Safety	One complaint raised health and safety issues again dealt with as part of the individual complaint.
Human Rights/Legal Implications	Names have been redacted from the report to protect the privacy of those both making and subjected to complaints.
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	The impact on staff resources has been very high due to the large number of complaints and in particular during 2021.

Situation

6. This Report provides a summary of the code of conduct complaints that were received and dealt with over a two year period from July 2020 to July 2022 (appendix 1). Information is not provided preceding that date due to difficulties in locating information from the legal database system and the time and resource that would be involved in order to do so. The complaints sheet is now regularly updated and will be reported on to this Committee twice a year and to Full Council annually.
7. This report was considered by Standards Committee at their meeting of 21st September 2022. The Standards Committee did not make any recommendations on the report but they did agree it should go to Full Council for noting.
8. The summary provides information on the number of complaints submitted, type of breach of the Code reported, whether the complainant/ subject of the complaint were members of the Public, Parish / Town Councillors, or Uttlesford District Councillors and the action taken on the complaint.
9. Members are asked to note the following:
 - 9.1 Over two year period thirty-seven complaints were dealt with (twenty- three of which were submitted during 2021).
 - 9.2 Of those thirty-seven, fourteen were from members of the public against Parish Councillors, seven were Parish Councillors against each other and all were comprised across just three Parish Councils in the District. Eight were from members of the public against Uttlesford Councillors and eight were complaints submitted by

Uttlesford Councillors against each other. Of the eight submitted by Uttlesford Councillors against each other five of those were interrelated with one involving a Parish Councillor.

- 9.3 Twenty two complaints were dismissed, one was an old matter out of time and three were withdrawn. In five cases, recommendations were made regarding register of interests, training and making an apology. Six complaints (some of which were interrelated) were sent out to external investigation. One set of these concluded in a series of recommendations and the second is still under investigation.
- 9.4 Of note, one complex case was successfully referred to and dealt with via external mediation and in another a facilitated discussion was conducted.
- 9.5 Members will note the substance of the complaints crossed a range of breaches with bullying and or disrespect referred to in most.
- 9.6 There were a number of complaints citing breaches of the Nolan Principle's which were dismissed as under Uttlesford Council's procedure and indeed all Codes of Conduct, breaches are assessed against specific obligations only. The Nolan Principles are the principles that guide behaviour of all in public office and inform the core "spirit" in which the code is applied. Some of these complaints were resubmitted citing the correct obligations, but in any event were dismissed.
- 9.7 The main overriding reasons for dismissal were lack of evidence of a breach submitted with the complaint and complaints were politically motivated, "tit for tat" or could be considered vexatious. In addition, a number of complaints did not meet the public interest test for progression (although some still involved behaviour that could be seen as of a less than desirable standard).
- 9.8 The two main groups of complaints that went out to external investigation in accordance with the Council's procedure were in connection with two Parish Councils in the District, involved multiple persons and complex allegations. The cost of these complex investigations rose above £40K in total.
- 9.9 Costs are not provided for internal work on the complaints but will be going forward now the legal service has a new and updated case management system which effectively time records. Whilst time and cost are always just one consideration along with the importance of having a proper method of recourse too assess and deal with code of conduct complaints Committee are asked to note for the purposes of this report a broad estimate of time spent internally by the Monitoring Officer and Deputy Monitoring Officer can be estimated as follows: Monitoring Officer thirty plus percent of her full time working week on this aspect of her Monitoring Officer duties

and her Assistant Director role alone, Deputy Monitoring Officer twenty to twenty five percent of her over all full time working week the rest of which is apportioned to her role as senior lawyer.

10. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Not providing the report at regular intervals creates a risk at level 2 whereby if members are not informed any action members may wish to take cannot be fully explored.	2	2	1. To provide an update to Standards twice yearly and to full Council annually.

- 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 CODE OF CONDUCT COMPLAINTS:
JULY 2020 – July 2022**

REF	DATE	COMPLAINANT	SUBJECT OF COMPLAINT	PARTICULARS	OUTCOME	CLOSED
1/20	28.7.20	Public	PC	Declarations Confidentiality	Dismissed	18.8.20
2/20	4.8.20	Public	PC	Declarations Confidentiality	Dismissed	18.8.20
3/20	1.10.20	Public	PC	Disrepute ICO matter	Dismissed	13.10.20
4/20	5.10.20	Public	PC	Conflict of interest Misuse of social media	Dismissed	13.10.20
5/20	5.10.20	Public	PC	Conflict of interest Misuse of social media	Dismissed	13.10.20
6/20	23.10.20	Public	UDC	Bullying	Withdrawn	30.10.20
7/20	19.11.20	UDC	UDC	Obtain an advantage for another	Dismissed	1.12.20
8/20	2.12.20	Public	PC	Bullying	Withdrawn	18.12.20
9/20	2.12.2020	UDC	UDC	Bullying	Withdrawn	8.12.2020
1/21	19.1.2021	UDC	UDC	Breach confidentiality	Apology accepted / further training recommened	28.1.2021
3/21	1.2.2021	UDC	UDC	Bullying	Dismissed	26.2.21
4/21	14.2.2021	PC/ Public	UDC	Breach of Nolan Principles	Dismissed. Complaint not in compliance with	10.3.2021.

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:
JULY 2020 – July 2022**

				Related to 5, 6 8 and 9/21	Code did not cite any breaches of code obligations. Databreach dealt with under GDPR.	
5/21	22.2.2021	UDC	UDC	Breach of Nolan Principals (related to the above). Related to 4,6,8 and 9/21	Dismissed. Complaint not in compliance with Code did not cite any breaches of code obligations.	10.3.2021.
6/21	24.2.2021	Public	UDC	Breach Nolan Principles and respect, bullying, intimidation Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings. Related to 4, 5 8 and 9 /21	Dismissed. Complaint provided no specific evidence. Complainant referred to internal complaint's procedure.	10.3.2021.
7/21	25.2.2021	PC	PC	Old case.	No further action needed but referred to IP for reference as she dealt with matter with previous MO.	27.2.2021
8/21	2.3.2021	Public	UDC	Respect, Bullying, Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings. Related to 4,5,6 and 9/21	Dismissed. Complaint did not provide sufficient evidence to meet a breach of the Code of conduct.	10.3.2021

UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:

JULY 2020 – July 2022

9/21	3.3.2021 put on hold due to external agency investigation reopened 1.4.2021	Public and UDC.	PC	Respect. Breached the Equality Act 2010. Conducted self in a manner which could be regarded as bringing the District Council, Parish Council, and elected office as a councillor into disrepute. Related to 4, 5 ,6 and 8/21.		Resolved Mediation 18.6.2021
10/21	18.2.21	Public	PC	Respect	Dismissed	8.3.21
11/21	3.3.21	UDC	UDC	Respect and Equality Act	Investgisation	Report inadequate no breaches sufficient to warrant further action. Did not meet public interest test. Case reassessed by the MO and dismissed June 2022.
12/21	15.3.21	PC	PC	Respect, Bullying, Harassment	Investgation and recommendations.	25.2.2022

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:
JULY 2020 – July 2022**

13/21	17.3.21	PC	PC	Linked to 12/21 above	Investigation and reccommednations.	25.2.2022
13.1/21	26.3.21	PC	PC	Linked to 12/21 above	Investigation and recommendations.	25.2.2022
14/21	18.3.21	Public	PC	Failure to declare	IR/Apology	22.4.21
15/21	18.3.21	Public	PC	Failure to declare Linked to 14/21 above	IR/Apology	22.4.21
16/21	22.3.21	Public	PC	Failure to declare	Dismissed	24.3.21
17/21	25.3.21	Public	PC	Range of alleged breaches against the PC as a whole	Dismissed complaint against the PC as a body and insufficient evidence.	May 2021
18/21	1.4.21	PC	PC	Linked to 12/21 above	Investigation and reccommednations.	25.2.2022
19/21	21.4.21	Public	UDC	Respect	Dismissed	26.4.21
20/21	21.4.21	Public	UDC	Respect	Dismissed	26.4.21
21/21	9.7.2021	Public	PC	Failure to observe any protocols or codes of practice adopted by your authority. Respect. Conduct yourself in a manner which could be regarded as bringing the Council or your office into disrepute and You must not:	Under investigation	

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:
JULY 2020 – July 2022**

				a. Do anything which may cause the Council to breach the Equality Act 2010 or otherwise act unlawfully;		
22/21	15.11.21	UDC	UDC	1.2. Nolan Principle of Integrity and You must observe any protocols or codes of practice adopted by your authority. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.	Dismissed - No code of conduct complaint – complaint referred under member officer protocol and dismissed as officer did not wish to make a complaint and all member training recommended.	7.12.2021
23/21	30/11/21	Public	UDC	Failure to respond to correspondence.	Dismissed outwith Code but general training need.	December 2021
1/22	10.1.2022	PC	PC	Social media	Dismissed with advice.	12.1.2022
2/22	11.1.2022	PC	PC	Bullying	Dismissed	15.1.2022
3/22	31.1.2022	UDC	UDC	CoC principle of honesty, unreasonable use resources, improper use of resources and bring the Council into Disrepute. Respect.	Dismissed - following facilitated IP discussions.	31.5.2022
4/22	26.5.2022	Public	PC	Bullying, Respect, failure to register an interest. Conduct yourself in a manner which could be reasonably regarded as bringing the Council or your office into disrepute.	Under consideration	

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:
JULY 2020 – July 2022**

				Use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; Act in accordance with your authority's reasonable requirements;		
5/22	24.6.2022	Public	PC	Breach of standing orders. Disrespect, Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;& Prevent another person from gaining access to information to which that person is entitled by law.	Under consideration	

Committee: Full Council

Date: Tuesday, 11
October 2022

Title: Adoption of Local Government Association
New Model Code of Conduct

**Report
Author:** Jane Reynolds - Assistant Director
Governance and Legal / Monitoring Officer
jreynolds@uttlesford.gov.uk

Summary

1. The purpose of this report is for Council to adopt the new Model Councillor Code of Conduct (the Model Code) produced by the Local Government Association (LGA), as recommended by the Standards Committee

Recommendations

2. That Council adopt the Model Code (Appendix 1) and associated [LGA Guidance](#) .

Financial Implications

3. There are modest financial implications that will result from this report should the Committee wish to approve the recommendation in paragraph 2 above, in that some administrative support (to be drawn upon from within the Council's current staff resources) may be required for consultation with the Parish and Town Councils in the Uttlesford District that operate the Council's current Code of Conduct as they will need to be consulted and encouraged to approve the same Model Code. Failure to do so could also lead to some minor difficulties for the Council in managing the Code of Conduct Complaints if differing versions of the Code of Conduct are operating across the district.

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:

[\(Public Pack\) Agenda Document for Standards Committee, 16/03/2020 17:00 \(moderngov.co.uk\)](#) referencing the report of 30th January 2019

LGA Model Councillor Code of Conduct amended in May 2021 (Appendix 1)

Guidance published in July 2021 <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

March 2022 Government response to the Committee on Standards in Public Life report <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>

Impact

5.

Communication/Consultation	Consultation may be needed with Town and Parish Councils.
Community Safety	None
Equalities	The code and procedure will be equality impact assessed when a decision to taken to either adopt the Model Code or retain the current version.
Health and Safety	None
Human Rights/Legal Implications	The Local Authority has a duty to maintain an up to date Code of Conduct and procedure for managing code of conduct complaints for the Council and Parish / Town Councils in its District.
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	They will be some resource implications dependent upon the recommendation at paragraph 2 above is approved. If members are minded to approve the recommendation, it may be necessary to engage administrative support from within the Council's current resources for a time limited period.

Situation

6. In January 2019, the Committee on Standards in Public Life published a report "Ethical Standards Report" which recommended amongst other matters that the LGA in consultation with representative bodies of councillor's and officers at all tiers of Local Government, should produce a Model Code of Conduct for Councillors (the Model Code). This report was presented to the Council's Standards Committee on the 16th March 2020 for noting.
7. Since that time, the Model Code has been through several revisions and guidance has been produced to accompany it. In May 2021, the final version of the model code was published by the LGA (Appendix 1). On the 8th of July 2021, the final [guidance](#) was published.

8. On the 22nd of March 2022, the Government provided a response to the Review of Local Government Ethical Standards report.
9. Following publication of the Model Code and guidance the Local Essex (and wider Counties) Monitoring Officer forum started to consult with the LGA on various matters in the final versions and feedback various issues to the LGA for consideration and amendment. Those matters were incorporated into the May and July 2021 LGA Model Code and guidance. In addition, this group consulted widely with each other on progress at their own authorities as to who was adopting the Model Code and who was not. The reason for this liaison was that it was hoped by the LGA that the Model Code would be adopted across the country making dealing with complaints clear and more uniform nationally. The liaison is still underway, and we are aware that Essex County Council and a number of other districts in Essex have adopted the Model Code and guidance or are in the process of recommending its adoption to their members and are encouraging their Town and Parish Councils to do likewise.
10. The Model Code contains and repeats much of the detail of the Council's current Code of Conduct, but it is significantly improved in that it does set matters out much more clearly and it is written in the first person making it easier to understand. The guidance that was issued with the Model Code is extremely helpful and assists all with "tighter definitions" of what is and is not a breach of the Code.
11. Adoption of the Model Code and guidance would not cause the need to alter or amend the Council's current procedure for dealing with complaints which has been very well thought out, is detailed in its application, and has in general been commented on for its high degree of fairness and thoroughness.
12. The Model Code was considered at the meeting of the Standards Committee on 21st September 2022. A few concerns were raised by IP's and members. Namely, did the Model Code carry the same weight as the old, were the Nolan Principles clear enough, the importance of covering social media in any code, and whether the whether the new code contained the same information as the old. The MO reassured that these issues were all taken into account in the Model Code. The Standards Committee resolved to recommend the Model Code for adoption be Full Council.

Risk Analysis

- 13.

Risk	Likelihood	Impact	Mitigating actions
1 Little risk / impact in either of the recommendations in paragraph 2 and 3 above.	1	1	1

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.



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Committee: Council

Date: Tuesday,

Title: Report regarding proposed changes in the scheme of delegations to officers

11 October 2022

Lead Member: Councillor Edward Oliver, Chair of the Governance, Audit and Performance Committee

Report Author: Elizabeth Smith, Solicitor.
esmith@uttlesford.gov.uk

Summary

1. This report is submitted to advise Members of proposed changes in the Council's scheme of delegation of functions to officers, regardless of whether the persons concerned hold a statutory office.
2. The report was considered by the [Governance, Audit and Performance Committee on 29 September](#) and has been recommended to Full Council for adoption.

Recommendations

3. To adopt the revised Scheme of Delegation (Appendix A).

Financial Implications

4. The risk and cost of potential legal challenge if action is taken under improperly delegated authority and loss is occasioned thereby.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection.
 - a. Existing scheme of delegations
 - b. Corporate Management Team Review March 2022 with appendices.
 - c. Draft new scheme of delegations

Impact

Communication/Consultation	None.
Community Safety	None
Equalities	None.

Health and Safety	None.
Human Rights/Legal Implications	Specific statutory roles are being brought in to the formal scheme of delegations in the interests of both openness and transparency
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. The Council's formal scheme of delegations was last reviewed in May 2019 and since then a) a number of statutory provisions have required the appointment of an individual charged with the oversight of functions thereunder b) there have been significant changes in the membership of the Council's Corporate Management Team and c) some Assistant Director roles that in reality have been in existence for some years are given formal Constitutional recognition.

6. The new scheme contains a preamble setting out the statutory authority under which delegations are made and specifically providing for the exercise of specific powers in the event of the absence of the person with whom the delegation normally rests. It also specifically provides for the recording of delegated decisions.

7. Following the retirement of the Council's Director of Public Services in November 2021 the Chief Executive carried out a review of the functioning of the Council's Corporate Management Team (Background papers item C). It was decided to delete this role and to upgrade the former role of Assistant Director: Planning to a full directorship; the other Assistant Directors formerly reporting to the Director of Public Services will now report directly to the Chief Executive. Members are referred to the organisational chart forming part of document C.

8. A number of statutory responsibilities have been specifically included within the list of delegations. A non-exhaustive list of these includes the roles of Electoral Registration Officer and Returning Officer under the Representation of the People Acts, the Senior Information Management Officer, the Money Laundering Officer and the Senior Responsible Officer under the Public Interest Disclosure Act.

9. Since the transport of children became a fully regulated activity under the Safeguarding of Vulnerable Groups Act 2006 in July 2020, given the numbers of Home to School Transport operators licensed by the Council it has also been decided to appoint a Local Authority Designated Officer under the Children Act 2004. This responsibility will be undertaken by the Safeguarding Officer who reports to Communities Manager within the Housing, Health and Communities Directorate.

10. Responsibilities under the Regulation of Investigatory Powers Act 2000 are the subject of a separate report.

11. A number of other functions have also been moved. Most significantly to date the responsibility for the Human Resources function has moved from the Assistant Director: Corporate Services to the Assistant Director: Business and Change Management and the Council's very modest role in the HGV licensing process, ie a right to object to an application for an operator's licence, has been moved from Planning to Licensing. A further Assistant Director role has been created reporting to the S151 Officer and the some of the functions within Corporate Services area have been reallocated among those reporting to the S151 Officer.

12. It is recognised that there may be further changes in the Corporate Management Team and that in turn these may lead to amendments in the delegation scheme; however, this report sets out the position as it stands at the date hereof and the scheme will be kept under regular review.

13. Members are asked to consider the changes to the Council's Scheme of Delegation (as contained in Part 3 of the Constitution - Responsibility for Functions) as set out in Appendix A to this report. Please note that black text denotes no proposed changes; coloured text denotes additional wording and text that has been struck through denotes deletion.

Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
2. Action may be undertaken without proper authority leaving the Council open to challenge.	2 – Action being perceived as necessary and undertaken without first checking authority in place	3 – Incorrect procedure in place leading to judicial quashing of decisions and the requirement to retake them: S84 Criminal Justice and Courts Act 2015 should not be relied upon.	Adopting and publicising the new delegations.

1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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

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PART 3 - RESPONSIBILITY FOR FUNCTIONS

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 some functions must be undertaken by the Council, some involve the Council and the executive (functions which may not be the sole responsibility of the executive) and some which may be the function of the Council or the executive as the Council may determine (local choice functions). The executive has sole responsibility for all functions other than those not to be the sole responsibility of the executive by virtue of legislation and those reserved to the council by legislation or (in relation to local choice functions) by the Council itself. Where a function requires the involvement of the Council, save for in a limited number of cases where legislation requires the function to be performed by the Full Council, the function may be delegated to a committee of the Council or an officer.

1. Responsibility for local choice functions

Function	Decision-making body	Membership
The determination of an appeal against any decision made by or on behalf of the authority	The Council	
Any function relating to contaminated land	The executive	
The discharge of any function relating to the control of pollution or the management of air quality	The executive	
The service of an abatement notice in respect of a statutory nuisance	The executive	
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 [power to require consent to the operation of loud speakers in the street] should apply in the authority's area	The Licensing and Environmental Health Committee	Members of the Committee as appointed by Council
The inspection of the authority's area to detect any statutory nuisance	The executive	
The investigation of any complaint as to the existence of a statutory nuisance	The executive	
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The executive	
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The executive	
The appointment of any individual (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - (i) the authority;	The executive	

<p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p> <p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	<p>The executive</p>	
<p>Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements</p>	<p>The executive</p>	

2. Responsibility for Council functions

Committee - Planning Committee

Membership - 10 members of the authority or such other number as is agreed by the Council

Functions-

1. Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. Power to create footpaths, bridleways or restricted byways by agreement
3. Power to make public path creation orders
4. Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
5. Power to divert footpaths bridleways and restricted byways
6. Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
7. Power to extinguish public rights of way for planning purposes under s.258 Town and Country Planning Act 1990
8. Powers in relation to hedgerows under the Hedgerows Regulations 1997
9. Powers relating to the preservation of trees under the Town and Country Planning Act 1990
10. Powers relating to high hedges
11. Powers in respect of common land and town and village greens under the Commons Act 2006

Committee - Licensing and Environmental Health Committee**Membership** - 10 members of the authority or such other number as is agreed by the Council**Functions** - Functions relating to licensing and registration in respect of the following matters:-

1. animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
2. game and game dealers
3. house to house and street collections
4. hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
5. pleasure boats under Public Health Acts Amendment Act 1907
6. movable dwellings and camp sites under Public Health Act 1936
7. caravan sites under Caravan Sites and Control of Development Act 1960
8. scrap yards under the Scrap Metal Dealers Act 1964
9. tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
10. sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
11. street trading under the Local Government (Miscellaneous Provisions) Act 1982
12. acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
13. food premises under the Food Safety Act 1990
14. operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
15. licensable activities under the Licensing Act 2003
16. houses in multiple occupation under the Housing Act 2004
17. the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under
18. Functions in relation to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work Act 1974
19. Functions relating to smoke free premises
20. Power to designate a public place for the purposes of police powers relating to alcohol consumption
21. Power to make or revoke an alcohol disorder zone

Full Council

Functions-

1. Duty to appoint an electoral registration officer
2. Power to assign officers in relation to the requisitions of the registration officer
3. Duty to appoint a Returning Officer for local government elections
4. Duty to provide assistance at Parliamentary and other nationally funded elections and referendums
5. Power to pay expenses properly incurred by electoral registration officers
6. Power to make temporary appointments to parish councils
7. Power to submit proposals to the Secretary of State for a pilot scheme for local elections
8. Duty to consult on a change of scheme for elections
9. Power to alter the years of ordinary elections of parish councillors
10. Functions relating to the change of name of an electoral area
11. Power to change the name of the district
12. Power to confer the title of Honorary Aldermen or to grant the freedom of the district
13. Power to petition for a charter to confer borough status
14. Power to make, amend, revoke, re-enact or enforce byelaws
15. Power to promote or oppose local or personal bills
16. Functions relating to local government pensions etc
17. Power to make standing orders including standing orders as to contracts
18. Power to appoint staff and to determine the terms and conditions upon which they hold office
19. Duty to make arrangements for the proper administration of financial affairs under s.151 Local Government Act 1972
20. Power to appoint "proper officers"
21. Duties with regard to the appointment of a Head of Paid Service, Section 151 and Monitoring Officer
22. Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1 Local Government Act 2000
23. Power to make payments or provide benefits in cases of maladministration
24. Duty to adopt a code of conduct for members under the Localism Act 2011.

25. Power to dissolve small parish councils
26. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups
27. The division of the constituency into polling districts
28. Power to divide electoral divisions into polling districts at local government elections
29. Powers in respect of holding elections
30. Power to fill vacancies on parish councils in the event of insufficient nominations
31. Declaration of vacancy in office in certain cases
32. Giving notice of casual vacancies in office
33. Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007
34. Duties relating to notice to the Electoral Commission
35. ~~35~~ Power to change the name of a parish
36. All powers and duties exercisable in connection with community governance reviews and petitions

Committee - Standards Committee

Membership - Up to 3 members of the authority from each political group and 3 independent persons, as non voting members.

Functions -

1. To promote and maintain high standards of conduct within the Council.
2. To advise the Council on the adoption or revision of its Code of Conduct.
3. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, and changes in the law.
4. To give assistance to members and co-opted members of the authority.
5. To ensure that all members of the Council have access to training in all aspects of the members' Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code.
6. Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011.
7. Considering petitions when necessary under the Council's petitions scheme.

3 Functions which are not the sole responsibility of the executive

- a. The functions set out below are to be performed by the executive subject to the powers of the Council set out thereafter.
- l Preparation of a plan under the Children and Young People's Plan (England) Regulations 2005
 - l Preparation of development plan documents under s.15 Planning and Compulsory Purchase Act 2004
 - l Preparation of the licensing authority policy statement under the Gambling Act 2005
 - l Alterations to the development plan under s.54 Town and Country Planning Act 1990 under transitional arrangements
 - l The formulation or preparation of a plan or strategy for the control of the council's borrowing, investments or capital expenditure or for determining the council's minimum revenue provision
 - l In the above cases the following powers are reserved to the council:-
 - l to instruct the executive to reconsider any draft plan or strategy submitted
 - l to amend any draft plan or strategy
 - l to approve for the purposes of public consultation draft proposals for the preparation of alterations to or the replacement of a development plan document
 - l to approve any plan or strategy (whether or not in draft form) for submission to the Secretary of State or any Minister of the Crown for approval where such submission is required
 - l to approve a development plan document for the purpose of its submission to the Secretary of State for independent examination under s.20 Planning and Compulsory Purchase Act 2004
 - l to adopt (with or without modification) any of the above mentioned plans or strategies
- b. Amending, modifying, revising, varying, withdrawing or revoking any plan or strategy referred to above shall be the responsibility of the executive only to the extent that it is required to give effect to the requirements of the Secretary of State or any Minister of the Crown in respect of a plan or strategy submitted for approval or is recommended by the person carrying out an independent examination of a development plan document or is authorised by the Council when approving or adopting the plan or strategy.
- c. The functions set out in the left hand column of the table on the next page which but for this provision might be the responsibility of the executive shall not be the responsibility of the executive in the circumstances referred to in the right hand column of the table.

<p>1. Adoption of a plan or strategy (whether statutory or non-statutory) other than one of those referred to in the foregoing provisions of this paragraph</p>	<p>The Council has determined that the decision should be reserved to it</p>
---	--

<p>2. The determination of any matter in the discharge of a function</p> <p>which:-</p> <p>2.1 is the responsibility of the executive; and</p> <p>2.2 is concerned with the Council's budget, borrowing or capital expenditure</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to or not wholly in accordance with the Council's budget or the Council's plan or strategy for the time being approved and adopted in relation to the Council's borrowing or capital expenditure and the decision maker is not authorised by the executive arrangements, financial regulations, standing orders or other rules and procedures to make a determination in those terms.</p>
<p>3. The determination of any matter in the discharge of a function:</p> <p>3.1 which is the responsibility of the executive; and</p> <p>3.2 in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the Council</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to the approved or adopted plan or strategy</p>

d. Paragraph 3 in the table above does not prevent the discharge of a function by the executive where the circumstances which render a decision necessary may reasonably be regarded as being urgent and the person or body making the decision has obtained from the Chairman of the Scrutiny Committee (or if there is none or he is unable to act from the Chairman of the Council or in his absence the Vice-Chairman of the Council) a written statement that the determination needs to be made as a matter of urgency.

e. The functions set out in the left hand column of the table on the next page are the function of the executive subject to the limitations set out in the right hand column.

<p>Making an application under:-</p> <p>s.32 or s.43 Housing Act 1985</p>	<p>Council authorisation to make an application is required</p>
<p>Making calculations (whether original or substitute) under ss. 32 - 37, 43 - 49, 52I & J, 52T & U Local Government Finance Act 1992</p> <p style="text-align: center;">Page 70</p>	<p>Only the preparation of estimates of amounts to be used for the purposes of the calculation and estimates of the calculations for submission to the Council for consideration, the reconsideration of those estimates and amounts in accordance with the Council's requirements and the submission of revised estimates and amounts for the Council's consideration are functions of the executive.</p>

SCHEME OF DELEGATION OF COUNCIL FUNCTIONS

GENERAL DELEGATION TO COMMITTEES CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)

The functions of the Council referred to below are delegated to the designated committees and officers.

THE PLANNING COMMITTEE

1. Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. Power to create footpaths, bridleways or restricted byways by agreement
3. Power to make public path creation orders
4. Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
5. Power to divert footpaths bridleways and restricted byways
6. Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
7. Power to extinguish public rights of way for planning purposes under s.258 Town and Country Planning Act 1990
8. Powers in relation to hedgerows under the Hedgerows Regulations 1997
9. Powers relating to the preservation of trees under the Town and Country Planning Act 1990
10. Powers relating to high hedges
11. Powers in respect of common land and town and village greens under the Commons Act 2006

THE LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

1. Functions relating to licensing and registration in respect of the following matters:-
 - 1.1. animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
 - 1.2. game and game dealers
 - 1.3. house to house and street collections
 - 1.4. hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
 - 1.5. pleasure boats under Public Health Acts Amendment Act 1907
 - 1.6. movable dwellings and camp sites under Public Health Act 1936
 - 1.7. caravan sites under Caravan Sites and Control of Development Act 1960
 - 1.8. scrap yards under the Scrap Metal Dealers Act 1964
 - 1.9. tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
 - 1.10. sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
 - 1.11. street trading under the Local Government (Miscellaneous Provisions) Act 1982
 - 1.12. acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
 - 1.13. food premises under the Food Safety Act 1990
 - 1.14. operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
 - 1.15. licensable activities under the Licensing Act 2003
 - 1.16. houses in multiple occupation under the Housing Act 2004
2. the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under functions in relation to health, safety and welfare in connection with

work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work Act 1974

3. Functions relating to smoke free premises
4. Power to designate a public place for the purposes of police powers relating to alcohol consumption
5. Power to make or revoke an alcohol disorder zone
6. Power to pass a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply within the Authority's area

THE STANDARDS COMMITTEE

1. The function of advising the Council on the adoption or variation of a code of conduct
2. Promoting high standards of conduct by members and co-opted members
3. Assisting members and co-opted members to observe the code of conduct
4. Monitoring the operation of the code of conduct
5. Providing training to members and co-opted members on the code of conduct
6. Receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the Code of Conduct: determine such complaints and deciding what action to take with regard to any breaches found to have been proved.
7. With regard to parish and town councils within the district:-
receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the code of conduct by town or parish councillors: advising the parish or town council concerned whether there has been a breach of the Code of Conduct and recommending what action the parish or town council should take with regard to any breaches found to have been proved

GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

The functions of the Council referred to below are delegated to the Governance, Audit and Performance Committee

1. To monitor the performance of the Council and progress against improvement plans; to oversee the Council's internal audit and risk functions; to receive and approve external audit reports; to scrutinize and approve the annual statement of accounts; to make reports and recommendations to the executive, committees and the Council as a whole on its performance management and corporate governance as appropriate.
2. To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
3. To consider summaries of specific internal audit reports as requested.
4. To consider reports dealing with the management and performance of the providers of internal audit services.
5. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
6. To consider the external auditor's Annual Letter, relevant reports, and reports to those charged with governance.
7. To consider specific reports as agreed with the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.
9. To make arrangements for the appointment of the Council's external auditor and to be responsible for appointing the external auditor under any successor arrangements.
10. To commission work from internal and external audit.
11. To maintain an overview of the Council's contract procedure rules and financial regulations and to monitor compliance therewith.

12. To review any issue referred to it by the Chief Executive or a Director, or any Council body.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
15. To oversee the production of the authority's Annual Governance Statement and to agree its adoption;
16. To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
17. To monitor the Council's compliance with its own and other published standards and controls.
18. To review and approve the annual statement of accounts for publication. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
19. To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.
20. Carry out and give effect to the outcome of Community Governance Reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils.
21. Carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.
22. To make recommendations to the Full Council on its discharge of the following functions, subject to powers delegated to officers:
 - a) Duty to appoint an electoral registration officer
 - b) Power to assign officers in relation to the requisitions of the registration officer
 - c) Duty to appoint a Returning Officer for local government elections
 - d) Duty to provide assistance at Parliamentary and all other nationally funded elections and referendums
 - e) Power to pay expenses properly incurred by electoral registration officers
 - f) Power to make temporary appointments to parish councils
 - g) Power to submit proposals to the Secretary of State for a pilot scheme for local elections
 - h) Duty to consult on a change of scheme for elections
 - i) Power to alter the years of ordinary elections of parish councillors
 - j) Functions relating to the change of name of an electoral area
 - k) Power to change the name of the district
 - l) Power to confer the title of Honorary Alderman or to grant the freedom of the district
 - m) Power to petition for a charter to confer borough status
 - n) Power to make, amend, revoke, re-enact or enforce byelaws
 - o) Power to promote or oppose local or personal bills
 - p) Functions relating to local government pensions etc
 - q) Power to make standing orders including standing orders as to contracts
 - r) Power to appoint staff and to determine the terms and conditions upon which they hold office
 - s) Duty make arrangements for the proper administration of financial affairs etc under s.151 Local Government Act 1972
 - t) Power to appoint "proper officers"
 - u) Duties with regard to the appointment of a Head of Paid Service and Monitoring Officer
 - v) Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1, Local Government Act 2000

- w) ~~w)~~ Power to make payments or provide benefits in cases of maladministration
- x) ~~x)~~ Duty to adopt a code of conduct for members under the Localism Act 2011
- ~~x)y)~~ Powers in respect of holding elections
- z) ~~z)~~ Power to fill vacancies on parish councils in the event of insufficient nominations-
nominations
- y)aa) ~~aa)~~ Declaration of vacancy in office in certain cases
- bb) ~~bb)~~ Giving notice of casual vacancies in office
- cc) ~~ee)~~ Duties relating to publicity under the Local Government and Public
Involvement ~~_____~~ in Health Act 2007
In Health Act 2007
- dd) ~~dd)~~ Duties relating to notice to the Electoral Commission

ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

Scheme of delegations from Council to officers

Introduction

This scheme has been adopted by Uttlesford District Council and is the list of delegations to officers under Section 101 of the Local Government Act 1972 (as amended) and all other powers enabling delegations to officers. It is adopted with the intention of giving a clear, transparent and accountable decision-making process.

References to powers of "the Council" include those exercisable by the Executive.

1. Officers may only exercise the delegated powers in this scheme in accordance with:
 - a. statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998 (as amended), statutory guidance and statutory codes of practice;
 - b. the Constitution of the Council, including standing orders, contract standing orders and financial regulations;
 - c. the revenue and capital budgets of the Council, subject to any variation thereof which is permitted by the Council's Financial Regulations;
 - d. consideration of the Council's policies;
2. Officers may not exercise delegated powers where:
 - a. the matter is reserved to the Council or the executive by law or by the Council's Constitution;
 - b. the matter is a function which cannot by law be discharged by an officer;
 - c. the Council, a committee or sub-committee has determined that the matter should be discharged otherwise than by an officer.
3. Where an officer has delegated powers, the Council or a committee (as appropriate) can still exercise that power if it considers it is appropriate to do so.
4. Officers may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Council.
5. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation, the person with the delegated powers, if time allows, must consult someone

- else they reasonably consider to be an appropriate substitute consultee.
6. Any function which has been delegated to a post holder identified in this scheme does not require that person to give the matter their personal attention and they may arrange for such function to be exercised by an officer whom they judge to be of suitable experience and seniority. However, the postholder remains responsible for any decision taken pursuant to such arrangements.
7. The delegated powers held by an officer may be exercised by the Head of Paid Service, the relevant Assistant Director or by the line manager of that officer (or by the line manager's line manager) if:
- That post is vacant; or
 - The post holder is not at work for any reason.
8. Any post holder identified in this scheme may appoint, nominate or otherwise authorise inspectors and other officers or persons to act under any legislation relevant to their part of the scheme of delegation.
9. Any reference in this scheme of delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
10. Where an officer has delegated authority to discharge functions
- by virtue of any other provision of this Constitution, or
 - through a specific decision of the Council, a committee, a sub-committee, either before or after the adoption of this scheme
- the absence of the delegation from this scheme shall not prevent the exercise of the delegation.
11. Decisions shall be recorded and published in accordance with the Council's policies in this regard.
- 4.12. Authorisations to carry out surveillance under the Regulation of Investigatory Powers Act (RIPA) 2000 may be granted by the authorised officers designated for that purpose under the Council's RIPA Policy.
13. A non-exhaustive list of specific statutory responsibilities and the postholder to whom they are delegated forms an Appendix to this Part.

In consultation with the chairman of the appropriate committee or, where he or she is not available, the vice chairman, chief officers and deputy chief officers have delegated authority to take any action which would normally require committee approval but which requires an urgent decision subject to that action being in accordance with Council policy and within budget. Such a decision is to be reported to the next meeting of the appropriate committee with a full explanation of the reasons for the decision and the urgency.

THE CHIEF EXECUTIVE

1. The development of the Council's corporate policies.
2. The development of corporate strategies.
3. Public relations and consultation relating to matters which are Council functions.
4. Power to make payments or provide benefits in cases of maladministration.
5. All functions delegated to chief officers and deputy chief officers under this Scheme of Delegation

1. To certify the annual calculation of the Council Taxbase
2. To certify the Council's Business Rate estimates
3. To certify the draft Statement of Accounts in accordance with the Accounts and Audit Regulations 2015
4. To determine financial administrative procedures and systems pursuant to discharging statutory responsibilities for making arrangements for the proper administration of the Council's financial affairs under the Local Government Act 1972
5. To review and authorise employees' subsistence and expense rates at 1 April each year in line with national agreements or locally approved variations
6. To respond to consultations of a technical nature relating to local government finance and audit matters
7. To provide other certifications and authorisations required of the Section 151 Officer
8. To comment on and approve documents prepared by the External Auditor prior to consideration by the Governance, Audit and Performance Committee

ASSISTANT DIRECTOR: GOVERNANCE AND LEGAL

1. Authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including any appeals
2. Take any necessary legal action to protect the interests of the Council.
3. Authorise officers of the Council to appear on behalf of the Council before courts and tribunals

MONITORING OFFICER

1. Power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests.
2. [To act as the Council's Responsible Officer under the Public Interest Disclosure Act 1998 as -amended.](#)

DIRECTOR OF FINANCE AND CORPORATE SERVICES

1. Implementation of national provincial and local agreements and amendments to conditions of service
2. The approval of pensionable ill health retirement in consultation with the Leader of the Council or cabinet member authorised by him or her

ASSISTANT DIRECTOR HOUSING AND HEALTH

1. Grant applications for licences and for registration of premises, persons and vehicles and the amendment or transfer of such licences or registrations where such applications meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
2. Determine whether representations made in respect of licensing matters or applications for reviews of licences are valid or may be rejected as being vexatious, frivolous or repetitious
3. Refusal of licenses and registrations where such applications do not meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
4. Issue of statutory notices and certificates
5. Issue of statutory notices, registrations and certificates in respect of charitable collections and gaming
6. To suspend licenses issued under Part II Local Government (Miscellaneous Provisions) Act 1976 for a period not exceeding 2 weeks where there has been a breach of condition or an alleged offence where in the view of the Assistant Director - Governance and Legal a prosecution would not be appropriate
7. To suspend licences under s.61 Local Government (Miscellaneous Provisions) Act 1976

(as amended) immediately if in his or her opinion it is in the interests of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Licensing and Environmental Health Committee

8. Subject to the provision of a satisfactory statutory declaration, to grant an application for a licence where the Council requires a criminal record check where the applicant is in possession of a check to the level required by the Council which is not more than 18 months old and to revoke any licence if a false declaration is made
9. Subject to the provision of a satisfactory statutory declaration to grant an application for renewal of a licence granted by the Council where the Council requires a criminal record check but a check to the level required by the Council is not immediately available and to revoke any licence if a false declaration is made
- ~~4.10.~~ [The submission of objections to the Traffic Commissioners or other licensing authority for applications for Goods Vehicle Operators Licences.](#)
- ~~2.11.~~ To grant applications for consent to place tables and chairs and other items on pedestrian areas of the highway subject to conditions where such applications fall within the policy previously adopted by the Licensing and Environmental Health Committee or any amendment or amendments thereto made by the Committee and to refuse applications which do not fall within that policy
- ~~3.12.~~ To grant licences in cases where a driver has a pending prosecution for a motoring offence which is in the opinion of the Assistant Director - Governance and Legal is unlikely to attract 6 points or more on the driver's licence

DIRECTOR: PLANNING & BUILDING CONTROL

1. Carry out any functions laid out in the Schedule below, except for the determination of:
 - 1.1. Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission where the application was accompanied by an Environmental Statement;
 - 1.2. Any application a member has called in for a planning reason within the agreed time period;
 - 1.3. Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009
 - 1.4. Approval of major applications which fall into the category of a major application (as defined by the [Town and Country Planning \(General Permitted Development\) Order 1995. -GDPO](#));
 - 1.5. Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
 - 1.6. Any application where the applicant is an officer of the Council, an elected Member or a spouse, child or partner.
 - 1.7. Applications which would otherwise be delegated but which the Assistant Director Planning and Building Control considers should come before the Committee.
 - 1.8. Any application for a Deed of Variation to a s106 Agreement which is an alteration to a Head of Term agreement by Planning Committee.
2. Carry out all functions related to the enforcement of planning legislation contained in the Schedule.
3. Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.
4. All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities.

The Schedule

All functions concerning the Council's role as Local Planning Authority contained in the following primary legislation and all subordinate legislation made thereunder

AGRICULTURAL LAND (REMOVAL OF SURFACE SOIL) ACT 1953
 ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
 ANTI-SOCIAL BEHAVIOUR ACT 2003
 BUILDINGS ACT 1984
 BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 1998
 CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960
 CLEAN AIR ACT 1956
 COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981
 PUBLIC HEALTH ACT 1925
 ECCLESIASTICAL EXEMPTION (LISTED BUILDINGS AND
 CONSERVATION AREAS) ORDER 1994
 ESSEX ACT 1987
 EUROPEAN COMMUNITIES ACT 1972
 GREEN BELT (LONDON AND HOME COUNTIES) ACT 1938
 HEDGEROW REGULATIONS 1997
 HIGHWAYS ACT 1980
 LAND COMPENSATION ACT 1961
 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
 LOCAL GOVERNMENT PLANNING AND LAND ACT 1980
 LOCALISM ACT 2011
 PASTORAL MEASURES ACT 1983
 PLANNING AND COMPENSATION ACT 1991
 PLANNING AND COMPULSORY PURCHASE ACT 2004
 PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
 ACT 1990
 PUBLIC HEALTH ACTS
 REGULATORY AND INVESTIGATION PROCEDURES ACT 2000
 THE ENVIRONMENT ACT 1995
 THE HEALTH ACT 2006
 TOWN AND COUNTRY PLANNING ACT 1959
 TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
 ASSESSMENT) REGULATIONS 2011

and the power contained in s.111 Local Government Act 1972 and s.2 Local Government Act 2000, so far as the use of such powers is incidental to the exercise of the functions of a Local Planning Authority under the legislation listed above, subject to prevailing common law and statutory duties and obligations concerning the use of those powers (advice on this point can be obtained from the Assistant Director Governance and Legal).

Responsibility for executive functions

Under the Local Government Act 2000 the Leader may discharge all functions of the executive or may arrange for them to be discharged by the executive, a committee of the executive, a member of the executive or by an officer. Such delegation does not preclude the Leader exercising the function personally. In accordance with the Act and Article 7 of the constitution the Leader approved the scheme of delegation set out in the following sections. Thereafter this section will be updated as soon as is reasonably practicable after any alterations to those arrangements are made.

SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS GENERAL DELEGATION TO THE CABINET, MEMBERS OF THE EXECUTIVE (PORTFOLIO HOLDERS), CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)

DELEGATION TO THE CABINET

All executive functions of the Council

DELEGATION TO PORTFOLIO HOLDERS

Scrap Metal Dealers Act 2013

To designate the Executive Member for Communities and Partnerships overall responsibility for the Council's function under the Scrap Metal Dealers Act 2013

The mechanism for dealing with applications under the Act is as follows: the Assistant Director - Housing and Health and Communities to deal with all non-contentious matters; contested matters to be dealt with by the Executive Member for Communities and Partnerships.

North Essex Parking Partnership

To designate the Executive Member for Economic Development or other Council representative on the North Essex Parking Partnership On Street Joint Committee and the Off Street Joint Committee with authority to vote on matters such as the NEPP budget and on street TROs, such decisions having the effect of committing the Council.

Local Plan - Duty to Co-operate and Planning Policy

To designate the Executive member for [Planning S-Environmental Services](#) or other Council representative at duty to cooperate meetings in respect of the preparation of the Council's local plan with other relevant plan making authorities to determine the Council's position on local plan issues.

Determination of the Council's position on any matter relating to:

1. the business on an agenda of the Cooperation for Sustainable Development Member Board;
2. duty to cooperate matters relating to development plans of other local planning authorities not represented on the Coop Board, [especially immediately neighbouring districts particularly Braintree and South Cambridgeshire](#)
- 2.
3. consultations on planning policy issues

Executive member for Economic Development

Determination of the Council's position on any matter relating to the proposed Saffron Walden Business Improvement District.

Executive member for Environmental Services

Exercise of the Council's discretion to set Fixed Penalty Notice fines up to legal limits.

DELEGATION TO WARD MEMBERS

Members' New Homes Bonus Scheme

Pursuant to s.236 Local Government and Public Involvement in Health Act 2007 each ward member shall have power to expend up to £3000 in any financial year in relation to any function of the Council which is an executive function insofar as the function is exercisable in relation to the ward for which the member is elected. In relation to members of the executive this power relates only to the exercise of such functions which have not been delegated to them by the Leader.

Prior to exercising any function in accordance with this delegation ward members shall consult with the Chief Finance Officer to ensure that such expenditure is legal.

Where a ward member discharges any function in accordance with this delegation he or she shall ensure that a written record of the decision or action taken is made and that such a record is provided to the Council within one month of the date of the decision or action.

The Leader has delegated power to the Section 151 Officer, in consultation with the Monitoring Officer to perform any executive function at the request of any member where:

- i) The performance of the function will be in a ward or partly in a ward not represented by the member or members making the request
- ii) The performance of the function will be of some benefit directly or indirectly to persons living in or carrying out business in the ward or wards which those members represent.
- iii) The total costs of the performance of the functions does not exceed the total amount of the unexpected budget allocated to those members for the performance of the executive functions within their wards and
- iv) The members concerned agree to forgo from their budget allocation such sums as are necessary to meet the cost of the performance of the function.

DELEGATION TO OFFICERS

ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

1. In consultation with the Leader of the Council or relevant Portfolio Holder, or if they are not available with any other member of the Cabinet, to take any action which would normally require Cabinet approval but which requires an urgent decision subject to the action being within budget and in line with Council policy. Any such decisions are to be reported to the next meeting of the Cabinet with a full explanation of the reasons for the decision.
2. To purchase goods, materials and services and to give orders for work to be performed insofar as there is provision for such expenditure within the budget and the purchase or order complies with the Council's Procedure Rules and Financial Regulations.
3. To determine the staff structure required for the effective operation of their areas of responsibility and to employ such staff insofar as there is provision for such expenditure in the budget and appointment is in accordance with the Council's Procedure Rules.
4. The day to day management of the services within their purview within budget.

5. The day to day management of all employees within their service units
6. All matters concerning the employment, discipline and dismissal of all staff below the level of Chief Officer subject to any right of appeal, any statutory provisions and any matter reserved to elected members.
7. The approval and implementation of training programmes and the approval of attendance by employees at courses and seminars within budget.
8. Road Closure Orders under Section 21 of the Town and Police Clauses Act 1847.

THE CHIEF EXECUTIVE

1. The development of the Council's corporate policies.
2. Development of the Council's corporate and service related strategies.
3. Service Planning and the Corporate Plan.
4. The Council's functions under the Crime and Disorder Act.
5. Quality control and client management of fitness and leisure and sports centres.
6. Community development and engagement.
7. National Lottery and grant matters.
8. All functions delegated to Chief Officers and Deputy Chief Officers under this scheme of delegation.
9. The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:-
Power to issue closure notices under s.76 and to extend the validity of a closure notice for up to 48 hours under s.77(4).
10. To hold the statutory roles of Electoral Registration Officer and Returning Officer under Ss8(2)(a) and S28 (2) Representation of the People Act 1983
11. To declare that there is a vacancy in the membership of the Council in the circumstances prescribed by S86 Local Government Act 1972.
12. To act as the Council's Senior Responsible Officer (SRO) under the Regulation of Investigatory Powers Act 2000.

9.

DIRECTOR OF FINANCE AND CORPORATE SERVICES (\$151 OFFICER AND CHIEF FINANCE OFFICER)

1. To make arrangements for exchequer services including payroll, expenses reimbursement, banking, supplier payments and debt recovery.
2. To authorise changes to the signatories on the Council's bank mandate.
3. To authorise exceptions to the Contract Procedure Rules where there are sound business reasons to do so in consultation with relevant Portfolio Holders or the Cabinet or Leader.
4. To certify grant claims, audited returns and statistical information for submission to government departments.
5. To make funds available and authorise payments in the event of an emergency situation.
6. To authorise the write-off of bad debts in accordance with Financial Regulations.
7. To authorise the disposal of surplus vehicles, plant and equipment in accordance with Financial Regulations.
8. The completion of grant claims for housing and council tax benefit and discretionary housing payments.
9. Applications to central government for funding specific projects.
10. Functions as appropriate delegated to the Assistant Directors of:
 - a. Corporate Services;
 - a.b. Finance;
 - c. Commercial and Digital Change Management
 - d. under this scheme of delegation.

ASSISTANT DIRECTOR - GOVERNANCE AND LEGAL

1. —To authorise the institution, defence, participation in, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
2. —To give necessary legal authorisation to officers of the Council to appear before any courts or tribunals.
2. _____
3. To act as lead officer for the Council's Performance and Audit Committee.
- _____
- 4.4. To issue any statutory notices and certificates.

DIRECTOR OF PUBLIC SERVICES

1. All functions delegated to the Assistant Director of Housing and Environment and Planning and Building Control under this scheme of delegation.

- ~~2. In relation to street scene services the day to day management of contracts and services including the preparation and submission of tenders.~~
- ~~3. Contract monitoring, quality control and client management of the grounds and maintenance service.~~
- ~~4. To issue any statutory notices and certificates.~~

ASSISTANT DIRECTOR - CORPORATE SERVICES

1. To act as lead officer for the Council's Scrutiny Committee.
- ~~4.2. Oversight of the corporate and service delivery planning functions~~
- ~~2.3. Provision of customer service centre and community information centres.~~
- ~~3. The administration of human resources.~~
 4. Public relations and consultation.
 5. Management and maintenance of the Council's website and intranet.
 6. Senior Information Management Officer. Statutorily responsible for the functions of the Data Protection Officer under S69 Data Protection Act 2018.
 - 5.
 - ~~6.7. To act as lead officer for the Council's Performance and Audit Committee~~To act as lead officer for the Museum Management Working Group and to have oversight of the management of Saffron Walden Museum to include responsibility for CCTV installations upon the Museum buildings in consultation with the Assistant Director: Commercial and Change Management.
 - ~~7.8. To issue any statutory notices and certificates.~~

ASSISTANT DIRECTOR - FINANCE

- ~~1. To issue any statutory notices and certificates.~~
- ~~2. The issue of possession proceedings in respect of council owned properties not forming part of the housing stock.~~
- ~~3. Completion of grant claims for housing and council tax benefit and discretionary housing payments.~~
- ~~4. The administration of sundry debtors.~~
- ~~5. To authorise budget virements in accordance with the virements rules contained within the Financial Regulations.~~
- ~~6. To make borrowing and investment decisions in accordance with the Council's Treasury Management Strategy.~~
- ~~7. To determine the most appropriate methods for procurement of goods and services consistent with the Procurement Strategy approved by the Cabinet.~~
8. Collection and control of cash.

- ~~9. To submit insurance claims to the Council's insurers.~~
- ~~10. To represent the Council at court proceedings in relation to the recovery of monies owed to the Council.~~
- ~~11. To prove debts on behalf of the Council in bankruptcy and liquidation proceedings.~~
- ~~12. The administration of council tax and Business Rates.~~
- ~~13. The administration of housing and council tax benefits.~~
- ~~14. The administration of Local Council Tax Support scheme (LCTS).~~
- ~~15. The determination of applications for Exceptional Circumstances.~~
- ~~16. Hardship Relief under the LCTS.~~
1. To determine the budget setting process and timetable.
2. To determine the budget monitoring process and timetable.
3. To respond to consultations of a technical nature relating to local government finance and audit matters.
4. To issue any statutory notices and certificates.
5. The issue of possession proceedings in respect of council owned properties not forming part of the housing stock.
6. Completion of grant claims for housing and council tax benefit and discretionary housing payments.
7. The administration of sundry debtors.
8. To authorise budget virements in accordance with the virements rules contained within the Financial Regulations.
9. To make borrowing and investment decisions in accordance with the Council's Treasury Management Strategy.
10. Collection and control of cash.
11. To agree renewal terms on the Council's insurance policies within budget.
12. To submit insurance claims to the Council's insurers.
13. To represent the Council at court proceedings in relation to the recovery of monies owed to the Council.
14. To prove debts on behalf of the Council in bankruptcy and liquidation proceedings.
15. Money Laundering Officer under Part 18 & 19 Money Laundering Act Regulations 2017.

16. Deputy S151 Officer.

ASSISTANT DIRECTOR – ICT AND FACILITIES COMMERCIAL AND CHANGE MANAGEMENT

1. To issue any statutory notices and certificates.
2. Contract management, monitoring and quality control of ICT facilities.
3. Performance and risk management including oversight of the PFI contracts for the provision of leisure services.
4. Development of service related ICT strategies.
- 4.5. Responsibility for printed materials and the mailroom.
- 2.6. Monitoring and quality control of contracts relating to council offices and public conveniences.
- 3.7. Responsibility for the siting, maintenance and upkeep of safety CCTV cameras in the Council's sheltered housing complexes and other public buildings including the placing of appropriate signage.
- 4.8. The maintenance, repair and improvement of all non-HRA council assets.
- 5.9. Management of all council commercial and other assets in accordance with the Asset Management Plan.
10. The preparation, implementation and monitoring of a non-HRA stock condition plan.
11. Business process re-engineering.
12. Benchmarking.
- 6.

ASSISTANT DIRECTOR - HOUSING & HEALTH & COMMUNITIES

1. The provision, allocation and management of the Council's housing stock.
2. The administration of Council house sales.
3. The administration of the Council's statutory and other duties in respect of housing the homeless and dealing with landlord harassment.
4. The maintenance repair and improvement of the Council's housing accommodation.
5. The preparation, implementation and monitoring of housing programmes.
6. The provision of a welfare service for applicants for and tenants of housing accommodation including:-
- 6.1 Liaison with social services

- 6.2 operation of a sheltered housing service and
- 6.3 encouragement of the use of Lifeline
7. Liaison with the Homes and Communities Agency, Housing Associations, the private sector, local councils, agencies and societies to assess housing needs and to provide new homes and to rehabilitate substandard, derelict and unused properties.
8. Power to release restrictive covenants on former council houses sold under the right-to-buy legislation.
9. Authority to authorise ex gratia payments including rent free weeks (up to a maximum of £500) to tenants to assist them with the costs of disturbance.
10. Payment of authorised removal expenses to tenants transferring to smaller accommodation.
11. Approval of estimated service charges in respect of former Council flats and maisonettes.
12. Dealing with the exchange of tenancies between the Council's tenants and those of other Local Authorities and Housing Associations.
13. Making nominations to Housing Associations.
14. Dealing with succession of tenancies to members of the family who are legally qualified to succeed.
15. The approval of sub letting of part of tenanted property.
16. The allocation of ~~garages and~~ and the issue of Notices to Quit relating to garages.
17. Grant of wayleaves across the Council's housing land.
18. The Council's functions under the Shops Act 1950.
19. The provision, maintenance and funding of day centres for the elderly and people who are disabled.
20. The issue of proceedings for demotion of council tenancies, possession of Council owned properties forming part of the housing stock, forfeiture of leases and injunctions.
21. Animal welfare and licensing, the control of stray dogs and dog control orders.
22. The burial of people where no (proper) arrangements have been made.
23. Food safety and control including food storage, handling, preparation, transport and exposure for sale.
24. Functions under the Shops Act 1950.
25. Health and safety at work to the extent that the functions are discharged by the Council in its capacity as an employer under Part 1 Health and Safety at Work ~~etc~~ Act 1974.
26. Liaison with the appropriate health authorities.
27. The promotion of public health education and home safety.

28. The control and prevention of infectious and notifiable diseases and food poisoning.
- ~~29.~~ The control and eradication of rodents, insects and other pests with public health significance or nuisance potential.
- ~~30.~~ Disability issues appropriate to the facilities and activities within the purview of the Council.
- ~~30-31.~~ The prevention or remedy of a statutory nuisance or other pollution matters of concern, the regulation of industrial processes and the implementation of the contaminated land regime under Part IIA Environmental Protection Act 1990.
- ~~31-32.~~ The maintenance of a Port Health operation and border inspection post at Stansted Airport.
- ~~32-33.~~ The administration of grant schemes for the improvement, adaptation or conversion of private sector housing and the disuse or demolition of unfit premises.
- ~~33-34.~~ The licensing of houses of multiple occupancy.
- ~~34-35.~~ To issue any statutory notices and certificates.
- ~~35-36.~~ The following functions under the Anti- Social Behaviour Crime and Policing Act 2014:-
- Power to issue community protection notices under s.43 2.
 - Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49 3
- ~~36-37.~~ Power to issue fixed penalty notices under ~~ss.~~52 and 68.
- ~~36-38.~~ To deal with the non-contentious applications under the Scrap Metal Dealers Act 2013.
- ~~37~~ 39. The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:-
- Power to issue community protection notices under s.43(2)
 - Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49(3)
 - Power to issue fixed penalty notices under s.52 and 68
40. Lead Officer for the Housing Board.
- ~~41.~~ Responsible for the appointment and oversight of the Council's Local Authority Designated Officer (LADO) under S11 Children Act 2004.
- ~~42.~~

ASSISTANT DIRECTOR - PLANNING & BUILDING CONTROL

1. Deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976 and to recharge the costs to owners.
2. Determine applications and issue notices under the Building Act 1984, the Building Regulations as amended and allied matters under the Public Health Acts, Clean Air Act 1956 and the Essex Act 1987, and any other relevant legislation.

3. Deal with the operation of the Building (Local Authority Charges) Regulations 1998 and any amendments thereto, along with the Council's scheme for the recovery of charges for Building Regulations purposes.
4. Issue requisitions for Information.
5. Institute legal proceedings for:-
 - a. failure to comply with any statutory notices
 - b. failure to comply with an Enforcement Notice or Stop Notice
 - c. unauthorised display of advertisements
 - d. breaches of the Building Act and Regulations
6. The institution of committal proceedings for breach of an injunction.
- 6.7. Functions associated with the preparation and monitoring of the Locally Determined Highways Programme.
- 7.8. The issue of such statutory notices as may be required in connection with the exercise of the functions delegated to the Council by the Highways Authority.
- 8.9. Minor editorial changes to planning policy documents.
- 9.10. Street names and house numbers.
- 10.11. The promotion of energy efficiency and carbon reduction measures.
- 1 ~~Disability issues appropriate to the facilities and activities within the purview of the Council.~~
12. Determine applications made to the Council pursuant to sections 1 and 3 of schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

ASSISTANT DIRECTOR: ENVIRONMENTAL SERVICES

1. Responsibility for the provision of the Council's waste and recycling services to include oversight of any CCTV equipment installed in the Council's liveried vehicle fleet in consultation with the Assistant Director: Commercial and Change Management.
2. Management of the Council's street cleansing service.
3. Management of the Grounds Maintenance Service.
4. Management of the Highway Rangers service.
5. Responsibility for the Council's vehicle maintenance and testing services.
6. Lead Officer for the Climate Change Working Group.

ASSISTANT DIRECTOR – BUSINESS AND CHANGE MANAGEMENT

1. Proper administration of the Council's Revenues and Benefits Service.

2. Monitoring and quality control of contracts relating to Human Resource advice and support.

3. The administration of Human Resources.:-

4. Responsibility for the oversight of the Council's Procurement function.

5. Responsibility for the Council's Change Management programme.:-

6. Project Management.

7. Economic Development.

8. Parking in conjunction with the North Essex Parking Partnership and other participating bodies.:-

2.

APPENDIX: STATUTORY**1. Statutory Officers**

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the council has allocated responsibility are listed below.

<u>Title/Description (and statutory derivation)</u>	<u>Officer appointed</u>
<u>Head of Paid Service</u>	<u>Chief Executive</u>
<u>(Section 4 – Local Government & Housing Act 1989)</u>	
<u>Monitoring Officer</u>	<u>AD: Legal & Governance</u>
<u>(Section 5 – Local Government & Housing Act 1989)</u>	
<u>Officer responsible for financial administration</u>	<u>Director of Corporate Services</u>
<u>(Section 151 – Local Government Act 1972)</u>	
<u>Electoral Registration Officer and Returning Officer</u>	<u>Chief Executive</u>
<u>(Sections 8, 28 and 35 – Representation of the People Act 1983)</u>	
<u>Scrutiny Officer</u>	<u>AD: Corporate Services</u>
<u>Head of Overview and Scrutiny (Section 31 – Local Democracy, Economic Development and Construction Act 2009)</u>	

2. Proper officer functions

The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.

STATUTE AND FUNCTION	PROPER OFFICER
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REPRESENTATION OF THE PEOPLE ACT 1983

<u>Section 8 – The Electoral Registration Officer for the purpose of the registration of electors</u>	<u>Chief Executive; deputies Directors of Finance and of Planning, Monitoring Officer, Electoral Services Manager</u>
<u>Section 28 – The Acting Returning Officer at an election of a Member of Parliament</u>	<u>Chief Executive; deputies as for S8 above.</u>
<u>Section 35 – The Returning Officer at an election of District and County councillors</u>	<u>Chief Executive; deputies as for S8 above.</u>

LOCAL GOVERNMENT ACT 1972

<u>Section 83(1) – The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act</u>	<u>Monitoring Officer</u>
<u>Section 83(3)(b) – The officer before whom a declaration of acceptance of office of chair of council or deputy chair of council may be made</u>	<u>Chief Executive</u>
<u>Section 84 – The officer to whom written notice of resignation of elected office shall be delivered</u>	<u>Monitoring Officer</u>
<u>Section 86 – To declare any vacancy in any office under this section</u>	<u>Chief Executive</u>
<u>Section 88(2) – The officer by whom a meeting of the council for the election of the vacant office of chairperson of the council may be convened</u>	<u>Chief Executive</u>
<u>Section 89(1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of councillor may be given by two local government electors for the District</u>	<u>Chief Executive</u>
<u>Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given</u>	<u>Monitoring Officer</u>
<u>Section 99 and Schedule 12 – To give notice and send summonses in respect of any council meeting</u>	<u>Chief Executive</u>
<u>Section 100A(6) – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press</u>	<u>Chief Executive</u>
<u>Section 100B(2) – The officer to exclude from committees, sub-committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded</u>	<u>Monitoring Officer</u>
<u>Section 100B(7)(c) – The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration</u>	<u>Monitoring Officer</u>
<u>Section 100C(2) – The officer to prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded</u>	<u>Democratic Services Manager</u>

STATUTE AND FUNCTION	PROPER OFFICER
Section 100D(1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, council or the cabinet	Monitoring Officer
Section 100D(5) – The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents	Monitoring Officer
Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Monitoring Officer

LOCAL GOVERNMENT ACT 1972

Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like	Democratic Services Manager
Section 115 – The officer to whom money properly due from officers shall be paid	Director of Corporate Services
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Director of Corporate Services
Section 151 – The officer to be responsible for the proper administration of the authority’s financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Director of Corporate Services
Section 223 – Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	AD: Legal & Governance
Section 225(1) – The officer to receive and retain statutory documents on behalf of the authority	Monitoring Officer
Section 229(5) – The officer to certify photographic copies of documents	Litigation Solicitor
Section 233 – The officer to receive documents required to be served on the authority	AD: Legal & Governance/
Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	AD: Legal & Governance, Directors and CEO.
Section 238 – The officer to certify printed copies of bylaws	Monitoring Officer
Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Democratic Services Manager
Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Monitoring Officer

STATUTE AND FUNCTION	PROPER OFFICER
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings	Monitoring Officer
Section 16 – Notices requiring details of interest in land	Any officer of the council

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 – provision of certificates as to whether a post is politically restricted	Monitoring Officer
Sections 15-17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Monitoring Officer

LOCAL GOVERNMENT ACT 2000

The officer responsible for ensuring a proper record is made of cabinet decisions and that the document comprising the authority’s forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Democratic Services Manager
To establish and maintain the members’ register of interest (Section 81 LGA 2000) and ensure it is available for public inspection	Democratic Services Manager and Monitoring Officer
To ensure that copies of the constitution are available for inspection	Democratic Services Manager
To make payments of relevant allowances in accordance with the council’s members allowances scheme	Democratic Services Manager
To defray expenses of any members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Chief Executive and Democratic Services Manager

LAND CHARGES ACT 1975

Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Monitoring Officer
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STATUTE AND FUNCTION	PROPER OFFICER
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LOCAL GOVERNMENT ACT 2003

Section 25 – Requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves	Director of Corporate Services
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CIVIL EVIDENCE ACT 1995

To certify council records for the purposes of admitting the document in evidence in civil proceedings	Monitoring Officer
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CRIMINAL JUSTICE AND POLICE ACT 2001

Delegated power to authorise officers to enter premises and seize items where the council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	The Chief Executive
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LOCAL GOVERNMENT FINANCE ACT 1988

Section 114 – The officer to be responsible for the proper administration of the authority’s financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Director of Corporate Services
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STATUTE AND FUNCTION	PROPER OFFICER
Section 116 – Notification to the council’s auditor of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	Director of Corporate Services
Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Director of Corporate Services

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Certification of relevant powers to enter into contracts	The Chief Executive, & Director of Corporate Services and posts designated in accordance with article 10.01(b) as chief officers
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OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Any other miscellaneous proper or statutory officer functions not otherwise delegated by the authority	Chief Executive or his/her nominee
Responsibility for the proper exercise of the Council’s function as Port Health Authority for Stansted Airport.	AD: Housing Health and Communities or his/her nominee
Local Authority Designated Officer (Safeguarding) under the Children Act 2004	Assistant Director: Housing Health and Communities or his/her nominee

Committee: Council

Date: Tuesday, 11
October 2022

Title: Procurement Strategy 2022 - 2026

Lead Member: Councillor Edward Oliver, Chair of the Governance,
Audit and Performance Committee

Report Author: Angela Knight, Assistant Director - Resources
aknight@uttlesford.gov.uk

Summary

1. The Procurement Strategy sets out the Council's vision for its procurement activity over the next four years.
2. The Strategy includes the aims of the Council to ensure all procurement activities are delivered in an economic, environmentally, and socially responsible ways, whilst delivering value for money for the Council and promoting the long-term interests of the communities, residents and businesses in Uttlesford.
3. The Strategy delivery plan is set out over three phases to enable a realistic and achievable action plan to be developed and to ensure that good practice is embedded in each phase.
4. The Procurement Strategy 2022-26 was considered at the [Governance, Audit and Performance Committee on 29 September](#) and has been recommended to Full Council for approval.

Recommendations

5. To approve the Procurement Strategy 2022-2026, as attached at Appendix A.

Financial Implications

6. No direct financial implications from the Strategy.

Background Papers

7. 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

- 8.

Communication/Consultation	Corporate Management Team and Informal Cabinet Briefing
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A

Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

National Procurement Strategy

9. The Local Government Association (LGA) launched the National Procurement Strategy (NPS) in 2018, and this was refreshed in August 2022. The NPS focuses on three key themes for the next four years:
 - Showing leadership
 - Behaving commercially
 - Achieving community benefits
10. The procurement strategy has been developed based on consideration of the above themes and will identify key strategic areas and enablers from the NPS which will align with the context of the Council's local and regional priorities.
11. The LGA has developed a toolkit to support delivery of the NPS for Local Government in England 2018. Its purpose is to help councils to set objectives in relation to the maturity levels in each of the key areas of the strategy and to assess their own progress against those objectives.
12. There are five levels of maturity each providing guidance and criteria for assessment against each level.

Minimum → Developing → Mature → Leader → Innovator
13. The NPS Toolkit will be completed during the autumn to assess levels of maturity in each of the key areas of the strategy and to assess Uttlesford's own progress against those objectives. A report detailing the outputs of the assessment will be brought to the Governance, Audit and Performance Committee in November.

Uttlesford Procurement Strategy 2022-26

14. The delivery plan for the Strategy is set out over three phases.
 - I. National Themes, Measures and Outcomes (includes Social Value)
 - II. Climate change
 - III. Contract Management
15. The Procurement Strategy includes the introduction of the use of the National Themes Measures and Outcomes (TOMS).
16. The National TOMs framework is widely recognised as the best standard for measuring and reporting on social value and this is supported by the Local Government Association.
17. Measures include supporting young people into work, opportunities for disadvantaged people, improving staff health and wellbeing, ethical procurement, social value in supply chains, supporting community projects, and reducing carbon emissions.

18. For every £1 generated, the Council will be able to quantify in pounds the wider value created for society. A briefing note is attached as Appendix B providing a full explanation on 'What is Social Value', the paper includes a worked example demonstrating how this is applied and calculated in the procurement process.
19. The Strategy aims to align with the Council's Corporate Priorities, specifically focusing on Climate Change.
20. Contract Management is shown as phase three as the Council is currently implementing a new structure to provide support to this phase. It is expected to have fully implemented the structure by the end of the current calendar year.
21. Full details of the Council's Procurement Strategy and the procurement activities are set out in Appendix A.

Risk Analysis

22.

Risk	Likelihood	Impact	Mitigating actions
Key aims and priorities are not considered when procuring goods and services	2 – contracts and purchase orders are raised without knowledge of the procurement team	2 – it may be necessary for intervention to ensure the goods/service are compliant	All procurement activity is governed by the Contract Procedure Rules available to all officers and managed by an experienced team of procurement officers.

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 Procurement Strategy 2022 - 2026



Prepared by:
Procurement
Uttlesford District Council
September 2022



Procurement Vision

Our strategy aims to provide officers, elected members, suppliers and the public with an understanding of the context of the Council's procurement activity, and to set the direction this will take over a four year period.

Within this strategy we will set out how we will provide our procurement activities collaboratively and in an economically, environmentally and socially responsible manner, achieving value for money on behalf of the Council and its key stakeholders whilst supporting the Uttlesford Corporate Plan and promoting the long-term interests of the communities, residents and business in Uttlesford.

Corporate Plan

The Uttlesford Corporate Plan sets out the long term ambitions for Uttlesford. It is structured around four ambitions and one overarching vision that informs all our plans and strategies:

Making Uttlesford the best place to live, work and play.

Within the plan are four key priorities:

- **Putting residents first**
- **Active place-maker for our towns and villages**
- **Progressive custodian of our rural environment**
- **Champion for our district**

Uttlesford Climate Crisis Strategy

On 30th July 2019, Uttlesford District Council declared a Climate Emergency in recognition that unless action is taken there will be a negative impact on the climate and environment. The Council has produced a Climate Crisis Strategy 2021 – 2030 which details 5 priorities:

- Resources
- Energy Consideration
- Planning
- Transport
- Assets and Operations

These priorities and actions are considered when developing the wider Procurement Strategy for the Council.

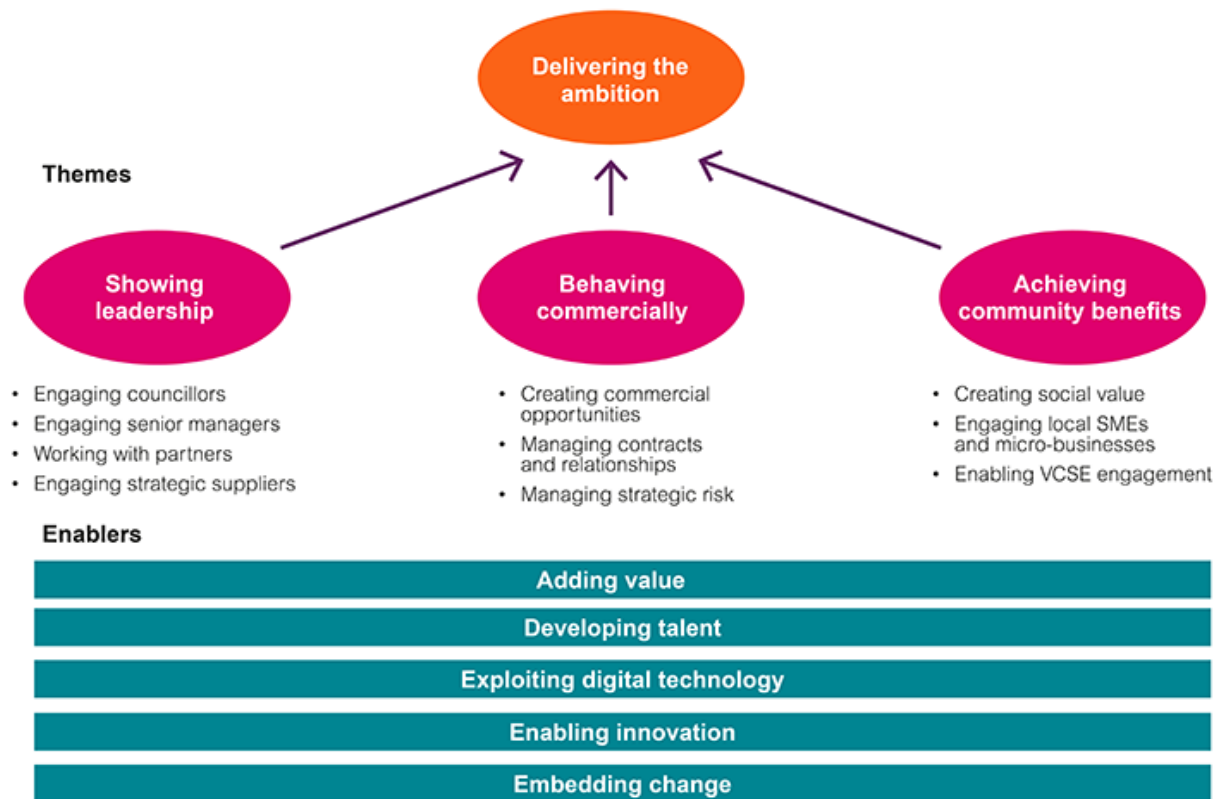
National Procurement Strategy

The Local Government Association (LGA) launched the National Procurement Strategy (NPS) in 2018, and this was refreshed in August 2022.

The NPS focuses on three key themes for the next four years:

- Showing leadership
- Behaving commercially
- Achieving community benefits

Our procurement strategy has been developed based on consideration of the above themes and will identify key strategic areas and enablers from the NPS which will align with the context of our local and regional priorities.



A toolkit has been developed to support delivery of the National Procurement Strategy for Local Government in England 2018. Its purpose is to help councils to set objectives in relation to the maturity levels in each of the key areas of the strategy and to assess their own progress against those objectives.

There are five levels of maturity each providing guidance and criteria for assessment against each level.

Minimum → Developing → Mature → Leader → Innovator

The Council will use the toolkit to assess our current performance and monitor progress over the life of the Strategy.

Post EU Exit, the new procurement rules are expected to move the winning bidder test from 'most economically advantageous tender' (MEAT) to 'most advantageous tender' (MAT), and this change will help to focus on value in its broader sense beyond economic value.

Key Procurement Priorities:

The procurement priorities have been set out in three phases.

Phase One - Introduction of the use of the National Themes, Measures and Outcomes (TOMS)

The National TOMs framework is widely recognised as the best standard for measuring and reporting on social value supported by the Local Government Association.

Social value is the view beyond price that looks at the additional value organisations can bring to our communities. We want to work with our suppliers to produce wider benefits for both Uttlesford and Essex.

The National TOMs Framework was introduced to the public sector procurement as a solution for the Social Value Act, the reporting and compliance has evolved into a social value measurement standard across the UK. It is a flexible yet robust structure which allows it to be adapted to meet different requirements.

Measures include supporting young people into work, opportunities for disadvantaged people, improving staff health and wellbeing, ethical procurement, social value in supply chains, supporting community projects, and reducing carbon emissions.

To maximise impact and provide consistency, the TOMS have financial proxy values so organisations can measure the value delivered and quantify the wider value created for society.

For every £1 generated, the Council will be able to quantify in pounds the wider value created for society.

Use of National Themes, Measures and Outcomes covers all aspects of Social Value measurement and reporting, in addition it provides a framework for benchmarking nationally.

Social Value

Within the National Procurement Strategy there are new requirements and opportunities for Social Value, in addition to local priority outcomes included in procurements. Local authorities must also consider national social value priority outcomes, where it is relevant to the subject matter of the contract, and where it is proportionate to do so. =

The national social value priorities are:

- creating new businesses, new jobs and new skills
- tackling climate change and reducing waste; and
- improving supplier diversity, innovation and resilience.

The following points set out the actions required to demonstrate that the above outcomes have been fully considered.

- Adoption of suitable national social value themes measure and outcomes in all procurement processes above Public Contracts Regulations (2015) limits.
- Include Social Value considerations in all appropriate procurement processes as advised by the Procurement Team.
- The Council's National Living Wage Policy will be reflected in procurement processes and contract documentation so that where we are legally entitled to do so, we will require providers to pay at least the national Living Wage to all their staff working on Council contracts.

- Deliver training in Social Value to key staff
- Reporting annually progress against the National Themes Measures and Outcomes, and Modern Slavery to the Governance, Audit and Performance Committee.
- Undertake a Modern Slavery Supplier Risk Assessment and complete any identified outcomes to strengthen controls within the Council.

Phase two - Climate Change

The Strategy aims to support the delivery of the Councils Climate Crisis Strategy 2021 – 2030 through the supply chain and delivery partners where appropriate:

Actions:

- Appropriate use of environmental Themes Outcomes and Measures from the National TOMS
- Consider carbon implications at specification stage, including single use plastic, recycling and electric vehicles.
- Include carbon off setting requirements within contracts where applicable
- Appropriate use of localisation of tender opportunities to minimize travel and carbon impact.
- Encourage the use of digitisation within procurement processes, including online tenders and submission process to reduce paper and printing usage.

Phase three - Contract Management

Deliver a consistent contract management framework across the council to support and enable all buyers and senior managers with contract management responsibilities.

Actions:

- Working with directorates across the Council to create a contracts register baseline of all contracts we are actively spending against.
- Develop contract management frameworks for high, medium and low risk contracts.
- Supporting contract managers directly to ensure contracts are being managed effectively and performance is achieving contractual commitments.
- Design and deliver contract management training that will focus on managing contract terms and conditions, change control, effective monitoring of KPI's and deliverables, adherence to deadlines, management and mitigation of risk, spend control and the development of supplier relationships.
- Create a process to assess major contracts mid-way through their contract term and use this evidence to determine overall performance and next steps.
- Produce a performance report on contracts and identify additional benefits extracted over and above, through our SRM relationships that feeds into the annual procurement strategy report to the Governance, Audit and Performance Committee.
- In addition to the training, a range of tools will be developed to provide additional support, advice and guidance which will ensure efficiencies, best practice, and a consistent approach to managing contracts across all services.

Procurement Strategy – Social Value

What is Social Value?

Social value is defined through the Public Services (Social Value) Act (2013) which requires all public sector organisations and their suppliers to look beyond the financial cost of a contract to consider how the services they commission and procure can improve the economic, social and environmental wellbeing of an area.

The Act requires all Public Services contracts above the OJEU threshold to be subject to appropriate social value criteria. Whilst the Act is only compulsory for this category of contracts, Uttlesford District Council has committed to applying the use of social value criteria in below threshold awards, where appropriate. The act does however require these criteria to be relevant to the subject of the contract and proportionate to the value and potential impact that could be achieved.

The act requires that contracting authorities should consider not only how to improve the economic, social and environmental well-being of the area served by them through the procurement, but also how to undertake the process of procurement with a view to securing that improvement and measuring it during the life of the contract.

Councils are encouraged to use procurement to achieve wider financial and non-financial outcomes, including improving wellbeing of individuals, communities and the environment by making social value a decision-making criterion when awarding contracts.

National Themes Outcomes and Measures Framework (TOMS)

The National TOMS Framework is a tool to measure impact for over 100 social value measures, including environmental, skills and regeneration indicators.

These measures have been developed by the National Social Value Taskforce and are reviewed to ensure compliance with HM Treasury Green Book and are used across all public sector organisations. They are regularly updated and have local economic requirements considered.

They provide a financial matrix and standardised units to contextualise social value performance to compare activities using a common matrix and can be used at any point through the procurement and contract cycle.

Worked Example.

In a tender submission for £2m building works - the suppliers were asked to provide social value benefits having a weighted score of 5% of the quality marks for tender evaluation within the theme of Creating new business, skills and jobs.

Two suppliers submit two different bid responses:

Supplier A – response

Business and skills

If we are successful, we will employ 2 staff as result of the contract who were previously long term unemployed.

Our team will also commit 100 hours of staff time spent training at local schools and colleges.

Supplier B - response

Business and Skills

We will employ 3 local staff as direct employees for at least one year or the whole duration of the contract.

As a result of this contract, we will provide 20 weeks apprenticeships on contract completed during the year.

Currently it is very difficult to quantify the impact of these commitments and therefore provide a fair score for social value impact as part of tender evaluation.

Using TOMS methodology and calculations the impacts can be qualified into a monetary value and scored in a consistent and fair way, used across all of the public sector.

Supplier A

ID	TOMS	Units	Proxy Value	Total Value
NT4	No. Of employees (FTE) taken on who are not in employment, education, or training (NEETs)	2 staff	£12,776.32	£25,552.64
NT8	Local school and college visits e.g. delivering career talks, curriculum support, literacy support. No. Hours includes preparation time.	100 hours	£14.80	£1,480
	Total Social Value Impact			£27,032.62

Supplier B

ID	TOMS	Units	Proxy Value	Total Value
NT1	No. Of local people hired or retained on contract for one year or whole duration of the contract or whichever is shorter.	3 people	£28,460	£85,380
NT9	No. Of training opportunities on contract (BTEC, City & Guilds, NVQ) that have either been completed during the year, or that will be supported by the organisation	20 weeks	£246.39	£4,927.80
	Total Social Value Impact			£90,307.80

In this example the weighted score for Supplier B would be 5 and Supplier A would be 2.

These scores would be combined with the overall quality score and evaluated as a normal part of the tender award process.

Agenda Item 8

Committee: Council

Date: 11 October 2022

Title: Saffron Walden Neighbourhood Plan –
Decision to Make Plan

Portfolio Holder: Councillor John Evans

Report Author: Demetria Macdonald
Planning Policy Officer

Key decision: No

dmacdonald@uttlesford.gov.uk

Summary

1. The Localism Act 2011 introduced a right for communities to draw up neighbourhood plans. Saffron Walden Town 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 Saffron Walden 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 Saffron Walden 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 Saffron Walden Neighbourhood Plan (**Appendix 1**) be formally **made** as part of the statutory development plan for the District.

Financial Implications

4. The examination cost £13,531.86 and the Referendum cost £24,752.57 which will be 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 some of the cost of the examination and referendum. However, in the case of the Saffron Walden Neighbourhood Plan the Council will have to finance a shortfall amounting to £18,284.43.

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	Saffron Walden
Workforce/Workplace	None

Situation

7. The parish of Saffron Walden was designated as a neighbourhood plan area on 13 December 2012. The Neighbourhood Plan Group gathered evidence and undertook significant consultation. Pre-Submission consultation under Regulation 14 was undertaken from 22 January 2020 to 10 March 2020. The Public Consultation (Regulation 16) was undertaken by the Council from 15 February 2021 to 12 April 2021.
8. The Saffron Walden Neighbourhood Plan was submitted for Examination on 20 May 2021. The examination was conducted via written representations as the Examiner decided that a public hearing would not be required.
9. Following the publication of the revised National Planning Policy Framework (NPPF) on 20 July two weeks (9 -23 August 2021) focussed consultation was undertaken.
10. The Examiner requested that a focussed consultation be undertaken on proposed significant modifications from 01 March – 22 March 2022.
11. The Examiner's Report, detailing recommendations was received on 28 April 2022.
12. On 07 July 2022 Cabinet having considered each of the recommendations made by the Examiner resolved that the Saffron Walden Neighbourhood Plan be modified as set out in the Examiner's Report and progress to Referendum.
13. A referendum was held in Saffron Walden Parish on Thursday 15 September 2022 posing the following question to eligible voters:

"Do you want Uttlesford District Council to use the neighbourhood plan for Saffron Walden to help it decide planning applications in the neighbourhood area?"
14. 18.11% of registered electors recorded votes, 2,345 votes were cast of which 2,186 or **93.22%** were in favour of 'Yes' and 154 or **6.57%** votes in favour of 'No'. It was therefore declared that more than half of those voting had voted in favour of the Saffron Walden Neighbourhood Plan.
15. 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.
16. 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).”

- 17.** As a result of the outcome from the referendum and in accordance with the 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

18.

Risk	Likelihood	Impact	Mitigating actions
That the Neighbourhood Plan is not made within 8 weeks of holding a successful Referendum.	Little – The Saffron Walden Neighbourhood Plan is being considered for adoption well within 8 weeks of the Referendum held on 15 September 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 Saffron Walden 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.

REFERENDUM PLAN



SAFFRON WALDEN NEIGHBOURHOOD PLAN

2021-2036

A DEVELOPMENT PLAN
FOR THE PARISH OF
SAFFRON WALDEN



SAFFRON WALDEN
TOWN COUNCIL

REFERENDUM PLAN

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INTRODUCTION

The Civic Parish of Saffron Walden was designated as the Saffron Walden Neighbourhood Plan Area by Uttlesford District Council on 13 December 2012. A full page map showing the full extent of the parish is below, made using: OS PSMA LICENSE NUMBER: 0100057521

The Saffron Walden Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The basic conditions of neighbourhood planning and other considerations have been met as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) (the 1990 Act).

For further information on the technical legal details concerning the preparation of the plan (to avoid duplication here) please refer to the Basic Conditions Statement which was prepared alongside the plan.

The Saffron Walden Neighbourhood Plan Steering Group was established in 2016 and individuals and groups either volunteered or were invited to be part of the NP process. The NP team includes Town Councillors, Town Council officers and a number of local volunteers, each with specialist local knowledge including local heritage, architecture, infrastructure, commerce and the arts. The wide range of skills, experiences and interests of the team helps to ensure that there is a fair and diverse representation of views and opinions helping to form the NP. All the volunteers are Saffron Walden residents, or people living nearby who play an active part in Saffron Walden civic life. The Neighbourhood Plan went through formal and informal consultations.

For further information on the technical legal details concerning the consultation of the plan (to avoid duplication here) please refer to the Consultation Statement which was prepared alongside the plan.

Uttlesford District Council considered the plan and it was determined that neither a Strategic Environmental Assessment (SEA) nor an Habitats Regulations Assessment (HRA) would be required for the Saffron Walden Neighbourhood Plan.

For further information on the technical legal details concerning the SEA and HRA (to avoid duplication here) please refer to the SEA – HRA Screening Determination Statement which was prepared alongside the plan.

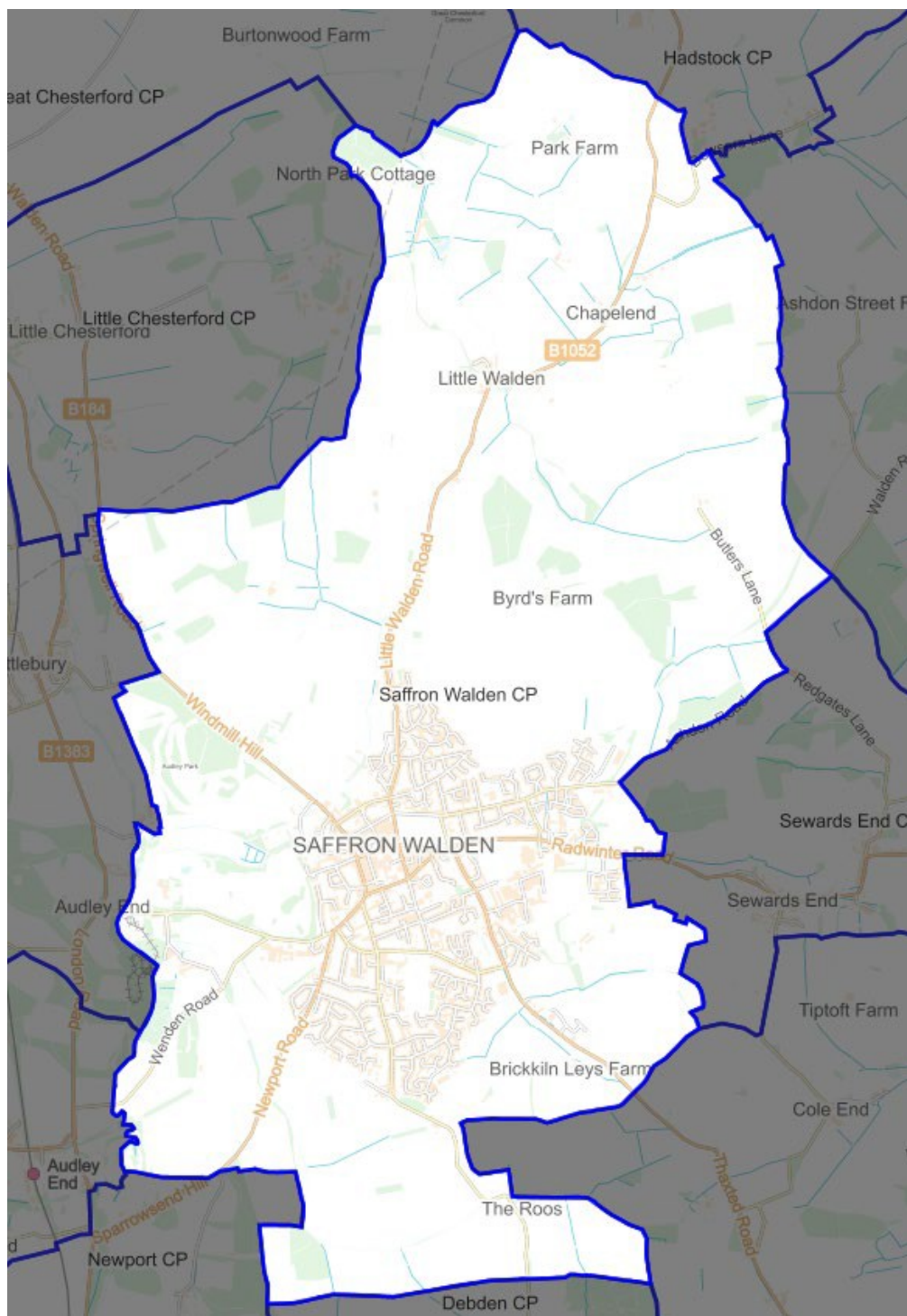
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1. WHAT IS A NEIGHBOURHOOD PLAN?

1.1 A Neighbourhood Plan is a document which is drawn up at a community level, and which gives the community the direct power to develop a vision for its neighbourhood and shape the development and growth of the local area. For this Neighbourhood Plan the whole parish of Saffron Walden has been designated as the ‘neighbourhood area’. This includes both the town of Saffron Walden and the hamlet of Little Walden. Unless otherwise specified, references to “Saffron Walden” encompass the whole parish.



SAFFRON WALDEN NEIGHBOURHOOD PLAN AREA



1.2 Introduced by the Localism Act 2011, neighbourhood plans are not a legal requirement but a right. The SWNP 'Qualifying Body' was Saffron Walden Town Council. A neighbourhood plan has to meet legal requirements, and then explain how they were met in a Basic Conditions Statement. The Basic Conditions Statement for this plan has been agreed by Uttlesford District Council.

1.3 Once a Plan is "made" (has been voted for by the community), all new development and growth should meet the requirements of the Neighbourhood Plan. The Neighbourhood Plan lasts for 15 years, after which time it should be reviewed. It can be reviewed at any point before the 15 years is up, if appropriate to do so.

1.4 Government guidance on Neighbourhood Plans states that *"A neighbourhood plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004)."*¹

WHAT IS THE DIFFERENCE BETWEEN A NEIGHBOURHOOD PLAN AND A LOCAL PLAN?

1.5 There is a hierarchy of development plans.

1.6 At the top is the National Planning Policy Framework (NPPF). It was first published in 2012 and was last updated in February 2019. Written by the Ministry of Housing Communities and Local Government, it sets out the Government's planning policies for England, and how these should be applied. From time to time the planning policies are adjusted and it can be considered that planning regulations are immediately updated as these adjustments are made.

1.7 In the middle is the Local Plan (LP). This is written by the District Council (Uttlesford in the case of Saffron Walden). It takes into account the general policies of the NPPF and sets out the District Council's planning policies for Uttlesford, and how they should be applied. The current Local Plan was created in 2005 and a new one is being drafted at the time of writing this plan.

1.8 At grassroots level, a Neighbourhood Plan sits beneath these two. A Neighbourhood Plan cannot contradict either the National Planning Policy Framework or the Strategic (key) Policies in the Local Plan.

¹ Further technical information on neighbourhood plans can be found here:
<https://www.gov.uk/guidance/neighbourhood-planning--2#what-is-neighbourhood-planning>

WHAT CAN A NEIGHBOURHOOD PLAN ACHIEVE?

1.9 The core purpose of a Neighbourhood Plan is to plan for future residential and commercial building development. This includes the locations that will be acceptable, the types of buildings that can be constructed, and stipulations on build standards and aesthetics.

1.10 It sets out focused, specific and appropriate planning policies for the Neighbourhood, with a level of local detail that would not be possible at national or district level.

1.11 A successful Neighbourhood Plan makes it very clear what sort of development the community wants, and therefore adds greater clarity and definition to local needs, providing evidence-based policies for planning committees and other decision-making bodies. It also provides early guidelines on what the community expects from developers.

WHAT IS THE FORMAL NEIGHBOURHOOD PLAN PROCESS?

1.12 *“Provided a neighbourhood development plan or order is in line with national planning policy, with the strategic vision for the wider area set by the local authority, and with other legal requirements, local people will be able to vote on it in a referendum. If the plan is approved by a majority of those who vote, then the local authority will bring it into force.”* – A Plain English Guide to the Localism Act - Communities and Local Government Publication.

1.13 Saffron Walden Town Council is the designated authority able to prepare a neighbourhood plan in Saffron Walden.

1.14 The Saffron Walden Neighbourhood Plan Steering Group was established in 2016 and individuals and groups either volunteered or were invited to be part of the NP process. The NP team includes Town Councillors, Town Council officers and a number of local volunteers, each with specialist knowledge including local heritage, architecture, infrastructure, commerce and the arts. The wide range of skills, experiences and interests of the team helps to ensure that there is a fair and diverse representation of views and opinions helping to form the NP. All the volunteers are Saffron Walden residents, or people living nearby who play an active part in Saffron Walden civic life.

1.15 In accordance with the Neighbourhood Plan Regulations 2012 (as amended), this Plan must satisfy “basic conditions” before it can come into force. It must:

- Have appropriate regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- Not breach, and be otherwise compatible with, EU regulations; and
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

1.16 In addition, this Plan must meet the prescribed legal requirements. This statement confirms that the Saffron Walden Neighbourhood Plan 2020-2035 (referenced throughout this document as “SWNP”), which will be submitted by Saffron Walden Town Council, meets all the necessary requirements.

HOW WAS THE SAFFRON WALDEN NEIGHBOURHOOD PLAN RESEARCHED?

1.17 The SWNP Steering Group carried out quantitative and qualitative research into the core local issues to be addressed by the Neighbourhood Plan. This included:

- Public consultation events which Saffron Walden residents were invited to attend and give opinions and suggestions;
- Information stands at community events at which Saffron Walden residents were invited to give opinions and suggestions;
- Feedback and comments from WaldenPlan.org, the Saffron Walden Neighbourhood Plan website;
- Information and updates in the local press and magazines;
- Focus Groups, at which local experts were invited to submit concerns and suggestions regarding their professional fields;
- Regular ongoing meetings with representatives of local organisations;
- A report on the Heritage and Character Assessment of Saffron Walden written by AECOM;
- Consultation with the Local Authority (Uttlesford District Council);
- Review of Evidence and Background Studies which inform the preparation of the Uttlesford Local Plan;
- The existing Uttlesford District Local Plan 2005;
- Surveys sent to a long list of potential stakeholders in the following fields / areas of interest (listed here in alphabetical order) : Access/Disabled; Community groups; Developers; Education providers; Economic planners; Emergency services; Environmental organisations; Faith organisations; Government bodies; Healthcare

providers; Housing Associations; Local Government (elected members and officers); Sports providers; Transport organisations and Utility companies.

1.18 The Saffron Walden Neighbourhood Plan Consultation Statement details the input provided by stakeholders and research conducted by the Steering Group.

2. SAFFRON WALDEN TODAY

HISTORY AND CHARACTER OF SAFFRON WALDEN

2.1 The Heritage and Character Assessment², carried out by AECOM (2018), broke the parish into four distinct character areas.

THE TOWN CENTRE

2.2 Saffron Walden is the largest town in the District of Uttlesford and is the administrative and commercial centre. This very attractive town is one of the finest preserved examples of a medieval market town, with a wealth of listed buildings in the town centre and Conservation Areas which cover much of the town.

2.3 The town centre has a market square surrounded by medieval streets. It has a diversity of architectural styles and a street layout which together document the historic development of the town. It includes the Common, which is officially registered as a village green and has a turf-cut maze which is listed as a scheduled monument. Walden Castle and the Repell Ditches are also listed as scheduled monuments. Amongst many fine buildings, the town centre hosts the Town Hall, St Mary's Church, Bridge End Garden and Jubilee Gardens, and the old Corn Exchange which is now the library. A great number of buildings in the town centre are listed; with approximately 320 listed buildings or groups identified on the National Heritage List for England. This high concentration of nationally significant buildings contributes to the uniqueness of Saffron Walden.

RESIDENTIAL NEIGHBOURHOODS

2.4 The residential neighbourhoods are characterised by predominantly inter-war through to current day residential housing estates with mostly semi-detached and terraced houses. The main roads cut through the neighbourhoods and lead directly to the town centre. Away from the main roads, streets are mainly quiet cul-de-sacs. Schools, an industrial area and supermarkets are located within the residential neighbourhoods.

RURAL LANDSCAPE

2.5 The rural landscape is characterised by rolling open arable land which is accessible to the public to enjoy via a network of public rights of way, which includes the HarCamLow Way. In the hamlet of Little Walden, dispersed farm houses and associated buildings, and cottages serve to complement the sense of openness and remoteness from development.

HISTORIC LANDSCAPE

2.6 The historic landscape comprises Audley End House, the surrounding and associated parkland designed by Lancelot “Capability” Brown, and the immediate surrounding area which includes the golf club and St Mark’s College.

2.7 As well as having immense aesthetic appeal, Saffron Walden also benefits from good schools and a charming town centre. It has a very active and friendly community which is often remarked upon by visitors and newcomers to the town.

2.8 Saffron Walden is accessible to both London and Cambridge, with the M11 motorway and Audley End railway station being a few miles outside the town.

2.9 The Heritage and Character Assessment regards views into and out of both the Conservation Areas and the countryside as being key assets of the parish. The key risk identified for all areas was any development which might impede the views. Accordingly, the SWNP maps the key views.

DEVELOPMENT IN SAFFRON WALDEN OVER THE PAST DECADE

2.10 The sum of the town’s attributes offers such an attractive proposition that new and existing housing is relatively easily sold to people wishing to escape the larger urban conurbations, especially London and Cambridge.

2.11 The high quality of amenities in the town has contributed to a virtuous circle, as development has brought in more residents, who in turn have become clients for the amenities and so by any measure Saffron Walden can be described as a thriving market town. It is regularly listed amongst the best places to live nationwide.

2.12 Whilst the increased population brings additional and welcome participants to the town’s activities and consumers to the town’s businesses, the property purchasing power of incomers outbids that of existing residents and of many people who work locally. Affordability of housing has consequently become a key local issue, reported both in public consultations and in official Strategic Housing Market Assessments commissioned by the District Authority. A Halifax report in 2018 stated that Saffron Walden was the 9th most expensive market town in the UK in which to buy a home³.

³ <https://www.independent.co.uk/news/business/news/uk-house-prices-market-towns-england-halifax-property-index-housing-buckinghamshire-a8603206.html> [Accessed July 2020]

2.13 There is a widely-held perception that infrastructure development has not kept pace with housing development and that the town is “at capacity”. The road network is constrained by the physical structure of the medieval street plan and highways assessments have not identified any possible alterations which would materially reduce congestion or improve air quality. The busiest junctions are at capacity, or are forecast to be at capacity by 2033⁴. Despite the increases in population in the last ten years, the town has not had the proportionate addition of essential infrastructure such as schools, doctors’ surgeries, playing fields or other open spaces. Roads, education and healthcare are the responsibility of other authorities, however the SWNP identifies need and requests improvements are made to meet the needs of the town.

THE COMMUNITY OF SAFFRON WALDEN

Population	2011 Census	2018	% Change
Saffron Walden	15,504	16,719 (1)	+7.8%
Uttlesford	79,443	86,200 (2)	+9%
England	53,012,456	55,619,430 (3)	+5%

Dwellings	2011 Census	2018	% Change
Saffron Walden	6,510	7,361 (4)	+13%
Uttlesford	31,316	38,159 (5)	+22%
England	22,063,368	23,900,000 (6)	+8%

Average Population per Dwelling	2011 Census	2018	% Change
Saffron Walden	2.4 (7)	2.4	
Uttlesford	2.5	2.3	-11%
England	2.4	2.3	-3%

Sources:

- (1) This was the ONS estimate in 2017, although the actual figure is likely to be higher since then given the part construction and occupation of two major new housing developments.
- (2) UDC data gathered in preparation of the next Local Plan
- (3) Office for National Statistics estimate at 30 June 2017
- (4) UDC Council Tax Base at 22 March 2018 not including partially completed dwellings
- (5) UDC Council Tax Base at 4 July 2018 not including partially completed dwellings
- (6) ONS estimate at 30 June 2017
- (7) The UDC sports strategy, published 2019, uses a population per household rate of 2.4 for its calculations, so for clarity the SWNP also uses this figure.

⁴ https://www.uttlesford.gov.uk/media/2362/Local-Plan-Highway-Impact-Assessment/pdf/131008_UDC_LP_Highway_Final.pdf?m=635169173501500000 [Accessed July 2020]

2.14 Uttlesford has had a much higher increase in the number of dwellings than England has had as a whole, +22% compared to +8%. The population has also increased, although not by as much: +9% in Uttlesford compared to +5% in England as a whole. The average number of people living in each dwelling has dropped in both Uttlesford and England as a whole; however the drop has been greater in Uttlesford.

2.15 Forecasted changes in the population, as relevant to housing need, are published in the Uttlesford District Council Housing Strategy 2016-2021 (Dec 2015). Page 13 states:

- *“The Uttlesford District is projected to increase from 83,500 people to 105,800 by 2035.*
- *The number of residents living in the district who are aged 65 and over is expected to increase from 15,800 people to 28,000.*
- *Growing ageing population with 1,070 people aged over 65 in Uttlesford are thought to have dementia. This figure is estimated to rise to 1,920 by 2030.*
- *70% of the population own their own home.*

Our population is getting older, living longer and requiring greater care. This is already having implications for the housing market. Requirements for extra care, residential homes and a specialist dementia facility are needed to meet these needs.”

2.16 High house prices are an issue in Saffron Walden. The Uttlesford District Council Housing Strategy 2016-2021 (Dec 2015) quotes:

- *“Average house price of £450,300 compared to regional average of £299,400 (August 2015)*
- *Average house price is 18 times the average income.*
- *Average income in Uttlesford is £24,575 per annum.*

The evidence base shows that house prices are high in Uttlesford and incomes low, meaning that mortgages are unaffordable for a large percentage of our population. This places a strain on the Council’s housing stock and the private rented sector. Young people, families and those providing our key services (for example care staff, teachers, cleaners etc.) are moving out of Uttlesford away from family and support to be able to buy their first home.”

2.17 Uttlesford is a rural district where household car ownership is recognised as being higher than the national average. In the 2011 Census the average number of vehicles per household was 1.2 nationally, 1.4 in Essex and 1.7 in Uttlesford. This reflects the rural nature of the majority of Uttlesford and the relatively sparse public transport provision. According to the 2011 Census, 76% of residents in Uttlesford commute to work by car.

2.18 According to the 2015 UDC Strategic Environmental Assessment⁵, almost half of all residents in Uttlesford travel to work outside the district, and just under half of all jobs in the area are taken by people living elsewhere. House prices, traffic volumes and busy commuter trains are further evidence that a significant number of residents of Saffron Walden commute out each day to achieve higher incomes than are generally available in the parish or in Uttlesford as a whole. Conversely, local employers report that a significant number of the key services in Saffron Walden are supplied by people commuting into the town each day, for lack of housing affordability within the town.

⁵ Place Services: Uttlesford District Council Local Plan Sustainability Appraisal and Strategic Environmental Assessment Scoping Report: Annex B – Baseline Information July 2015 (page 29)

3. SAFFRON WALDEN'S FUTURE

3.1 In order to ensure that the SWNP addresses the issues which are important to the residents of the parish, the survey questions and the focus groups asked people to describe their thoughts about development in relation to the following topics:

- Saffron Walden's heritage;
- Housing types, housing and development design and spatial planning and design;
- Transport and getting around;
- Green infrastructure;
- The local economy and business including retail and consumer, professional services, tourism and light industrial;
- Mental and physical health;
- Arts;
- Education and skills; and
- Sport and physical activity.

3.2 It was inevitable that some issues arising from public consultations were conflicting because not everyone wants the same thing for the future of the parish. For example, some survey respondents expressed concern about the aesthetics of new developments while others focused on high house prices. Some welcomed development that may enable them or family members to stay living in the town, while others thought the town was too big already.

3.3 Some issues that arose could be viewed as both a positive and a negative. For example, on the positive side, and as an asset to Saffron Walden, the schools offer a very high standard of education. On the other hand, this attracts new families to the area resulting in the schools being at capacity. This is something that can be mitigated when addressed at the early stages of planning applications.

3.4 Naturally many of the issues which emerged from the surveys, the focus groups and from primary evidence documents overlapped more than one topic. For example, the issue of high school run traffic volumes overlaps the areas of spatial planning, transport capacity issues and physical health.

3.5 The Neighbourhood Plan team recognised that many of the issues and concerns raised by residents during the initial public surveys and consultations are not technically planning issues, because they cannot be resolved by planning solutions or policy. Therefore, it is clear that some issues listed in this section technically sit outside the SWNP. Nonetheless they provided a critically important insight into public opinion and thus provided a useful lens through which to assess and determine the direction of travel. They are included here for that reason.

3.6 The recurring comments made in public consultations have been summarised into the following categories:

- **Assets to Saffron Walden**, which the SWNP seeks to protect for future generations.
- **Opportunities for Saffron Walden**, which the SWNP seeks to embrace for the benefit of future generations.
- **Challenges for Saffron Walden**, where improvement or mitigation measures are required to create a sustainable future for Saffron Walden.

RESIDENT COMMENTS FROM INITIAL PUBLIC CONSULTATIONS

SAFFRON WALDEN'S ASSETS – AS NOTED IN PUBLIC CONSULTATIONS

1. Saffron Walden is a market town with a town centre which provides a range of services and commerce to an extensive rural catchment area.⁶
2. Saffron Walden has an excellent range of independent and interesting shops, which makes for a commercial centre which offers a novel experience to visitors.⁷
3. Saffron Walden has well-regarded schools.⁸
4. Food and drink offers are successful in the town, seen in the success of individual market stalls, the occasional French market (predominantly food), and in the large number of cafes and restaurants operating in the centre.⁹
5. Saffron Walden has a strong community feel.¹⁰
6. The town contains a variety of historically and aesthetically interesting architecture and attracts tourists and new residents from outside areas.¹¹
7. Saffron Walden sits in a bowl and the views from Saffron Walden out to the surrounding countryside are a key part of Saffron Walden's appeal.¹²
8. The town is rural and this feel is supported by a number of important greenspaces in and around the town which are both formal and informal.
9. Saffron Walden has a strong offer of art-related activities which support health and a community spirit.
10. The Slade watercourse is a wildlife asset.

SAFFRON WALDEN'S OPPORTUNITIES – AS NOTED IN PUBLIC CONSULTATIONS

11. Saffron Walden has a strong performance art community which could be built upon as a revenue source.¹³

⁶ This opinion is supported by **Uttlesford District Council Regulation 19 Local Plan 2018, para. 2.5** and **(Uttlesford) District Retail Study Savills, May 2018 Update, para. 2.41** "the centre's function [is] one of meeting the main food shopping requirements of the town in its wider hinterland and a significant proportion of the comparison retail needs of the Study".

⁷ This opinion is supported by **(Uttlesford) District Retail Study Savills, May 2018 Update, para. 3.7** "Saffron Walden [has] a reasonably wide representation of comparison traders, most of which are independent."

⁸ This opinion is supported by **Ofsted** St Mary's CofEVA Primary School Good (2017), RA Butler Infant School Good (2015), RA Butler Junior School Good (2017), St Thomas More Catholic Primary School Good (2018), Saffron Walden County High School Outstanding (2013), Katherine Semar Junior School (no results listed at time of writing), Katherine Semar Infant School (no results listed at time of writing), Dame Bradbury's (Independent Primary School)

⁹ This opinion is supported by revenue generated by Saffron Walden Town Council Market.

¹⁰ Saffron Walden has a regular programme of free events arranged by voluntary groups, a strong voluntary sector, and community centres well-booked for clubs, groups and classes.

¹¹ This opinion is supported by the Saffron Walden Tourist Information Centre

¹² This opinion is supported by the Heritage and Character Assessment

RESIDENT COMMENTS FROM INITIAL PUBLIC CONSULTATIONS

12. Tourism could play a larger part in the economy.¹⁴
13. The town is located on the London /Cambridge corridor. New technology will find wide applications which will encompass work, and work/life balance, transport, health and education. A well-educated community, and proximity to Cambridge and London, gives Saffron Walden the opportunity to adopt an agile approach and benefit from future investment and benefits.
14. The evening economy could be more vibrant and there is support for a more café-style culture.
15. Many residents in Saffron Walden actively support, or at least accept, the need for development.

SAFFRON WALDEN'S CHALLENGES – AS NOTED IN PUBLIC CONSULTATIONS

HOUSING COSTS

16. Homes are too expensive for many residents of the town. The average house price in Uttlesford is 18 times the average income.¹⁵
17. There are not enough one and two and three bedroom homes so it is difficult for starter families and singles to live and remain in the town.¹⁶

HOUSING DESIGN

18. The style of architecture of new builds is rarely original and new estates in Saffron Walden are largely indistinguishable from other new build developments anywhere else in the country.
19. There isn't enough off-road parking on developments for the cars required for each household, so cars are inevitably parked along the street. This creates congestion, can be an obstruction for emergency vehicles and detracts from the vision originally presented by the developers.
20. New build houses tend to be small, so garages get used for storage rather than for parking, with cars ending up along the street.
21. Recently built gated developments reduce the social interactivity and connectivity in their locations in town.

¹³ **Saffron Walden Arts Trust** and various performing groups regularly present performances. **Saffron Screen** has a current business plan which would support expansion should space become available. **Saffron Hall** has regular fully booked events.

¹⁴ This opinion is supported by **Visit England** Audley End House (English Heritage) received 150,591 visitors in 2015 and 165,799 visitors in 2016, an increase of 10.1%, and **Saffron Walden Bid Campaign** (referencing trial event in which Saturday visitors to Audley End were offered free transport to and from the town centre) "The Horse and Carriage Trial in July 2017 and vintage bus (December 2017) brought over 1,000 people into town and more than 1/5 of them said they would not otherwise have visited".

¹⁵ This opinion is supported by facts reported in the **Uttlesford District Council Housing Strategy 2016-21** – (see section on housing for further details).

¹⁶ This opinion was widely supported by the Neighbourhood Plan survey, in which 76% of votes supported more 2 and 3-bedroom houses being built. 6% were against this suggestion, and 18% were neutral.

RESIDENT COMMENTS FROM INITIAL PUBLIC CONSULTATIONS

22. None of the developments in Saffron Walden are “eco-builds” or built to Passivhaus standards (where very little energy is used for heating or cooling).
23. New developments have solid paved parking which has limited permeability.
24. House extensions are very popular in Saffron Walden, including on the newest developments less than 4 years old, reducing the garden sizes and putting more pressure on the communal green spaces for play and general recreation.¹⁷

INFRASTRUCTURE

25. Infrastructure improvements have not happened in step with past housing development and many residents are disillusioned with regard to further development and feel that the town is too big already.
26. The volume of traffic using the medieval road structure of the centre of the town has led to traffic congestion and accompanying air quality issues which are not easily resolved because the roads cannot be widened.¹⁸
27. During peak hours and during term time, congestion on many roads and junctions is much heavier than outside of term times, which indicates that the school run generates many car journeys.
28. Highways schemes¹⁹ seem to be designed only to speed up traffic, which directly conflicts with measures which would be implemented were pedestrian and cyclist safety at the top of the agenda.
29. The vast majority of new houses have been built on the East of the town which is difficult for the road network to support, given that the external destinations in highest demand (Audley End train station in Wendens Ambo, the M11 and Cambridge) are accessed via the West of the town. All traffic must pass through the centre of the town as there is no relief road.²⁰
30. Saffron Walden has higher than acceptable levels of air pollution and the town centre is subject to an Air Quality Management Area (AQMA).
31. HGVs have access through town which causes damage to streets and buildings, high levels of pollution, and creates a road environment which is unfriendly to cyclists and pedestrians, as long vehicles can't turn corners without mounting kerbs and/or making several manoeuvres.
32. Public transport options for workers commuting into town are limited.²¹

¹⁷ This opinion is supported by the 10 or so planning applications per fortnight for home extensions which are presented to the Saffron Walden Town Council Planning and Road Traffic Committee, the vast majority of which are approved. This would be equivalent to roughly 260 home extensions per year.

¹⁸ This opinion is supported by **Essex Highways** Uttlesford Local Plan Highway Impact Assessment 2013.

¹⁹ For example, removing parking from Peaslands Road, with the intended effect of speeding up traffic.

²⁰ Land ownership constraints and protected designations such as Scheduled Monuments, Listed Buildings and Registered Parkland around the town have meant that the only land coming forward for development has been to the east of the town. This has led to far more development in the east than would have been recommended had development land also been available to the west.

²¹ For example – no late buses from Saffron Walden to nearby Ashdon after 2.30pm, making it possible to commute in to SW by bus but not to get back in the evening.

RESIDENT COMMENTS FROM INITIAL PUBLIC CONSULTATIONS

33. The town has poor public transport links which means that not only is it hard to commute out of the town without using a private car, it is also difficult to come in as a visitor.²²
34. Non-car driving residents needing access to hospital for appointments are recommended by the NHS to use the Uttlesford Community Travel Service which is run by volunteers.
35. There are not enough connections between town and surrounding countryside for access on foot or by bicycle.
36. Recent new developments are not well connected by footpaths to the rest of the town, which encourages driving thus compounding the problem of traffic volumes.²³
37. There is little cycle parking available in the town centre, and hardly any dedicated cycling infrastructure in the parish.²⁴

HERITAGE ASSETS

38. The historic buildings in Saffron Walden are very close to the edge of narrow roads and are regularly struck and damaged by vehicles.²⁵
39. Vibration from traffic causes damage to old buildings.

ARTS AND CULTURE

40. Saffron Walden does not have an arts performance space that is large enough, or that can be booked for long enough, for full staged productions to be viable.
41. Saffron Walden does not have a space to host large arts exhibitions.
42. Cost of hire of rooms and availability of storage space is an issue for arts groups.

SPORTS AND RECREATION

43. Saffron Walden has a lack of recreational facilities for organised sports and informal activities relative to the population size.²⁶

²² This opinion is supported by the **Uttlesford District Transport Study December 2016 page 20, para 3.3.3 Table 1 – 2011 Census: Mode of Travel to Work (Usual Residents)** *“The data reflects the rural nature of the majority of Uttlesford and the relatively sparse public transport provision. For many residents the car is the only feasible mode of transport.”*

²³ This opinion is supported by a map showing missed opportunities for connectivity in Section 5.

²⁴ This opinion is supported by **Uttlesford District Cycling Action Plan March 2018** which identifies improvements to this.

²⁵ Buildings are regularly damaged, and some building owners report that they now find it difficult or impossible to insure their buildings. Town Council owned CCTV cameras occasionally struck by high vehicles.

²⁶ This opinion is supported by the **Uttlesford Open Space Strategy 2012** which identified a number of additional recreational facilities that should be established with contributions from developers to meet demand.

RESIDENT COMMENTS FROM INITIAL PUBLIC CONSULTATIONS

44. There is no provision for many sports activities in town, with rugby being mentioned most frequently in public consultations.²⁷
45. There is a lack of community halls and facilities.²⁸

GREEN SPACE AND WILDLIFE

46. There is no in-town provision specifically for dog walking.
47. Saffron Walden does not have enough accessible open space.²⁹
48. There is a good network of out of town cross-field footpaths for ramblers to the north and the east of the town, but no real network of bridle-paths.
49. Gardens on new build estates are smaller than on older estates, reducing the green footprint of the town as it expands and increasing the pressure on public playgrounds.
50. As greenfield sites are developed additional pressure is placed on the green lung spaces within the town which are essential to an urban area.
51. Wildlife corridors and natural habitats are decreasing within the Neighbourhood Plan zone as greenfield sites are developed.
52. Residents of new developments often find that the green spaces are not of good quality.
53. New housing developments are relatively cramped with less space for street and garden trees than on older developments. This can be seen from the 'rooftop view' of the town.

EDUCATION

54. There is a sense that schools at all levels are at capacity.³⁰

HEALTH

55. There is a sense that doctors' surgeries are at capacity.³¹
56. There is no walk-in health centre.

²⁷ The Saffron Walden rugby club is based in Henham 8.5 miles away for lack of pitches in Saffron Walden. All sports clubs report that they have to use facilities out of the parish to meet the needs of their members.

²⁸ The Neighbourhood Plan group surveyed groups with halls for hire (for example Church halls) and they all reported to be working at capacity and often having to turn down booking requests.

²⁹ This opinion is supported by **Fields in Trust** which recommends 3.2ha per 1,000 of population which would equate to a requirement of approximately 54ha in Saffron Walden. Current provision in Saffron Walden is around 15ha.

³⁰ There are instances of children not getting into their first or closest school.

³¹ There can be a wait of 4-5 weeks for an appointment.

RESIDENT COMMENTS FROM INITIAL PUBLIC CONSULTATIONS

BUSINESS AND LOCAL ECONOMY

57. Bricks and mortar retailers are under threat from internet shopping trends (as they are everywhere in the country). The challenge is finding ways to keep the town centre vibrant.
58. Many people consider that there are too many charity shops in the centre of Saffron Walden and cite high rent and rates as a cause of this.
59. The town does not have many high street shops so when not ordering online, local shoppers will naturally travel outside the area when wanting to visit these types of stores whether for a specific purchase or for a leisure shopping outing.
60. The cost of parking in town is too expensive for many people who commute into Saffron Walden (those who cannot afford the cost of living in the town itself).
61. Signage to Saffron Hall and Saffron Screen is not clear enough for out of town visitors.
62. Saffron Screen and Saffron Hall are out of the centre and therefore events held there do not generate a positive knock-on impact on the evening economic activity of the town centre.

VISION STATEMENT

3.7 During the public consultations, the Neighbourhood Plan team gained a comprehensive understanding of the issues that are important to the people living and working in the Saffron Walden Civil Parish.

3.8 This understanding enabled the Neighbourhood Plan team to create a vision for the future of Saffron Walden, as follows:

Saffron Walden will retain its unique identity as a visually beautiful market town with its rich heritage, a large number of listed buildings and a number of historic green spaces within the town and across the parish. It will be a settlement of the highest environmental sustainability due to provision for pedestrians and cyclists, continued reduction in carbon emissions, encouragement of recycling and use of green energy. Movement within the town will be safe and easy and journeys by car will be minimised. Economic activity will develop so that as many residents as possible will be able to earn their livings in the town. The traditional long-established links with the artistic community will be maintained and its proximity to Cambridge will enable it to become a popular tourist destination. The existence of many local interest groups, combined with activities organised by residents demonstrates a high level of civic pride. Little Walden will maintain its separate identity and integrity as a rural village served by Saffron Walden.

NEIGHBOURHOOD PLAN OBJECTIVES

3.9 The vision informed the Neighbourhood Plan core objectives.

Objective 1

Saffron Walden will be an economically active and self-sustaining town, offering equal opportunities to all.

Objective 2

Saffron Walden's residents will be able to live as healthily as possible.

Objective 3

Saffron Walden will be an environmentally sustainable town.

Objective 4

Saffron Walden's heritage assets, high quality landscape and conservation areas will be protected or enhanced.

Objective 5

Saffron Walden will retain its market-town feel and community spirit.

Each policy within the SWNP addresses one or more of the following core objectives.

Policy		Meets objectives				
		1	2	3	4	5
HOUSING						
Housing mix on new developments	SW1	✓	✓	✓		✓
Affordable housing	SW2	✓	✓	✓		✓
DESIGN AND LAYOUT						
Design	SW3	✓	✓	✓	✓	✓
Parking on new developments	SW4		✓	✓	✓	✓
COMMERCIAL PREMISES						
Convenience stores in residential neighbourhoods	SW5	✓			✓	✓
17 Market Hill & 29 - 21 Church Street	SW6	✓			✓	✓
Shopfront design	SW7	✓			✓	✓
Regeneration of George Street	SW8	✓			✓	✓
Development of new and existing commercial spaces	SW9	✓	✓	✓	✓	✓
CONNECTIVITY						
High quality communications infrastructure	SW10	✓				
ECOLOGY						
Ecological requirements for all new domestic and commercial developments	SW11		✓	✓	✓	

TRANSPORT INFRASTRUCTURE						
Promoting walking and cycling	SW12	✓	✓	✓	✓	✓
Travel planning	SW13		✓	✓	✓	✓
Improving provision of public transport	SW14	✓	✓	✓		✓
Vehicular transport	SW15		✓	✓	✓	✓
OPEN SPACE, SPORT AND RECREATION						
Playing fields and sports halls	SW16		✓	✓	✓	✓
Open space for informal recreation	SW17		✓	✓	✓	✓
Public rights of way	SW18		✓	✓	✓	✓
Land of value to natural environment	SW19		✓	✓	✓	✓
ARTS AND CULTURE						
Arts and cultural facilities	SW20	✓	✓		✓	✓
HEALTH						
Healthcare	SW21	✓	✓			✓

4. HOUSING

4.1 HOUSE SIZES

4.1.1 It is important that the SWNP plans for the right size, type, tenure and range of housing that is required in the parish.

THE CURRENT STOCK OF HOMES IN SAFFRON WALDEN

4.1.2 A significant proportion of existing housing stock at the 2011 Census was of detached and semi-detached family houses. The Census registered 57% detached or semi-detached properties, 23% terraced houses and 20% flats/maisonettes.

4.1.3 Recent development (going back to slightly before the Census in 2011) in Saffron Walden has been heavily weighted towards larger properties particularly in the open market category. The newest developments have been constructed as follows:

Open Market Housing:

1 bed.	2 bed.	3 bed.	4 bed.	5 bed.	Total
0	40	179	174	38	431

Affordable Housing (combining affordable rent and shared ownership)³²:

1 bed.	2 bed.	3 bed.	4 bed.	5 bed.	Total
44	109	42	9	0	204

Source: Developer plans and Uttlesford District Council Housing Department

4.1.4 Many smaller homes in Saffron Walden have been extended, as it can be cheaper and more convenient to extend a home rather than move. This has further reduced the stock of smaller homes.

WHAT SIZE HOMES DO PEOPLE NEED?

4.1.5 Public surveys and consultations for the SWNP always show a demand for “smaller” and “more affordable” homes. In order to test whether the survey results show a true picture of demand, the SWNP looked at the local authority evidence base to assess

³² Note that a care home was provided as part of an affordable housing contribution, not included in these numbers due to the specialist nature of the dwelling.

demand for affordable housing, and private sector market data to assess demand for open market homes.

4.1.6 The local authority housing waiting list shows that social housing need is highest for 1, then 2, then 3, then 4 bedroom houses.

The local authority housing waiting list in Uttlesford is as follows (as at 23/07/2018)³³

1 bed.	2 bed.	3 bed.	4 bed.	5 bed.	Total
581	291	102	30	0	1004

Source: Uttlesford District Council Housing Department

4.1.7 Local Housing Allowance (LHA) (*housing benefit*) is assessed and paid at a rate which depends on the household size. Around half the people eligible for housing benefit are in work, but do not earn enough to afford rent without subsidy. Around half the people in employment and in receipt of LHA qualify for a two-bedroom rate, while almost all the people out of work and qualifying for LHA receive a one-bedroom rate.

The number of people in Uttlesford in receipt of LHA is as follows (as at 07/03/2019)

Employment Status	1 bed.	2 bed.	3 bed.	4 bed.	5 bed.
Employed	20	85	41	17	0
Unemployed	133	20	12	2	0

Source: Uttlesford District Council Housing Department

4.1.8 This data clearly shows by a considerable margin that the dominant household sizes in Uttlesford, where the household is counted as employed, require 2 or 3 bedrooms.

4.1.9 To assess private sector demand, a bespoke data research project was commissioned from Rightmove, which was asked to provide data on what sizes of property were being searched for, and where the search originated; whether it was inside or outside the town of Saffron Walden itself. The data is from searches which resulted in actual enquiries to estate agents, in order to eliminate any potential skew caused by idle browsing. The data covered the 12 months to 31st March 2019.

4.1.10 The Rightmove figures show that prospective buyers from outside the area greatly outnumber prospective buyers from within the area, with 96.5% of the searches coming from outside compared to 3.4% coming from within Saffron Walden.

³³ Households classed as in housing need bands A-D (i.e. not including band E)

Enquiries through Rightmove ranked by percentage of searches (note that this adds up to 99.9% through rounding)

House size	Percentage of searches leading to enquiry with estate agent	Origin of the search (identified by IP address of searcher)
2 bed	32.6%	Outside Saffron Walden
3 bed	31.8%	Outside Saffron Walden
4 bed	24.7%	Outside Saffron Walden
5 bed	4.2%	Outside Saffron Walden
1 bed	3.2%	Outside Saffron Walden
3 bed	1.5%	Within Saffron Walden
2 bed	1%	Within Saffron Walden
1 bed, 4 bed, 5 bed	0.3% each	Within Saffron Walden

4.1.11 The figures also show that 66.9% of searches are for 2 or 3 bedroom homes, while 29.5% of searches are for 4 or 5 bedroom homes. This means that recent housebuilding, in which roughly 219 2 and 3 bedroom houses have been built, compared to 212 4 and 5 bedroom houses, is out of kilter with the market demand.

4.1.12 This is backed up by the indexed demand statistics, which further break down demand between houses and flats, as follows:

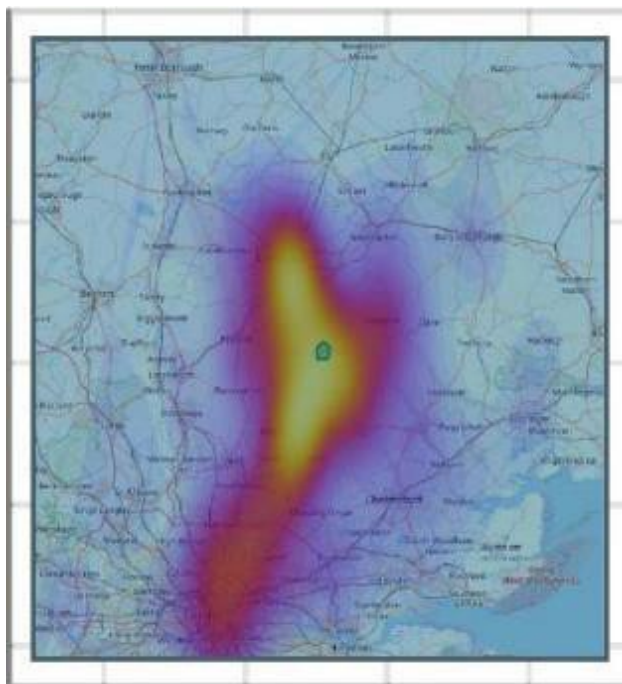
Indexed demand through Rightmove, as measured by email enquiries over 12 months

Property enquiries from lowest to highest measured as demand relative to supply

- 2 Bedroom house 4.0 (highest demand relative to supply)
- 3 Bedroom house 2.7
- 4 Bedroom house 2.2
- 5 Bedroom house 2.1
- 2 Bedroom flat 2.0
- 1 Bedroom flat 1.8
- 3 Bedroom flat 1.0 (lowest demand relative to supply)

This research shows that in Saffron Walden, houses are more in demand than flats. 2 bedroom houses on the market receive twice as many enquiries as 2 bedroom flats, and almost twice as many enquires as the next most sought after sized property, which is a 3 bedroom house.

4.1.13 This 'heat map' produced by Rightmove shows that the M11 corridor from inside London and up to Cambridge is the origin of most enquiries. The "house" icon is Saffron Walden.



4.1.14 This migratory trend is confirmed and identified in the UDC 2015 Strategic Housing Market Assessment (SHMA), which notes that larger houses tend to be sold to newcomers to the area, and that they have higher buying power than existing residents. The recent trend therefore has been for larger houses to be built to satisfy this market segment. Therefore, despite the market demanding far more 2 and 3 bedroom houses than 4 and 5 bedroom houses, developers have been able to sell 4 and 5 bedroom houses by marketing them widely.

4.1.15 While the overall supply of dwellings in Saffron Walden has increased since the 2011 Census, the skew towards larger homes has meant that the provision has not satisfied demand, local or otherwise, and it has not satisfied the immediate needs for housing across all ages and incomes. Neither has it taken into account future trends including an aging population or the generally shrinking population per household.

4.1.16 Housing need in Uttlesford has been set out in the 2015 UDC Strategic Environmental Assessment³⁴. The data in the assessment confirms the Rightmove research. This table is copied from page 14 of the assessment:

Table 15: Size mix of housing requirement, 2007 – 2021

All Housing		
1 bedroom	1300	12.2%
2 bedroom	2100	24.6%
3 bedroom	3200	40.5%
4 bedroom	1200	18.0%
5 + bedroom	300	4.7%
Sub-total	8100	100.0%

4.1.17 The Neighbourhood Plan seeks to ensure that Saffron Walden can accommodate a diverse range of age groups and types of households, and that it can retain second generations of residents. Over the plan period, the SWNP seeks to rebalance the supply of housing towards smaller homes, in line with local demand, which is in itself in line with national trends.

4.1.18 Development is irreversible and the SWNP wishes to ensure that best possible use of land is achieved to support the future sustainability of the parish. Open land has a social, economic and environmental value, and this value should only be lost to development if on balance the benefits of the development outweigh the benefits of the open land. If the type of development required by the planning policies is not immediately deemed viable then it is preferable to pause development rather than to continue with inappropriate development. Inappropriate development uses up valuable land to the long-term detriment of the parish.

4.1.19 The SWNP sets policy on the mix of housing sizes. This is because many people are obliged to seek social housing if they only need and can afford a one-bedroom property, because the open market is not providing (enough) one-bedroom properties. Just because the open market finds it more profitable to deliver bigger properties, this does not mean that there is low/no demand for open market one-bedroom properties.

In a classic economic model, there would be no barriers to supply and therefore the open market would provide all products which buyers want to buy. The housing market is different to the classic economic model in that there is a 'raw material' barrier to supply – namely the availability of land and planning permission to build upon it. Therefore, the lack

³⁴ Place Services: Uttlesford District Council Local Plan Sustainability Appraisal and Strategic Environmental Assessment Scoping Report: Annex B – Baseline Information July 2015 (page 14)

of supply of open market one-bedroom properties is something which can only be addressed by policy. It is desirable to address it with policy because forcing people to seek social housing when they don't necessarily need it is an unnecessary cost to the public sector, which diverts resources away from either other people in need of social housing, or from other public sector services.

POLICY SW1 HOUSING MIX ON NEW DEVELOPMENTS

1. All residential development proposals should include a mix of sizes which reflects local needs but also provides for balanced and vibrant neighbourhoods. The specific mix should be based on up-to-date local evidence of need and take account of local circumstances and the nature of the surrounding area.
2. The housing mix of affordable homes is to be determined by local housing need and policies set out by the planning authority.
3. Developments may not be subdivided into smaller parcels to avoid the housing mix policy.

This policy supports the Neighbourhood Plan Objectives 1,2,3,5

4.2 AFFORDABLE HOUSING

4.2.1 The issue raised most frequently in public consultations with regard to housing was that of affordability. The Uttlesford District Council Housing Strategy 2016-21 states that the average Uttlesford house price is 18 times the average Uttlesford income, which is £24,575. 60% of Uttlesford residents earn below £34,000pa and 40% earn below £25,000. ³⁵

³⁵ Source: Uttlesford District Council Housing Strategy 2016-21

4.2.2 New build homes sell for a premium; a new build house costs on average £573,000 in Uttlesford, much higher than a new build house in the wider region which costs around £357,800.³⁶

4.2.3 The last draft Local Plan notes para 4.3 page 78, *“because of high house prices there are some members of the population, particularly younger people and those on low to modest incomes, unable to access the housing market. High housing costs have also led to a growing number of households who do not necessarily require subsidised affordable housing, but due to inflated house prices, are financially restricted from entering the private housing market.”* This comment remains true despite the withdrawal of the draft Local Plan.

4.2.4 Lack of supply of smaller homes has a high cost to the public purse in the form of need for social housing and housing allowance.

4.2.5 ‘Affordable housing’ has different meanings to different audiences. In the main, ‘affordable housing’ is understood by the general public as being the type of housing that isn’t too expensive for the average person to live in.

4.2.6 However, in strict planning terminology, ‘affordable housing’ is a precise description for housing which is subsidised and either rented or owed, and provided to eligible households. There is a precise way of calculating prices for affordable housing; as a broad- brush description it is housing that is 20% below open market prices. The full definition is set out in the NPPF³⁷. Information on what qualifies a household as eligible is available on the Uttlesford District Council website³⁸.

4.2.7 The SWNP uses the strict planning terminology definition of ‘affordable housing’, because this is a quantifiable measure and the only legally workable definition which can be used in a neighbourhood plan. Nonetheless, it recognises that even the 20% discount on market rates still places the prices above the reach of many.

4.2.8 The 2017 UDC SHMA identified that the affordable housing component of the District’s total housing need is 19.5%. In the light of national policy which does not permit affordable housing contributions from sites of 10 units or less, it is considered appropriate to require developments of 11 dwellings or more to provide 40% of the total number of dwellings as affordable dwellings to ensure that the affordable housing need is met. The SWNP adopts this reasoning and evidence.

4.2.9 Developments of 11+ homes have to provide 40% of them in the form of affordable housing. 70% of these are Affordable Rent and 30% are Shared Ownership. Affordable Rent housing is subject to the Right to Buy rules and can be transferred to the open market after only three years from completion.

³⁶ Source data: Uttlesford Housing Market Report – June 2018 (Q1)

³⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³⁸ <https://www.uttlesford.gov.uk/housing>

4.2.10 The Community Land Trust model is gaining traction nationally as a method of safeguarding in perpetuity homes which have the same purpose as the traditional affordable rent housing, without the risk of transfer to the open market. Community Land Trusts are therefore the preferred delivery model for affordable housing, over and above housing associations which are subject to Right to Buy regulations.

4.2.11 If the disparity between what is needed and can be afforded locally, and what has more recently been built is not addressed, there is a very real risk that Saffron Walden will become a dormitory town. This would further increase both inward and outward commuting, thus worsening air quality, and be damaging to the overall social structure and community feel that the town currently enjoys and which makes it so attractive in the first place.

POLICY SW2 AFFORDABLE HOUSING

1. Development on sites which provide for 10 dwellings or more, or the site has an area of 0.5 hectares or more will be required to provide 40% of the total number of dwellings as affordable dwellings on the application site and as an integral part of the development.
2. In exceptional circumstances, where this 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.
3. Affordable housing units will be distributed through the development in appropriately sized, non-contiguous clusters. The tenure mix of affordable housing should reflect the most up to date local housing need as defined by the planning authority.
4. Sites may not be artificially subdivided. Where sites are sub-divided, each subdivision or smaller development will contribute proportionally towards achieving the amount of affordable housing which would have been appropriate on the whole or larger site.
5. Residential proposals which do not meet the Neighbourhood Plan's affordable housing requirement of 40% will only be supported if the proposals are justified by an open book assessment of viability.
6. Where this policy makes the scheme unviable, careful consideration will be given to the overall scheme, and the scheme should be refused unless it meets the objectives of the SWNP and complies with all relevant development plan policies

This policy supports the Neighbourhood Plan Objectives 1,2,3,5

5. TOWN LAYOUT AND DESIGN

5.1 INTRODUCTION

5.1.1 The NPPF Section 12 *Achieving Well Designed Places* puts significant weight on the design aspect of the planning process:

NPPF Paragraph 126: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

5.1.2 Saffron Walden has grown over time, with the historic core surrounded by more recent development. The historic core contains a blend of styles from previous eras, and a large part of the town is designated Conservation Area. The surrounding developments are built in a style that reflects the more generic approach of national housebuilding companies. Some approaches to the town are characterised by older style industrial buildings, which limit the aesthetic appeal of the approach.

5.1.3 It is notable that the NPPF not only seeks to protect areas which are already considered to be attractive or “good design”, but also seeks to improve areas which are not.

NPPF Paragraph 134. “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes”

5.1.4 Saffron Walden is a small town and it can relatively easily be crossed from one side or end to the other on foot by a reasonably fit person. This human scale is important because it emphasises the need for design in all locations to be well-considered. The quality of design of all developments, both residential and commercial, will be given equal importance. Housing design must be appropriate to the scale, character and grain (scale of layout) of the existing built form; however, a site bordering existing poor design will not be a reason to allow additional poor design. Instead it must seek to improve its immediate environment.

5.1.5 The Essex Design Guide, first published by Essex County Council in 1997, and last revised in 2018, is a very useful document which contains well-reasoned design guidance for developers, and local and neighbourhood plans, without being prescriptive. In its own words: *“It is used as a reference guide to help create high quality places with an identity*

specific to its Essex context. The 2018 edition seeks to address the evolution of socioOeconomic impacts on place-making". The Essex Design Guide as most recently amended is considered to be suitable for the architectural vernacular of Saffron Walden.

5.1.6 The Urban Place Supplement is a supplementary document which builds on the Essex Design Guide with a particular focus on developments of over 50 dwellings per hectare. It is appropriate for developments in the centre of Saffron Walden.

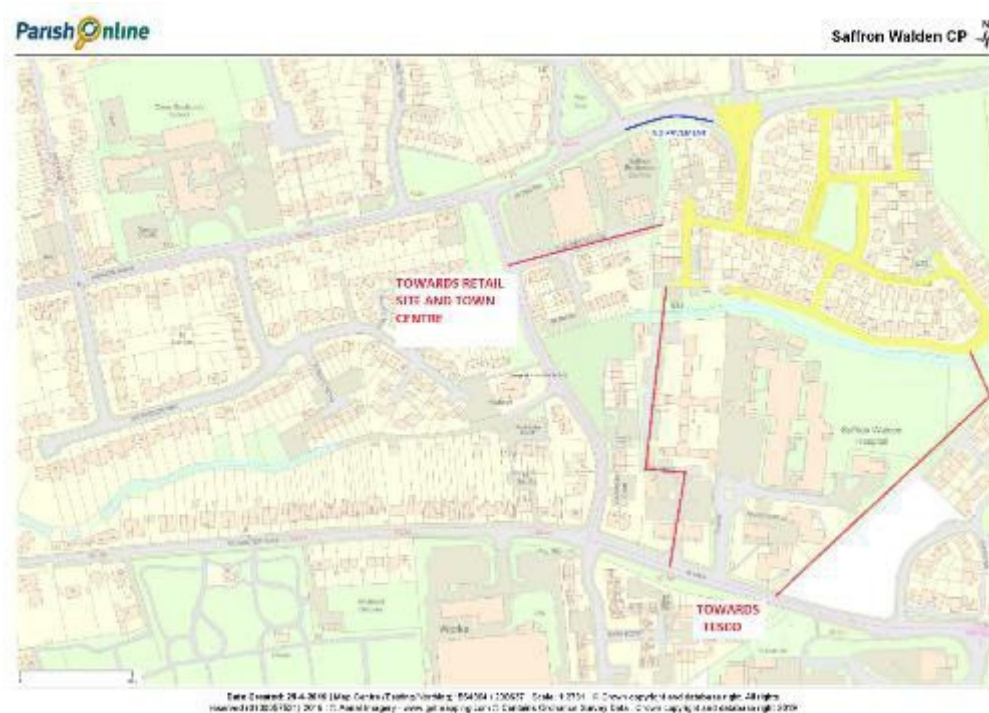
5.1.7 Both documents outline ways in which neighbourhoods can be created so that residents and visitors are encouraged to walk or cycle instead of traveling by car; to eliminate the creation of dead areas which would encourage crime; to reduce the negative impact on feeder roads; and to assist the elderly, less mobile or those with dementia to engage with the wider community.

5.1.8 Building for Life 12 (BfL12) was designed in 2012 in response to the National Planning Policy Framework's commitment to build more homes and better homes. It describes itself as a *"government-endorsed industry standard for well-designed homes and neighbourhoods. Local communities, local authorities and developers are encouraged to use it to guide discussions about creating good places to live"*.

5.1.9 BfL12 sets out 12 urban design criteria in the form of questions. It gives recommendations of things to consider and recommendations of things to be avoided, and is a very simple framework for assessing developments.

5.2 DESIGN CONSIDERATIONS FOR SAFFRON WALDEN

5.2.1 More recent housing developments in Saffron Walden have not generally been built to the standards proposed by the Essex Design Guide, either in terms of the architectural style of the buildings or of the estate layouts. The image below demonstrates a missed opportunity in development layouts in terms of layouts and porosity (how many ways in or out of the development there are). The policy SW7 provides specific direction and policies on the design of footpaths and layouts.



OS PSMA LICENSE NUMBER: 0100057521

5.2.2 This development (Tudor Park) on the eastern edge of the town illustrates the problems of a lack of vision at development stage and therefore missed opportunities to encourage sustainable transport modes. It has a single access point for vehicles and pedestrians at the north of the development. There was no provision for a pavement to the west of the development so pedestrians immediately have to cross a busy road to go anywhere. Residents have noted that if pedestrian links had been created to the south, it would be a very quick walk to the nearest supermarket. Instead, they have to walk north up and out of the development, cross Ashdon Road, walk along the pavement to the north of Ashdon road, cross back over Ashdon Road, then walk down Elizabeth Way, and then turn left along Radwinter Road towards the store. Faced with such a journey, many may well choose to take the car instead. Similarly, no link was made to the west of the development, which could have been an opportunity to create a 'quiet route' for pedestrians. The red lines illustrate potential links which could have been made. New developments must be designed so as to prioritise and encourage physical activity and walking and cycling. Sport England and Public Health England's Active Design Guidance³⁹ provides useful information on how this can be achieved, as does the Essex Design Guide.

5.2.3 As has been identified in the Heritage and Character Assessment, the street scene aesthetic varies throughout the town. The centre of the town has a mix of older architecture from various periods and the Conservation Area designation affords these streets a high degree of protection. Elsewhere the town is characterised by pockets of land which have

³⁹ <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>



been developed for housing at different times and in the prevailing styles of the 1920s and onwards.

5.2.4 The SWNP recognises that there is the potential for the more modern developments to evolve in the same way, so that where buildings on a development may currently look very much the same, in future years as renovations and improvements take place, the streets may come to also have what has been described as a “pleasing jumble” of styles of architecture.

5.2.5 To ensure that neighbourhoods remain pleasant places in which to live, infill buildings will be resisted if they have a detrimental impact on the amenities enjoyed by their immediate neighbours, or if they are visually detrimental to the overall street scene.

5.2.6 The SWNP seeks to protect the Conservation Areas from small incremental changes which individually could be overlooked, but which in aggregate can result in a noticeable step-change of appearance. The visual aspect of the older parts of the town has changed many times over the centuries, and now they demonstrate a rich heritage. A local design guide for Saffron Walden may be published by the Town Council as a supplementary planning document.

5.2.7 The special character and appearance of the Conservation Areas can be derived from many different aspects including the scale, style and materials of the buildings, the historic street pattern, street frontages and building lines, boundary structures, street furniture, trees and open spaces. The Heritage and Character Assessment notes the wide range of buildings representing various styles and materials coming together to create a unique townscape. The mosaic of different building styles including pargetting and flint detail to some buildings and varied roof lines is typical of the plot by plot development of the historic core of the town, in great contrast to the uniform appearance of new build developments on the edge of the town. Consideration must be given to the form of new or replacement street furniture within the Conservation Areas. For example, new or replacement street lighting must match the existing styles. The Historic England publication *Streets for All*⁴⁰ deals with the aesthetics of successful public realm design and its principles are not limited to historic neighbourhoods. This publication should be consulted before changes are made, and ideally would be a basis for making ongoing improvements.

5.2.8 Any development which includes more than ten dwellings is considered by the SWNP to be substantial relative to the size of the town and has the potential to have a considerable impact on the overall aesthetics of the town. It must make a positive contribution to the town’s architectural vernacular.

⁴⁰ <https://historicengland.org.uk/images-books/publications/streets-for-all/>

5.2.9 The SWNP notes that of the 356 households on the Uttlesford housing waiting list for Saffron Walden as at 2018, 33% are over 60⁴¹. The Uttlesford Viability Study June 2019 concludes that land values in Saffron Walden are such that accessible and adaptable homes may be built without impact on viability.

5.2.10 Gated communities are contrary to the objective of retaining a sense of town-wide community spirit and they restrict pedestrians and cyclists from using ‘quiet routes’.

5.2.11 Having an adequate amount of home living space is vital and the Nationally Described Space Standards set out what is considered as a reasonable minimum for a good standard of living. Adoption of the Space Standards is appropriate for Saffron Walden, which, as a small market town, naturally doesn’t have the same level of public indoor leisure spaces that larger towns have, such as shopping malls and cinemas.

5.2.12 Saffron Walden has a lack of public parks, with many housing developments being further away from public open space than the Fields in Trust guidelines⁴². In the absence of the ready availability of public parks and gardens, private gardens gain extra importance for the health and well-being of residents.

5.2.13 Government guidance on design allows for design to be considered at the outline application stage of planning: *“Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward, However, design is often considered at this stage in order to assist community engagement, inform an environmental impact assessment or design and access statement (where required) and provide a framework for the preparation and submission of reserved matters proposals. In some instances, it may be appropriate as part of the outline application to prepare and agree a design code to guide subsequent reserved matters applications. Design quality cannot be achieved through an outline planning application alone. Outline planning applications allow fewer details about the proposal to be submitted than a full planning application, but can include design principles where these are fundamental to decision making.”*⁴³ It is entirely appropriate for design to be considered for future development in Saffron Walden for two reasons. First, the heritage and appearance of the parish is exceptional and at risk from insensitive development. Second, the land surrounding the town is at a higher level than the rest of the town and so any development on it will be visible from tens of miles away. This is already the case with the ‘Manor Oak’ development. In order to prevent development of poor design, a design code will be agreed for new developments, in line with government guidance on design. The

⁴¹ Data provided by UDC

⁴² Amenity green space should be available 480m from dwellings, parks and gardens 710m, and natural and semi-natural green space 720m

⁴³ <https://www.gov.uk/guidance/design> Paragraph 10 Reference ID: 26-010-20191001

demonstration of a design-led approach will be in the Design and Access Statement (in the case of developments of 10 dwellings or more) or in the Design Statement (in the case of developments of under 10 dwellings).

5.2.14 Approximately one in three people will suffer from dementia and Dementiastatistics.org estimates that the annual cost to the UK of dementia is £26 billion, and this is expected to rise to £55bn by 2040⁴⁴. The symptoms of dementia include difficulties in thinking, with memory loss, and using language.

5.2.15 The difficulties experienced by people with dementia and their carers can be reduced when their surroundings are not confusing. The Royal Town Planning Institute's 2020 publication *Dementia and Town Planning* describes six broad urban planning principles which, if considered throughout the design process, help to reduce confusion.

5.2.16 These planning principles have been endorsed by the Alzheimer's Society, Public Health England and the Essex Design Guide. Additionally, the Royal Town Planning Institute notes that following these six principles makes urban design and layouts more pleasant for everyone, and not just for people with dementia and their carers.

5.2.17 Saffron Walden has the aim of becoming a "dementia-friendly" town, and the SWNP works towards this objective by ensuring that all urban design changes, whether domestic or commercial, acknowledge and respond to the six planning principles to create an environment which is:

- a) **Familiar** - functions of places and buildings are obvious, any changes are small scale and incremental;
- b) **Legible** - a hierarchy of street types, which are short and fairly narrow. Clear signs at decision points;
- c) **Distinctive** - a variety of landmarks, with architectural features in a variety of styles and materials. There is a variety of practical features, e.g. trees and street furniture;
- d) **Accessible** - land uses are mixed with shops and services within a 5-10-minute walk from housing. Entrances to places are obvious and easy to use and conform to disabled access regulations;
- e) **Comfortable** - open space is well defined with toilets, seating, shelter and good lighting. Background and traffic noise should be minimised through planting and fencing. Street clutter is minimal so as to not impede walking or distract attention; and
- f) **Safe** - footpaths are wide, flat and non-slip, development is orientated to avoid creating dark shadows or bright glare.

⁴⁴<https://www.dementiastatistics.org/statistics/cost-and-projections-in-the-uk-and-globally/>

POLICY SW3 DESIGN

1. All development in Saffron Walden must contribute positively to the parish's sense of place through a design-led approach underpinned by good design principles and reflecting a thorough site appraisal, and must comply with the other detailed policies, and the Supplementary Design Guide for Saffron Walden should this come forward during the period of the plan.
2. Adherence to the Design and Access Statement or Design Statement will be a condition of approval of outline planning applications.
3. All planning applications for development with the potential to impact on the Conservation Areas and/or heritage assets including listed buildings will be accompanied by a Heritage Statement that describes the significance of the Conservation Area and/or heritage assets and assesses the impact of the development. This includes planning applications outside the Conservation Areas but which will impact on any of the Conservation Areas and/or heritage asset for example because of the generation of additional traffic or the impact on views.
4. Developments and extensions of buildings and spaces must demonstrate that they:
 - a) Display a high level of architectural quality which responds positively to the best of Saffron Walden's context and distinctive character by maintaining and promoting the distinctive local vernacular, by using complementary materials and by ensuring that height and scale is in keeping with neighbouring properties;
 - b) Evidence a positive response to the landscape, local and longer views and the natural and historic environments;
 - c) Integrate well with existing neighbourhoods while seeking, where appropriate, to improve the aesthetic of the immediate area;
 - d) Refer to Secured by Design principles to reduce crime and encourage safer communities;
 - e) Create well connected and accessible new streets which provide for a rich choice of routes, prioritising and encouraging active and sustainable travel. In the case of doubt on this matter the Essex Design Guide or any other locally applicable design guide will be referred to for best practice;
 - f) Have active frontages, particularly at street level, and provide a clear distinction between areas of public and private realm;

Continued on next page

Policy SW3 Design

- g) Respond to and enhance the amenity value of an area through consideration of matters such as overlooking, natural light, micro-climate, outlook and amenity space, both for existing neighbours and future residents; and
5. Infill development will be supported subject to it meeting the following criteria:
 - a) Maintains a high level of amenity for occupiers of surrounding properties and provides for the amenity for future occupiers of the proposed development, particularly in terms of noise, privacy, overshadowing and access to daylight;
 - b) Respects the existing street scene;
 - c) Reflects prevailing boundary treatments;
 - d) Provides adequate parking, bin storage and access arrangements; and
 - e) Preserves *or* enhances Saffron Walden's heritage assets and their setting
 6. Any major developments (including car parking facilities) in the scale and context of Saffron Walden will have their impact minimised through appropriately detailed frontages that wrap around the unit.
 7. While all residential schemes must contribute positively to the quality of Saffron Walden as a place, any developments of more than 10 dwellings will demonstrate how a scheme does this through a completed Building for Life 12 assessment.
 8. All new outline applications will be subject to the creation of a design code at outline planning permission stage, and adherence to the design code at reserved matters and build-out stages will be a condition of approval.
 9. Gated communities will not be permitted except in cases where the housing caters for groups of people classed as "vulnerable".

Continued on next page

Policy SW3 Design

10. There should be a hierarchy of street types to ensure developments are legible with clear signage at decision points.
 11. Three-storey housing will be acceptable, other than in settlement edge locations, and subject to the building height and form respecting and complementing the buildings and landscape in the immediate vicinity. Buildings higher than this would not normally be supported unless the surrounding buildings and context make them appropriate.
 12. Garden and outdoor spaces must conform to the Essex Design Guide guidelines.
 13. Street furniture, including lighting, must be designed to be sympathetic to its surroundings, and where possible to propose an improvement to the aesthetics of the area. *Streets for All* should be consulted before changes or additions are made.
 14. Minimising Flood Risk: Development proposals will comply with flood risk assessments and management requirements set out in the National Planning Framework and Planning Practice Guidance and the Uttlesford Strategic Risk Assessment to address current and future flood risks from all relevant sources with appropriate climate change allowances. All new development proposals will need to demonstrate that adequate foul water treatment and disposal exists or can be provided in time to serve the development. Policy SW19 deals specifically with Sustainable Drainage Systems.
15. Include tree-lined streets unless in specific cases there are clear, justifiable and compelling reasons why this would be inappropriate and include trees elsewhere within developments where the opportunity arises

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

5.3 PARKING DESIGN ON NEW DEVELOPMENTS

5.3.1 Car ownership across Uttlesford is higher than the national average, reflecting its rural location and limited public transport network. At the Census in 2011 83% of households in Saffron Walden reported ownership of at least one car or van, compared to 75% of households across England as a whole. In Saffron Walden 78% of travel to work is by private car.

5.3.2 The 2005 Local Plan states *“Uttlesford communities lack high quality public transport. In common with many other rural communities, using the car is the only practical way of getting to work, accessing services and making leisure trips. Car ownership levels are relatively high and existing car parking provision is well used. It is important that car parking for new development is adequate. Where there is a lack of off-street parking on older residential areas this results in a high level of on street parking. In some localities this results*

in obstruction of roads and footpaths, causing particular problems for those with limited mobility. The level of parking on new developments should neither exacerbate existing parking problems in communities nor create problems where they do not presently exist.” There is evidence that this is still the case, and car parking availability remains a contentious issue in the town⁴⁵.

5.3.3 Bus services in Saffron Walden are limited, with many services finishing mid-afternoon, so are not useful for commuters. They are even more limited on Saturdays and on Sundays there are no buses at all. Buses in Uttlesford are difficult to run as a commercial venture and therefore are largely subsidised. Services tend to run close to the point where the subsidy per passenger is at the limit of viability. Essex County Council funds are under pressure, and bus provision is not a statutory requirement, making it an obvious place for cost savings. Bus services are not forecast to increase in Saffron Walden and the use of private vehicles is not forecast to decline.

5.3.4 Saffron Walden residents tend to rely on the private car to access other services and facilities:

Healthcare: Saffron Walden has two doctors’ surgeries, but one is on two sites, with one of the sites being in Great Chesterford, some 4.5 miles away and only accessible by car. Saffron Walden retains its community hospital which offers some specialised outpatient appointments, for example x-rays and audiology, and has geriatric in-patient wards. For more general round the clock healthcare, for example walk-in health care, A&E, maternity, surgery and general wards, Saffron Walden residents must travel to Cambridge.

Food shopping: Saffron Walden town centre has a mid-sized Waitrose. On the edge of the town to the east is a mid-sized Tesco store which also has a petrol station, and there is an Aldi on the edge of town to the south. The nearest supermarket in “superstore” format (including clothing and home goods) is 12 miles away in Haverhill.

5.3.5 Despite hopes that private car ownership and use will reduce over time, the SWNP must take a pragmatic approach to the reality that any change will not be immediate. Higher needs for private vehicles and long distances travelled by commuters will make initiatives such as car sharing clubs, for example, less immediately feasible in market towns and rural locations.

5.3.6 For the timescale of the SWNP, it is assumed that private vehicle use will remain more or less at current levels, and policies on parking reflect this.

⁴⁵ For example, the 2019 campaign by residents of Museum Street to obtain additional residents’ parking spaces, after 19 resident permits were issued for 6 spaces.

5.3.7 It is anticipated that any surplus parking spaces generated by the policies below will be regularly used by delivery vehicles.

5.3.8 Good parking design is therefore an important part of urban planning in Saffron Walden. Poor design can very much detract from the overall street scene, whereas good design can promote the sense of the neighbourhood as a friendly space. Alongside the *Essex Design Guide*, the Essex Works Publication *Parking Standards Design and Good Practice September 2009* sets out standards and examples of layouts which work well, and which are supported by the SWNP. Departure from these standards is to be considered a rare exception rather than a rule, and applications which request a departure from these standards will be examined closely in the context of the locality and nature of the development.

5.3.9 Tandem parking (where cars are parked one behind the other) is to be discouraged where the street layout might in reality encourage on-street parking instead for convenience. Where on-street parking is not possible, tandem parking works well.

5.3.10 Ownership of electric vehicles will increase throughout the plan period and beyond and housing must be designed with charging requirements in mind. Thus, all developments make provision for either actual electric charging points or the ducting for future charging points, so as to avoid expensive and disruptive retrospective installation.

5.3.11 Bicycle parking needs to be secure and covered to encourage people to use bicycles regularly. High density developments characterised by smaller footprints and small storage space will not have enough space for bicycles to be stored within the home.

5.3.12 Delivery vehicles on tight time schedules and taxis dropping off or picking up passengers will always need to park as close as possible to the destination dwelling. The street layout of new developments should not be so narrow that these temporary vehicle parking manoeuvres block the whole street.

POLICY SW4 PARKING ON NEW DEVELOPMENTS

1. All new developments must provide for parking spaces for residents and visitors as per the Essex Works publication *Parking Standards Design and Good Practice September 2009* or later equivalent.
2. All new developments will demonstrate how they refer to the Essex Design Guide 2018, or later equivalent for layout of vehicle and cycle parking spaces *and UDC's local parking standard for 4+ bedroomed dwellings*.
3. All dwellings will make provision for electric vehicle (EV) charging points.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

6. COMMERCIAL PREMISES

6.1 OVERVIEW OF PROVISION

6.1.1 The town centre of Saffron Walden provides a range of services to an extensive rural catchment area. The town provides vital facilities for the Uttlesford District such as schools, health services and nearly all the local area's food shopping needs.

OFFICE SPACE

6.1.2 Having assessed office space provision in Saffron Walden, the previous draft of the Local Plan stated that (Paragraph 5.25) *"There is an acute lack of modern office accommodation to meet the needs of Saffron Walden. Potential sites in and around the town are limited and rental values may mean development is not viable"*. The research behind this statement, and this comment remains true despite the withdrawal of that draft.

INDUSTRIAL PREMISES

6.1.3 The main industrial area of Shire Hill is just one mile from the town centre and therefore within walking distance of all of the housing areas. Other smaller industrial areas are also within walking distance of the housing. On the east side of the town is Ridgeon's, a builders' merchant, and the south of the town has a new development which will host several big-box retailers. Regarding industrial space, the previous draft of the Local Plan notes in Paragraph 5.25 *"There is a current surplus of industrial and particularly warehouse units in Saffron Walden, partly as a result of the recession and partly because of the difficulty of access to the M11."* The research behind this statement, and this comment remains true despite the withdrawal of that draft.

RETAIL OFFER

6.1.4 A fine example of a vibrant market town, Saffron Walden town centre hosts over 200 independent shops, restaurants and cafés, together with many well-known national retailers, cafés and restaurants. The market on Tuesdays and Saturdays draws locals and visitors to the town. The town has three mid-sized supermarkets (Tesco, Waitrose and Aldi) and several smaller convenience size stores.

6.1.5 The District Council commissioned a retail study by Savills as background evidence for the Local Plan. The study, updated in May 2018, forecasts the following needs to have arisen by 2026:

- an additional mid-sized convenience store; and
- an additional 5,370m² retail space for comparison shopping (non-food).

These numbers are additional to the recently developed out of town retail space at Knight retail park. The retail study update assumes that the existing towns and villages will accommodate all of the retail requirements of the garden villages and that the garden villages do not have their own retail provision. It should be noted that the emerging Local Plan has now been withdrawn along with the concept of garden villages. It is not clear therefore that there is a need in Saffron Walden for additional convenience retail space.

6.1.6 The Uttlesford Retail Study Update notes that the centre of Saffron Walden, which accommodates much of the existing comparison floorspace in the district, is characterised by old, historic fabric, many listed buildings and embraced by Conservation Areas. It further notes that the ability of such units to increase their efficiency is considered to be very limited. Therefore, opportunities to create modern retail space within the town centre should be seized.

VISITOR ATTRACTIONS

6.1.7 The town has many old buildings and two public gardens that are tourist attractions, as well as Saffron Hall concert hall, Saffron Screen, Saffron Walden Museum, and the Fry Gallery. Audley End House which is maintained by English Heritage, and Audley End Mini railway, are nationally significant visitor attractions and are within two miles of the town centre. The One Minet skate park attracts people from a very wide area and regularly hosts competitions.

6.1.8 Ongoing projects by the Tourist Information Office and business groups encourage tourists to visit the town. The 200,000 visitors per year to Audley End House, and the many hundreds of thousands of annual visitors to Cambridge have been identified as potential additional consumers for Saffron Walden's retail and hospitality businesses. Spending by additional tourists may help to offset the increasing appeal of online shopping which has been identified as a general threat to bricks and mortar retailers everywhere.

6.1.9 A Premier Inn hotel has been constructed.

6.2 COMMERCIAL OBJECTIVES

6.2.1 The economic objective of the SWNP is for Saffron Walden to be economically active and as self-sustaining as possible. It must be desirable for residents and tourists to visit, shop and work in, without inappropriate development detracting from the historic and commercial appeal of the town.

6.2.2 In order to achieve this objective, and assessing current provision and use of commercial spaces, the SWNP identifies the following priorities:

- To promote the development of a widespread range of commercial use classes, including retail premises and hot food dining-in establishments in the town centre that enhance the appeal of the town to residents and visitors;
- To support initiatives that increase footfall in the town, including tourism that generates income;
- To encourage development of facilities for new start-up businesses; and
- To support proposals that enhance the attractiveness and competitiveness of commercial units, both in use and vacant, for existing and new businesses.

6.2.3 In April 2019, the Gambling Commission launched the new National Strategy to Reduce Gambling Harms⁴⁸. The future prevention plan foresees a range of universal measures which will protect the whole population, including placing “*regulatory requirements/restrictions on product, place and provider*”. The Gambling Commission Report “*Gambling participation in 2018: behaviour, awareness and attitudes*” of 2018 found that 79% of respondents “*were of the view there are too many opportunities to gamble nowadays*” and “*71% considered gambling is dangerous for family life*”. Saffron Walden has two gambling operators, and the SWNP is not supportive of planning permission being granted for additional operators.

6.2.4 Hot food takeaway premises sit in a planning category which would include all kinds of food once permission is granted. In assessing planning applications for additional hot food takeaways, consideration will be given to the likely impact on local amenity and public health.

⁴⁸ <http://www.reducinggamblingharms.org/>

6.3 CHANGE OF CLASS FOR COMMERCIAL SPACES

6.3.1 The retail environment of Saffron Walden represents both an asset and an opportunity to the town.

6.3.2 Main town centre uses are defined by the NPPF as including: retail development; leisure; entertainment and more intensive sport and recreation uses; offices; and arts, cultural and tourism development.

6.3.3 In efforts to promote housebuilding, as well as to bring vitality to town centres where it is lacking, the NPPF encourages a mix of residential and commercial use within town centres. This NPPF policy may be most relevant to, and helpful for the rejuvenation of, the centres of large (and possibly post-industrial) towns which are combating decline. In contrast the small market town of Saffron Walden has a compact and busy town centre, immediately bounded on all sides by housing. Many stores require the first floor for storage and office space, and removing this may in turn make the store on the ground floor unviable.

6.3.4 Town centre use of space should not decline in provision, as once lost it is hard, if not impossible, to return a domestic dwelling into commercial space, and keeping an interesting town centre for residents and visitors is key to the economic survival of Saffron Walden. Article 4 Directions will be sought to support the policy on town centre uses. Applications for 'pop-up' or temporary town centre uses for vacant commercial premises, and changes of use class, for example for arts or youth organisations, will generally be supported, in the context of keeping the town centre vibrant, adaptable and, critically, open as a central meeting point for residents and visitors.

⁴⁹ The map is based on the UDC eLP town centre map, with slight increase of primary frontage and decrease of secondary frontage, where this can be justified by current uses at the time of writing the SWNP. The outline showing the footprint of the town centre is identical. The UDC map was in turn based on the Uttlesford Retail Study Update 2018 Appendix 8 – Main Town Centre use Class Map https://www.uttlesford.gov.uk/media/8151/Uttlesford-Retail-Study-Update-Appendix-8-Main-Town-Centre-Use-Class-Maps-May-2018-/pdf/Appendix_7i_-_Uttlesford_Retail_Study_Update_2018_App_8_Main_Town_Centre_Use_Class_Maps1.pdf?m=636632065276700000

6.3.5 Consideration must always be given to the concept that the town centre is first a commercial centre, and commercial ventures that are in line with the objectives of the SWNP will be supported. For example, visitors to Saffron Walden who come for Audley End House or Bridge End Gardens may be persuaded to turn a day trip into a weekend if the evening economy offers restaurants. Residential development in suitable locations will attract people who value having an evening economy on their doorstep. The 'agent of change' principle is described in paragraph 187 of the NPPF: *"existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."* Application of the agent of change principle ensures the continuing viability of commercial premises, particularly those that serve the hospitality economy. Similarly, local residents' objections to new premises applications in the town centre, for example, should be considered carefully against the wider potential benefits of the proposed new business.

6.3.6 In order to protect the vibrancy of town centres, the NPPF instructs planners to use a 'town centre first' hierarchy when allocating uses for sites. This means that the first choice for new retail space should always be in the town centre. Should space not be available, the next choice should be the edge of the centre. Allocating and building retail sites in out of town locations should be seen as a last resort.

PLANNING CLASSES

6.3.7 Property is categorised by planning use class, as set out in the table below.

Previous Class	New Class	Use	*Main Town Centre uses as per NPPF
A1	E	Shops and retail outlets	*
A2		Professional and financial services	
A3		Food and drink	*
A4		Drinking establishments	*
A5	Sui Generis	Hot food and takeaway	*
B1	E	Business offices	*
B2-B8	No change	Industrial	
C1	No change	Hotels	*
C2	No change	Residential – specific residents e.g. care homes	
C3	No change	Residential – dwelling house	
C4	No change	Residential – houses in multiple occupation	
D1	F1 or F2	Non-residential institutions, including health, education, museums, libraries, places of public worship	*
D2		Entertainment and leisure	*
Sui Generis	No change	Uses which do not fall into any of the other categories.	

6.3.8 It is preferable for there to be no more than two gambling operators licensed in Saffron Walden at any one time.

6.3.9 Non-viability of a given use as a reason for an otherwise unacceptable change of Class must be proven by marketing and a robust independent assessment. Uttlesford District Council sets out requirements for this process.

6.3.10 Whilst welcoming the ‘town centre first’ objective of the NPPF, the SWNP makes an exception to this rule for convenience stores which may be built in residential areas. By providing everyday essentials locally to where people live, these shops can be a lifeline to the elderly and less mobile and can help to reduce traffic.

POLICY SW5 CONVENIENCE STORES IN RESIDENTIAL NEIGHBOURHOODS

1. Proposals for convenience stores integrated into residential neighbourhoods will be supported subject to the following:

- a) They will not undermine the viability or vitality of the town centre;
- b) They are located and designed to encourage access on foot or by bicycle, or near to a bus stop; and
- c) They will not exacerbate traffic levels in the neighbourhood.

This policy supports the Neighbourhood Plan Objectives 1,4,5

6.3.11 17 Market Hill & 29-31 Church Street (The Old Sun Inn) is a Grade I listed building and is particularly special to the town centre. Any usage of the building must be respectful of the delicate fabric of the structure, and therefore the building has its own policy. Without setting a definitive list of uses it is appropriate to consider the impacts of each use, and the policy gives guidelines for consideration.



Photo reproduced from UDC website

POLICY SW6 1 7 MARKET HILL & 29-31 CHURCH STREET

Any future uses of the building must be compatible with and sustain and enhance the historic significance of the building and be viable consistent with the building's conservation and enhancement. Substantial harm to or loss of the building should be wholly exceptional.

This policy supports the Neighbourhood Plan Objectives 1,4,5

6.4 SHOPFRONT DESIGN

6.4.1 Saffron Walden's town centre lies within a Conservation Area, and a great part of Saffron Walden's appeal lies in its visual charm. A balance must be sought between accepting change and innovation, while retaining the character and grain of the historic environment.

POLICY SW7 SHOPFRONT DESIGN

1. Alteration, reinstatement or enhancement to historic shopfronts and other shop fronts will not be supported unless they:
 - a) contribute positively to the character and distinctiveness of Saffron Walden's historic environment; and
 - b) are of a high quality of visual design, are of an appropriate scale and proportion, and use appropriate materials and detailing.
2. Uttlesford District Council sets out guidance for shopfront design in its document Shopfront Design Guide February 2022 and (1) above should be read in conjunction with this document or any successor document and must be taken into account in developing and determining such proposals.

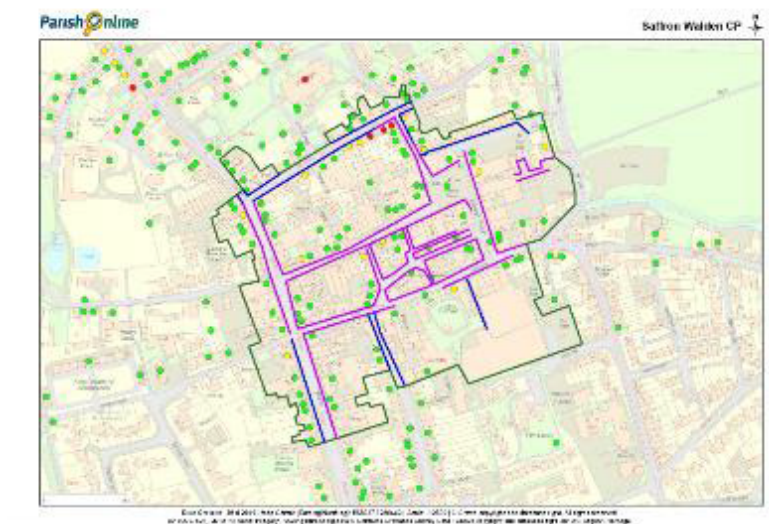
This policy supports the Neighbourhood Plan Objectives 1,4,5

6.5 DEVELOPMENT AND RENOVATION OF COMMERCIAL SPACES

6.5.1 The SWNP would like to encourage the provision of modern office space which would be attractive to start-ups wishing to benefit from the proximity to London and Cambridge. It recognises that industrial premises which require large volumes of space are unlikely to be attracted to Saffron Walden because of the distance from the M11 and the high value of land, although it is hoped that specialised manufacturing may be encouraged to stay and grow.

6.5.2 Many of the offices in the town centre are above shops in buildings with small footprints. Most of the buildings are old and many are listed, as is demonstrated in the map

below (green dot is Grade II, yellow is Grade II* and red is Grade I). The challenges of converting these to modern office spaces are considerable, and ten have been converted to residential spaces between 2016 and 2019, with further conversions in the pipeline. Any opportunity to renovate additional spaces for commercial use would be of benefit to the town and would be welcomed.



OS PSMA LICENSE NUMBER: 0100057521

6.5.3 There is opportunity for the redevelopment of some town centre sites. This will be supported, subject to the developments being for commercial use, so as to retain the commercial viability of the town as a whole. Ideally ground floors will be retail/hospitality and upper floors will be modern office space. Development along these lines will be supported subject to any impact on the character of Conservation Area being positive.

6.5.4 16-18 George Street (shown below) is a potential site for redevelopment. Except on this particular strip, the pavements on the road are particularly narrow and the road is heavily used by HGVs. Despite being in the town centre, businesses on the street do not always receive the foot traffic they need to remain viable. Proposals for the regeneration of George Street would be supported.



Photo taken by SWNP



Photo taken by SWNP

POLICY SW8 REGENERATION OF GEORGE ST

Proposals to regenerate George Street will be supported where the following criteria are met

- a) Redeveloping numbers 2-18 to include town centre A1 uses on the ground floor and residential accommodation on the first floor;
- b) Implementation of traffic restrictions to make the road more attractive to pedestrians, visitors and shoppers;
- c) Retention and sensitive redevelopment of the building that was formerly The George pub (now the Nemonthron);
- d) Sustainable drainage systems and water re-use and recycling to be incorporated if possible.

Development of the site as part of a wider development to include 56 High Street would be welcomed.

This policy supports the Neighbourhood Plan Objectives 1,4,5

POLICY SW9 DEVELOPMENT OF NEW AND EXISTING COMMERCIAL SPACES

1. Otherwise acceptable proposals for the replacement or refurbishment of existing industrial units which will result in greater viability, adaptability and energy efficiency will be particularly supported.
2. Otherwise acceptable proposals for farm diversification involving small-scale business and commercial development which will provide additional employment will
3. Otherwise acceptable proposals to convert residential accommodation to additional visitor accommodation will be supported, provided that adequate parking is made available.
4. New and renovated commercial buildings must be constructed from appropriate and suitably coloured materials that enables them to blend into the surrounding countryside

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

7. DIGITAL CONNECTIVITY

7.1 Having an efficient connection to the internet will help to enable residents to access up-to-date technologies for their lifestyles, businesses to flourish to their maximum potential, and children and students to gain the skills they will need to access future employment opportunities.

7.2 Installing the best possible technology at the point of building, in a manner which allows for easy upgrades, will be the most efficient way of delivering these connections.

POLICY SW10 HIGH QUALITY COMMUNICATIONS INFRASTRUCTURE

1. All new homes and commercial premises shall include superfast fibre connectivity, being Full Fibre to the Premises/Home (FTTP/H) or equivalent or better successor, which will allow residents and businesses a choice of at least two independent providers.

This policy supports the Neighbourhood Plan Objective 1

8. ECOLOGY

8.1 Except for the limited number of brownfield sites within Saffron Walden, the rural location of the parish means that most new developments are built on land that was formerly open fields.

8.2 Development must compensate for this loss of environment for wildlife and prevent excessive urbanisation of the town's location by implementing planning measures which will maintain the town's rural feel and enhance the wildlife. For example, simple measures such as hedgehog holes in fences will allow for wildlife corridors.

8.3 Development must contribute to the enhancement of the natural environment by ensuring that planting is connected and by replacing lost green infrastructure at a greater ratio than that which is lost.

8.4 Every square metre of new buildings and roads removes land which previously had natural drainage, which makes the installation of Sustainable Drainage Systems (SuDS) essential to replace this natural soakaway function. The Environment Agency specifies the most appropriate SuDS for each development, with the core principle being that any drainage system must not pose a risk to groundwater quality and must not be constructed in ground affected by contamination. Further requirements for consideration, and resources for further information, are listed in Appendix 4. A sustainable drainage system (SuDS) is designed to promote a best practice approach to reduce the potential impacts of surface water flooding with respect to existing and new developments. It replaces the conventional and traditional ways of surface water management and provides a system which mimics the natural ways to manage surface water. SuDS schemes maximise the above ground features which broadly covers four major principles to manage surface water runoff; water quality, water quantity, amenity and biodiversity. Incorporating SuDS mitigates the risk of flash flooding, water pollution, water scarcity, improve landscape with use of multi-benefit space and enhance biodiversity. The use of rainwater harvesting or grey water recycling as part of new developments should mitigate the climate change consequences such as water scarcity and flooding

8.5 The Construction Industry Research and Information Association (CIRIA), in association with the Department for Environment, Food and Rural Affairs (DEFRA), has published The SuDS Manual. This manual, published in 2015, describes in detail the additional benefits of drainage systems alongside flood mitigation, which include enhanced amenity value for the area through good design and opportunities for enhanced biodiversity through careful planting. As well as identifying the benefits of well-designed SuDS, it provides practical advice and planning checklists on achieving these benefits, which makes this document an essential resource for developers.

8.6 Proposals to plant trees in public spaces will be supported where this will improve, or at least not detract from, the amenity of the space for current users.

8.7 The SWNP must consider impacts upon water quality brought about by development: consideration should be given to preserving and enhancing the water quality in the local area. Connecting all properties to the mains sewerage system as the preferred option will enhance water quality as this follows the drainage hierarchy. This seeks to treat foul water at a water recycling centre and to steer developers away from less environmentally beneficial forms of disposal such as septic tanks and cess pits. Further benefits to the water environment can be achieved by; reducing misconnections to the surface water system; reducing contaminated surface water run-off and reducing spills of pollutants. All of these approaches could all help to enhance the natural environment.

⁵⁰ Guide 7: Planning for green and prosperous places, accessible at tcpa.org.uk

POLICY SW11 ECOLOGICAL REQUIREMENTS FOR ALL NEW DOMESTIC AND COMMERCIAL DEVELOPMENTS

1. Sustainable drainage systems will be installed in all major developments unless there is clear evidence that this would be inappropriate and will be proportionate and appropriate to the site, where possible to promote the use of multifunctional space to create a healthy environment for people.
2. Sustainable drainage systems will be planted with appropriate plants to encourage a biodiverse habitat, and designed for maximum amenity, using the guidelines and checklists of the CIRIA SuDS Manual 2015 or its successors, and the Essex SuDS Design Guide.
3. Water reuse and recycling and rainwater harvesting and surface water harvesting should also be incorporated wherever feasible to reduce demand on mains water supply.
4. It is the preferred option that foul drainage for all new development is connected to the mains sewerage system
5. Hedgehog holes should be provided in fences to allow for wildlife to increase its range and access to gardens and green spaces in the town. Roosting, nesting and bat boxes should be provided on all new developments.

This policy supports the Neighbourhood Plan Objectives 2,3,4

9. INFRASTRUCTURE DELIVERY

9.1 A Neighbourhood Plan may only deal with planning matters. In the most simplistic terms, this means matters which involve planning applications for the development and the use of land.

9.2 As well as the design and layout of the building works, the planning authority must take into consideration the surrounding infrastructure and, where necessary, make provision of additional infrastructure a pre-requisite for the development itself. The NPPF sets out the relationship between the provision of such infrastructure and the planning process in Section 8: “Promoting healthy and safe communities”:

NPPF Paragraph 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, [...];*
- b) are safe and accessible, [...]; and*
- c) enable and support healthy lifestyles, [...]*

NPPF Paragraph 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

9.3 In very practical terms much of this infrastructure is delivered through developer contributions in the form of Section 106 agreements (S106), or the Community Infrastructure Levy (CIL), or a combination of the two. Whilst the process of calculation of each is different, the end result of both is a financial contribution which is linked to and mitigates the impact on existing infrastructure which is caused by new development. At the time of adoption of the SWNP, the District Council uses S106 and is reviewing the introduction of CIL. The SWNP supports the introduction of CIL.

9.4 Developer contributions are dealt with by the planning authority; however, a neighbourhood plan may describe what additional infrastructure is required to make proposed development sustainable, and how it ought to be delivered.

9.5 The following sections, on transport infrastructure, sport and recreation, arts and cultural spaces, and education and healthcare facilities set out measures which are in part beyond the direct control of the Neighbourhood Plan, but which should form the basis of infrastructure delivery as implemented by the district and county councils.

10. TRANSPORT INFRASTRUCTURE

10.1 INTRODUCTION

10.11 1 The NPPF requires development plan makers to consider transport infrastructure:

NPPF Paragraph 102: “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”*

NPPF Paragraph 103: “The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

10.12 Traffic congestion in Saffron Walden is of great concern, particularly in relation to transport in the east of the town, as businesses find it less appealing to use sites in the east because access is difficult. Employment sites in the east of the town are important for the economy and surrounding congestion must not become a factor which causes their loss.

10.13 The high level of congestion has meant that the key junctions in the centre of the town operate over capacity and as a result much of Saffron Walden is designated as an Air

Quality Management Area (AQMA).⁵¹ The District Council has a statutory obligation to monitor the air quality, to seek ways to improve the air quality, and to report to DEFRA on progress.

Map showing the AQMA, which corresponds with the busiest streets for traffic as illustrated above.

10.14 In practice, the ambitions of planners to plan positively to reduce traffic congestion and to improve air quality in Saffron Walden are limited by the following cascade of constraints:



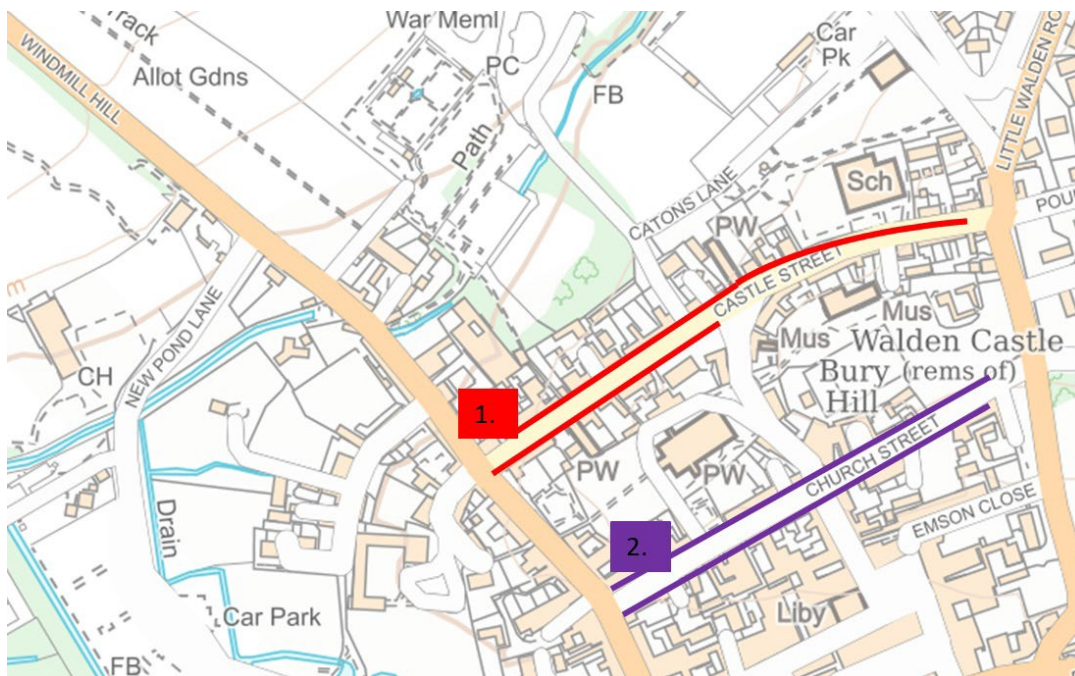
- Public transport networks are relatively poor, reflecting its position in a rural area. County Council funding for public transport is under pressure, and spending is forecast to reduce rather than to increase;
- As a consequence of limited public transport availability, it is very difficult to manage day to day living without the means of private transport. Therefore, car ownership and use in Saffron Walden is relatively high compared to the national average (83% of households have access to a vehicle, compared to 75% in England as a whole).

⁵¹ Appendix 2 provides further information on the AQMA.

- In parallel to the above, the imbalance between the cost of housing in the town and the average wages paid in Saffron Walden mean that high volumes of residents commute out each day to achieve the salaries necessary to afford housing in Saffron Walden. Meanwhile many people who work in Saffron Walden cannot afford to live in Saffron Walden so commute in from elsewhere each day. Inevitably almost all of these people travel by private car.
- The key destinations of Cambridge, Harlow, the M11 (for London) and Audley End Station can only be accessed from the North, West and South of the town whilst the greatest portion of the town, and the area which has seen almost all of the recent development, is towards the east.
- The streets through which most traffic must filter when travelling in or out of the town are simply the original medieval cart tracks, paved over. They go through the historic core of the town and are narrow, leaving little room for pavements. Cars jostle for space and lorries physically block the streets, and regularly strike the listed buildings. The streets are unsuitable for modern-day levels of traffic.
- Finally, various transport assessments have been carried out by Essex Highways (the most recent and fully comprehensive being the Uttlesford Local Plan Highway Impact Assessment October 2013, and subsequent reviews and updates). Each one has failed to find a solution, with the conclusion of each being that the medieval layout of the town, with all routes eventually directing traffic through the AQMA, makes it impossible to resolve the air quality simply by re-routing, and/or speeding up the traffic. The Impact Assessment conclusions note: *“The analysis suggests that if all the [proposed] measures were implemented, some of the key junctions in the Saffron Walden road network would be likely to accommodate the additional traffic resulting from the ULP [Uttlesford Local Plan] developments. However, three junctions in the town would continue to operate over capacity, and it has not been possible to identify further enhancements due to highway land constraints. These are: High St/George St; High St/Church St; Mount Pleasant Rd/Debden Rd”*.

10.15 The images below illustrate these constraints:

Map highlighting the main through roads through the town (the High Street) and the small side streets by which vehicles of all sizes access the east of the town. The numbers 1-4 reference the streets through which most traffic travelling to or from key destinations must pass.



Photographs of the roads marked 1-4 on previous map.

1. Castle St – has parking on the right and single file /one-way traffic on the left with narrow pavements



2. Church St/High St – is single lane but widens to two lanes at the junction. However, the junction is narrow so it is difficult for two larger sized cars (or a car plus a van) to exit at the end simultaneously. The pavements are narrow.



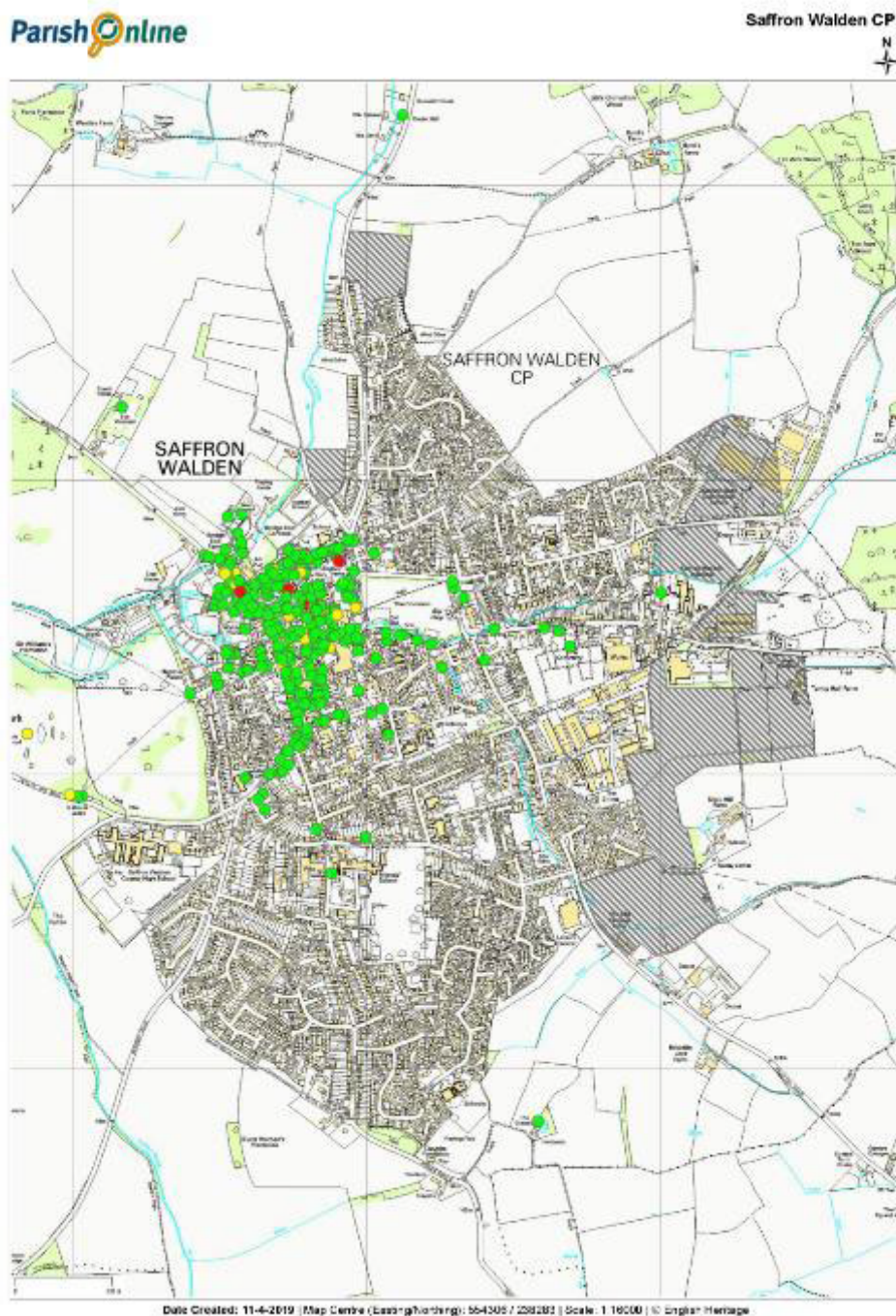
3. George St/High St has space for single file /one-way traffic and very narrow pavements. Whilst the space accommodates cars, lorries must cross the kerb and they regularly strike the buildings either side of the junction as they turn.



4. Audley Road is single lane and one way but widens to two lanes at the end



Map showing the location of the listed buildings, which are predominantly in the busiest streets for traffic.



OS PSMA LICENSE NUMBER: 0100057521

10.16 The ECC Saffron Walden Traffic Study Update of May 2017 shows that committed development and allocated sites will leave the core junctions in Saffron Walden over capacity by 2031. The conclusion of the update states: *“Following a very simplistic assessment of further major infrastructure and development it is also concluded that, should any further development sites be promoted to the south and east of the town more sophisticated traffic modelling would be required in order to identify the traffic impacts and infrastructure required to mitigate those impacts. This could form part of a Local Plan review of the town, at which time modal shift opportunities would be explored.”* Rather than waiting for a Local Plan review to explore ways of encouraging people to walk or cycle rather than drive, the SWNP makes its own proposals.

10.17 The various transport assessments carried out by Essex Highways conclude that encouraging more people to walk or cycle as often as possible for journeys made within the town would be the only way to improve air quality and congestion. The 2013 Impact Assessment says: *“In addition to the identified mitigation measures, it is recommended that demand management methods are investigated in order to reduce overall traffic flows in the town. Activities such as travel planning [...] would help to improve awareness of alternative travel modes and encourage a shift towards non-car modes of travel and reduce traffic congestion in town”*. This is a logical conclusion which would apply to any market town.

10.18 As required by DEFRA, the district council has in place an Air Quality Action Plan 2017-2022 (AQAP), with seven measures identified as key to success.

10.19 Of the seven measures, three involve encouraging public and private fleet operators to switch to low emission technology. Naturally the SWNP is supportive of these.

10.1.10 One of the measures involves improvements around infrastructure for vehicles:

- *To work with ECC Highways to develop a scheme of measures aimed at improving junction capacity within the AQMA identified to be necessary as part of the emerging Local Plan once adopted.*

The SWNP is supportive of this, provided that the improvement to junction capacity does not have unintended consequences, for example:

- Any measure which speeds traffic through one junction may lead to more traffic idling at the next junction;
- Measures which result in increased traffic in the town centre or where there are a substantial number of people or historic buildings;
- Infrastructure changes which remove parking to speed up traffic can be undesirable because they make walking and cycling feel less safe, ultimately reducing the numbers of pedestrians and cyclists and increasing traffic to fill the space available, at the same time returning congestion and pollution to previous levels; and

- Changes which create one-way systems can be undesirable because they create longer journeys and thus additional congestion and pollution, as well as adversely affecting sustainable transport uses.

10.1.11 The remaining three measures involve aspirations around sustainable transport. They are:

- *To work with ECC to facilitate the provision of new cycle/pedestrian routes and cycle storage and promote the routes available.*
- *To assist ECC in working with local schools and businesses in the review and upgrading, or developing and promotion of travel plans.*
- *To encourage ECC to procure bus services with integrated timetables, high quality facilities, and a frequent and reliable service linked to the rail service at Audley End. Information on Public Transport services to be readily available in UDC buildings and via the website. To encourage ECC to set emission standards for new and existing buses.*

The SWNP fully supports these aspirations and makes proposals in practical detail which can convert them from aspiration to reality.

10.1.12 Other aspects of the SWNP also aim to address traffic congestion and associated pollution issues including:

- Policies SW1 and SW2, which seek to improve affordability of housing to reduce in-commuting for jobs in town;
- Policies SW8, SW9 and SW10, which seek to encourage the creation of more highly-paid roles in Saffron Walden to reduce out-commuting;
- Policy SW5, which seeks to encourage convenience stores in neighbourhoods so as to reduce car journeys for small shopping trips; and
- Policy SW4 which seeks to maximise the number of charging points in the town, to help encourage residents and commuters to switch to electric vehicles.

10.2 IMPROVING SAFETY FOR PEDESTRIANS AND CYCLISTS

10.2.1 In addition to improved air quality, an increased take-up of sustainable modes of transport will help improve the physical and mental well-being of the community as a whole, through exercise and the sense of community that is gained by walking and cycling.

10.2.2 A well-connected neighbourhood can encourage sustainable journeys. Where connections that can be made on foot or bicycle are quick and convenient, people are more likely to choose these modes of travel. Where footpath connections are not short, residents may find themselves forced to take longer routes and consequently choose to travel by car.

10.2.3 In order to achieve the SWNP objectives, the town must offer an excellent walking and cycling network between and throughout the residential areas and the town centre, with special consideration to be made for school children and the elderly.

10.2.4 The SWNP proposes a “wish list” of infrastructure solutions which would make walking and cycling more attractive in the town. This has been drawn up by local residents, particularly families with children, and is listed in Appendix 3. The SWNP encourages Essex Highways to engage and consult with these proposals. If the District Council adopts the Community Infrastructure Levy and a long-term infrastructure delivery plan is drawn up these proposals should form an integral part of the plans.

10.2.5 The *Manual for Streets* published by The Department for Transport (DfT) sets out a user hierarchy to be applied to the design process, with pedestrians being considered first when designing, building, retrofitting, maintaining and/or improving streets.⁵²

10.2.6 The *Manual for Streets* states that works to streets should be designed to keep vehicle speed at or below 20mph in streets and places with significant pedestrian movement unless there are overriding reasons for accepting higher speeds⁵³. This is backed up by the *Essex Design Guide* and is policy across Essex.

10.2.7 For clarity, all streets within the development limits of Saffron Walden are considered to already have, or wish to attract, significant pedestrian movement. Therefore, the SWNP supports all streets, both existing and yet to be built, being designed to keep vehicle speeds at or below 20mph. Some methods of achieving this, for example speed bumps, have since been discovered to be counter-productive. Thus, when designing new schemes, the best-known methods for achieving slower traffic speeds should always be used, bearing in mind the experiences of other local authorities which have already rolled out this measure.

10.2.8 In previous years, police policy was sometimes to object to porosity of developments on grounds that porous developments make it easier for crime to be committed and for criminals to escape along alleyways. Since then the police have issued new guidelines *Secured by Design – New Homes 2019*. These guidelines recognise that permeable developments are better for residents, and that it is possible to ‘design in’ crime reducing measures, for example by ensuring that all footpaths are well lit, are set out where they are overlooked, and surrounding landscaping planting is low. Moreover, as the police make increasing use of drones (something supported by 84% of the population according to DfT research⁵⁴) a good network of footpaths need not be an obstacle to catching criminals.

10.2.9 Essex County Council, as the Highways Authority, has the final say in which highways schemes may be implemented. The barriers to the implementation of new pedestrian and cycling infrastructure are largely due to financial constraints. The SWNP is supportive of projects that will provide separate space for walking and cycling between Saffron Walden and neighbouring settlements, which is away from motorised road traffic and encourages creative thought on how these may be funded and implemented.

⁵² Manual for Streets Table 4.1

⁵³ Manual for Streets paragraph 6.3.19

⁵⁴ *Department for Transport Research and analysis Transport and transport technology: public attitudes tracker* published 26th October 2018

POLICY SW12 PROMOTING WALKING AND CYCLING

1. Development proposals which retain, enhance or incorporate safe, attractive and direct walking and cycling routes on site as appropriate and which appropriately mitigate the impact of additional transport movements in the parish created through the development scheme will be supported.
2. New developments must meet the following criteria:
 - a) New footpaths, footways and cycleways are designed and built to a standard that they can be adopted by Essex County Council Highway Authority, or as an exceptional measure by Saffron Walden Town Council via a dedication under Section 30 of the Highways Act. In the event of the latter Saffron Walden Town Council will seek a reasonable funding contribution for future maintenance;
 - b) All new developments are designed to be permeable, in order to encourage and enable pedestrians and cyclists to walk or cycle by the shortest route; and
 - c) Footpaths on new developments conform to recommendations made by Homes 2019, Version 2, 2019 or a later equivalent.
3. For developer contributions to any off-site highways schemes or improvements:
 - a) The scheme design will conform to the hierarchy outlined in the NPPF which is to give priority to pedestrian and cycle movement first, then facilitate access to high quality public transport as far as possible including catchment areas and facilities to encourage such use and private vehicles last.
 - b) Until or unless an up to date highways study is carried out, when prioritising schemes selecting schemes for funding, consideration should be given to the Uttlesford Cycling Action Plan or the SWNP infrastructure schemes.

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

10.2.10 Travel Plans are projects run with the aim of encouraging people to adopt environmentally sustainable ways of getting about. Developers must deliver them for significant developments, and schools and businesses are encouraged to have up to date plans for their employees and pupils.

10.2.11 The SWNP supports and encourages effective Travel Plans, and the Town Council, which has the longest-term interest in the well-being of the citizens in the town, is keen to deliver travel plans in cases where otherwise they would be delivered by a developer or a company which is based elsewhere.

10.2.12 Travel plans must include measurable objectives.

POLICY SW13 TRAVEL PLANNING

Where developments will or are likely to generate significant amounts of movement and are required to provide a travel plan, it is expected that the travel plan will:

1. Include provision, where appropriate, for the funding and delivery of necessary, sustainable travel initiatives.
2. Travel plans must have measurable objectives.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

10.3 IMPROVING PROVISION OF PUBLIC TRANSPORT

10.3.1 Buses have a positive impact on the environment if they are used by many people, even if the technology they use is not the most environmentally friendly. If they are not heavily used then they only have a positive impact on the environment if the technology is environmentally friendly. If they are both heavily used and have environmentally friendly technology then they have an extremely positive impact on the environment. Low Emission Vehicle (LEV) technologies for other fleets both public and private would improve the air quality in Saffron Walden.

10.3.2 A recurring theme during public consultations was complaints over the timetabling of the bus services in and around Saffron Walden. A lack of Sunday services and the way that buses to and from the railway station are closely timetabled, with long gaps in between, was of particular importance to the respondents. Provision of buses must include the hamlet of Little Walden as well as Saffron Walden town.

10.3.3 At a national level, bus services are usually subsidised by public authorities. Stansted airport is located in Uttlesford, which means that Essex's spend on buses in Uttlesford is higher than elsewhere because the airport is a regional destination, although this may or may not be of direct benefit to Uttlesford residents. In general, public spending on public transport greatly favours residents of London over people living everywhere else in the country. The Institute for Public Policy Research reported in November 2018 on the public spending per capita for public transport.⁵⁵

⁵⁵ <https://www.ippr.org/news-and-media/press-releases/transport-spending-has-risen-twice-as-much-per-person-in-london-than-in-the-north-since-launch-of-northern-powerhouse>

All figures are in real terms. Figures include capital and revenue; local and central government. Table: Public transport spending per person by region, real terms

Region	2013-14	2014-15	2015-16	2016-17	2017-18
London	£693	£701	£906	£929	£1,019
East	£253	£265	£348	£330	£402

10.3.4 The UK government has committed to move to a net zero carbon emissions economy by 2050. People living in rural areas such as Uttlesford will always have to travel by vehicle for many journeys because the distances involved will often prohibit walking and cycling. In the long-term all private vehicles should be environmentally friendly. It will take a while before the charging infrastructure is in place for all road users to take this up and for the national stock of vehicles to evolve so that it is a financially feasible option for all drivers to make the switch. Therefore, in the medium-term transitional period at least, it is reasonable to expect that provision of public transport must be enhanced, and therefore it is reasonable for the SWNP to campaign for increased funding and provision of public transport.

10.3.5 Bus services fall under the remit of Essex county Council. A comprehensive review and report of the bus services was carried out for the SWNP by Dr David Corke in July 2018 and the recommendations therein are supported by the SWNP.⁵⁶ Furthermore the SWNP will advocate to ECC to implement the recommendations, or the recommendations made in any subsequent report by Dr Corke.

POLICY SW14 IMPROVING PROVISION OF PUBLIC TRANSPORT

Where appropriate, developers will be expected to take every available opportunity to promote the use of public transport including identifying and protecting routes and delivering services and infrastructure to widen transport choice and accessibility to key destinations from the location of the site

This policy supports the Neighbourhood Plan Objectives 1,2,3,5

⁵⁶ <http://www.corke.biz/Walden%20Bus%20Report.pdf>

10.4 RESTRICTIONS THROUGH THE PLANNING PROCESS

10.4.1 Heavy goods vehicles moving through Saffron Walden have impacts other than pollution:

- The roads are too narrow for the length of the vehicles, which means that they cannot turn some corners without crossing the kerb, putting pedestrians at danger of being knocked down;
- The weight of the vehicles shakes the listed buildings within the Conservation Areas causing structural damage;
- The height of the vehicles causes them to occasionally clip the facades of the buildings which are very close to the road, causing severe damage and potentially rendering these listed buildings uninsurable; and
- The weight of the lorries damages the surface of the roads⁵⁷, especially in cases where multiple manoeuvres are required to make a left or right-hand turn in a tight space.



This photo taken in the summer of 2018 shows a lorry turning right into George Street from the High Street, and crossing the kerb, almost clipping the adjacent listed buildings. This illustrates the

⁵⁷ Source: *Campaign for Better Transport: Lorries cause more damage to roads than cars (13.3.2017)*, “the Generalized Fourth Power Law is the most commonly agreed method to approximate the relative impact of vehicles on roads [...] a six-axle, 44-tonne truck is over 138,000 times more damaging than a typical, small, 1 tonne car (such as a Ford Fiesta) with two axles.”

unsuitability of the medieval streets for heavy goods vehicles. Moments before this picture was taken, a mobility scooter user on the pavement had a narrow escape from being hit by the lorry. Large numbers of lorries use this junction each day making the pavement dangerous for pedestrians.

10.4.2 A last-mile delivery service or other consolidated delivery initiative which would potentially reduce heavy goods traffic through the town centre would benefit people and buildings, reduce congestion and improve air quality. The location of a depot for such a development would naturally need to be carefully considered so as not to create unintended consequences and worsen traffic.

POLICY SW15 VEHICULAR TRANSPORT

1. Further developments which are beyond the east of the town's development limits and which will generate additional traffic movements through the town will only be supported if:
 - a) It can be demonstrated that they will not increase congestion by the capacity measures used in the Uttlesford Local Plan Highway Impact Assessment October 2013; and
 - b) It can be demonstrated through an Air Quality Assessment, that the proposed development takes account of, and mitigates as necessary and appropriate, any impacts of air quality on achieving a suitable residential environment and also any impacts of development upon the objectives of the designated AQMA.
2. Development proposals likely to generate HGV vehicle movements through the town centre may if necessary and appropriate be subject to planning conditions restricting those movements. -
3. The provision of charging points for electric vehicles for private, commercial and public transportation electric vehicles will be supported across all development types.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

11. OPEN SPACE, SPORTS AND RECREATION

11.1 INTRODUCTION

“If physical activity was a drug it would be regarded as a miracle”

Professor Dame Sally Davies, Chief Medical Officer for England

11.1.1 As well as protecting existing open space and sports and recreational buildings and land, government policy requires planners to continually review the provision of open space, sports and recreation facilities and to plan positively for additional provision where there is need:

NPPF paragraph 98: “Access to a network of high quality open spaces and opportunities for sport and physical activity make an important contribution to the health and wellbeing of communities and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.”

11.1.2 Uttlesford District Council produced a Sports and Open Spaces strategy via a suite of documents dated 2019.

11.1.3 Subject to three considerations, The NPPF allows Neighbourhood Plans to identify and designate Local Green Space:

NPPF Paragraph 101: “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”

NPPF Paragraph 102. “The Local Green Space designation should only be used where the green space is:

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

NPPF Paragraph 103: Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

11.1.4 The quantity standard recommended to UDC in the Uttlesford District Council Open Space Standards Paper is summarised on page 12 of that paper and is reproduced below:

Table 3.4.3: Recommended quantity standard

Typology	Quantity standard (hectares per 1,000 population)
Parks & gardens	0.10
Natural & semi-natural greenspace	5.81
Amenity greenspace	1.60
Provision for children & young people	0.10
Allotments / community food growing	0.20

11.1.5 Parks and Gardens are described in the Assessment as *“urban parks and formal gardens (including designed landscapes) which provide accessible high-quality opportunities for informal recreation and community events.”*

11.1.6 Natural and semi natural greenspace includes woodland, scrub, grassland and other similarly natural environments which assist with wildlife conservation, biodiversity and environmental education and awareness.

11.1.7 Amenity Greenspace is described in the Assessment as *“sites offering opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas. It includes informal recreations spaces, housing green spaces, village greens and other incidental space.”*

11.1.8 Open space which is of a size which makes it fit for purpose can include the areas fitting or overlapping the categories “parks and gardens”, “natural and semi natural greenspace” and “amenity greenspace. An example is The Common, which has areas fitting into each category. For this reason, the combined quantity of provision is considered in the SWNP. By this method, Saffron Walden ought to have 7.61ha per 1,000 of the population. A holistic approach to considering the needs of people and the environment would determine the actual layout and usage of any sites coming forward, as well as any re-purposing of current space.

11.1.9 Provision for children and young people is currently predominantly delivered as playgrounds.

11.1.10 Population in Saffron Walden is most recently estimated as 16,719 and the UDC Open Space Standards Paper uses an average of 2.4 residents per household.

11.2 FORMALLY MARKED PLAYING FIELDS AND INDOOR SPORTS FACILITIES

CURRENT PROVISION

11.2.1 Provision of sports facilities in Saffron Walden has declined over recent years. Walden (Friends) School was a private school with large playing fields located in the centre of the town. The school went into administration in 2017 and the site was sold to developers. At the time of writing, the site is not developed; nonetheless the gates remain closed to sports groups which now do not have the benefit of the space. The swimming pool was drained and may now be permanently damaged. The SWNP opposes the loss of these playing fields and notes that they are protected by the NPPF, as well as the Local Plan.

NPPF Paragraph 99. "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

11.2.2 The land next to Ridgeons to the east of the town was developed into 167 dwellings and commercial buildings (planning application: UTT/16/2701). It had been the location of a youth U11/U12 (9v9) football pitch. The development caused the loss of this pitch and provided in its place a 5v5 pitch. Sport England objected to the planning application. The 5v5 pitch which was provided in its place is inadequate for use for football because it is under the correct size (does not have runoff space) and is perched on the plateau at the top of a steep hill on all sides, with an approximate drop of 2 storeys. The small space provides a very good view over the town and is popular with dog walkers but cannot be described as an adequate 5v5 football pitch because of the unsuitable location and design.



11.2.3 At the same time, no sports facilities have been provided by other recent developments in Saffron Walden, apart from the Persimmon Homes development.

11.2.4 The Open Space Assessment Report 2019 catalogues the outdoor sports facilities space in Saffron Walden as covering 3.48ha.

11.2.5 The UDC May 2019 Playing Pitch Strategy and Action Plan confirms SWNP research on the state of provision of outdoor sports facilities in Saffron Walden. It states that there is a:

- A shortfall of grass football pitches of varying sizes;
- A shortfall of 2 full size floodlit 3G football pitches;
- A shortfall of provision for cricket;
- Insecurity of tenure for Saffron Walden rugby club which is based outside of SW, and has no space within the town, and notwithstanding this, an overall shortfall of provision for rugby; and
- A shortfall in tennis courts.

The Saffron Walden Scout District further notes that there is a shortfall of open space for activities such as camping, backwoods cooking, pioneering and so on.

11.2.6 The December 2018 UDC Sports Facilities and Recreation Strategy – Indoor Needs Assessment confirms SWNP research on the state of provision of indoor sports facilities in Saffron Walden. It notes that throughout Uttlesford “Unmet demand for sports halls in Uttlesford roughly equates to 6.4% of the total demand” (page 47). It goes on to note that “Lord Butler Leisure Centre [is] operating at 97% capacity. This means that [it is] operating at uncomfortable levels and [is] probably contributing to the over-stretched capacity levels.”

11.2.7 The report goes on to note that the majority of sports halls are located on education sites and are unavailable during the day, and that a significant proportion of time is given over to outdoor sports in sports halls which reduces the availability for specific indoor sports (page 56). It concludes that increasing outdoor sports provision would improve availability for indoor sports.

11.2.8 There is a project currently in hand to convert a football pitch at County High School into a 3G football pitch which will fulfil half of those requirements as identified by the Playing Pitch Strategy and Action Plan.

11.2.9 Swimming facilities are assessed by the Indoor Strategy as being broadly sufficient across Uttlesford. However, this finding is inconsistent with the fact that the Saffron Walden Swimming Club (Saffron Seals) is at capacity and has to run a waiting list for new members, since the closure of the Walden School pool. The Indoor Strategy further notes that “it may

be more convenient for residents in the western part of the authority to use neighbouring authority pools as they may be viewed as more accessible” (page 65 of the Indoor Strategy).

CLOSING THE DEFICIT AND MEETING FUTURE NEEDS

11.2.10 In order to meet demand, identified by their own waiting lists and confirmed by the UDC Sports Strategies, the Saffron Walden sports groups have identified the need for a multi-sports campus, which would achieve economies of scale by hosting several different sports across one site, as well as solving important shortages in capacity by providing modern sports facilities.

11.2.11 According to research carried out by Sport England⁶⁰ one in five people in England have a long-standing limiting disability or illness. It notes that *“Disabled people say they are nearly twice as likely to be physically inactive (43%), compared with non-disabled people (21%). This inequality increases sharply as the number of impairments a person has increases, with 51% of people with three or more impairments inactive. If these population disparities are not addressed, the inequalities that already exist for disabled people will increase.”*⁶¹ Sport England strategy⁶² is to encourage facilities that take a proactive approach to increasing participation by disabled or less-able people.

11.2.12 Early stage scoping projects considered by the Saffron Walden sports groups for a multi sports campus consider that it could include around 3 rugby pitches (2 to be floodlit) and 8 junior and training pitches for rugby and football. This level of provision would enable the Rugby Club to apply to the Rugby Football Union for funding for a 3G pitch. It could also include 6 further fields for training and provision for an athletics track and field training and events. It could further include a cricket pitch for the 2nd XI, and a building which would host a sports hall, clubhouse facilities and a demountable competition standard pool. In addition, walking and running trails would also be included as part of the scheme. Saffron Striders, the running club would be able to use the facilities and therefore accept new members under the age of 17, who are currently excluded for insurance reasons because the club has to train on the pavements through the town. Likewise, WALDENTri, the triathlon club would also have a safe and permanent base to operate from. A climbing wall would be welcomed by those who prefer to participate in individual sports. Ensuring that all new facilities would be accessible for less-able and disabled athletes would be key to the design process.

11.2.13 The sports clubs and Saffron Walden Town Council are currently reviewing options for sites. Requirements for the site include accessibility by active travel modes and acceptability in planning terms (to include matters such as impact on landscape and from lighting). Land adjoining Bridge End Garden and Windmill Hill would be an example of a good location for this project, as it is in a good location for access and has been rejected by the UDC as a location for housing. This land is privately owned by a trust connected to the

⁶⁰ <https://www.sportengland.org/our-work/disability/mapping-disability/>

⁶¹ <https://www.sportengland.org/our-work/disability/why-sport-for-disabled-people-matters/>

⁶² <https://www.sportengland.org/media/13245/sport-england-towards-an-active-nation.pdf>

Fry family (who also own Bridge End Garden, on lease to SWTC). Another parcel of land which has been identified as being potentially suitable is the field immediately to the south of the Green Mile (land next to the leisure centre) with access from Thaxted Road. This belongs to the developer Kier.

11.2.14 A multi-sports campus would be subject to a community use agreement to ensure the facilities afford the widest possible access to everyone in the community.

11.2.15 All development must contribute towards the creation of new or the improvement of existing sports facilities. This would be carried out via Section 106 agreements or CIL contributions.

11.2.16 The May 2019 UDC Playing Pitch Strategy recommendation (g) “*Secure developer contributions*” sets out the clear steps that must be taken to determine the appropriate level of contribution:

“For playing pitches, the Council should use Sport England’s Playing Pitch New Development Calculator as a tool for determining developer contributions linking to sites within the locality. This uses team generation rates (TGRs) from the Assessment Report to determine how many new teams would be generated from an increase in population derived from housing growth. It then converts this into pitch requirements and gives the associated costs (both for providing the provision and for its life cycle).

The PPS should be used to help determine the likely impact of a new development on demand and the capacity of existing sites in the area, and whether there is a need for improvements to increase capacity of existing provision or if new provision is required. Where a development is located within access of existing high-quality provision, this does not necessarily mean that there is no need for further provision or improvement to existing provision, as additional demand arising from the development is likely to result in increased usage (which can result in overplay or quality deterioration).

Where it is determined that new provision is required to accompany a development, priority should be placed on providing facilities that contribute towards alleviating existing shortfalls within the locality. To determine what supply of provision is provided, it is imperative that the PPS findings are taken into consideration and that consultation takes place with the relevant NGBs. This is due to the importance of ensuring that the stock of facilities provided is correct to avoid provision becoming unsustainable and unused, such as single grass pitch football sites without adequate ancillary facilities or new cricket/rugby grounds located away from existing clubs. Instead, multi-pitch and multi-sport sites should be developed, supported by a clubhouse and adequate parking facilities which consider the potential for future AGP development. The guidance should form the basis for negotiation with developers to secure contributions to include provision and/or enhancement of appropriate playing fields and subsequent maintenance. Section 106 contributions could also be used to improve the condition and maintenance regimes of the pitches in order to increase pitch capacity to accommodate more matches.”

11.2.17 Contributions from developers may take the form of money or an equivalent value of land, depending on which is more appropriate for the circumstances.

POLICY SW16 PLAYING FIELDS AND SPORTS HALLS

1. Plans for a multi-sport site with associated sports hall, clubhouse and indoor pool will be supported, subject to the location being accessible by active travel modes and acceptable in planning terms.
2. Developer contributions will be sought to contribute towards sports provision, and the calculation will be subject to the Sport England Playing Pitch New Development Calculator and Sport England's Facilities Calculator or its successor.

This policy supports the Neighbourhood Plan Objectives 1,2,3,4,5

11.3 OPEN SPACE FOR INFORMAL RECREATION AND BIODIVERSITY

CURRENT PROVISION

11.3.1 The value of sufficient open space is not to be underestimated. The organisation Fields in Trust has quantified the value of open spaces and has identified in its 2018 report: “Revaluing Parks and Green Spaces” that across the UK adequate provision of green space amounts to a saving to the NHS of £111 million per year.

11.3.2 Adding together the sites identified in the Open Space Assessment Report, and additional sites identified by the SWNP, Saffron Walden has 19.388ha of open space for informal recreation, i.e. 1.16ha per thousand people. This includes spaces classed as Amenity Greenspace, Parks and Gardens and Natural and Semi-Natural Greenspace.

11.3.3 Combining the recommendations for Amenity Greenspace, Parks and Gardens and Natural and Semi-Natural Greenspace, Saffron Walden should have 7.51ha per thousand people which equates to 126ha in total. Therefore, the deficit is estimated to be around 107ha.

11.3.4 Recent provision in Saffron Walden has suffered from two key problems. The first is that additional provision has been vastly insufficient to mitigate the additional demand created by development. The second is that where provision has been made, it has been delivered in piecemeal parcels, often individually so small as to be unusable.

11.3.5 New developments tend to provide Local Equipped Areas for Play (LEAPs), which are small playgrounds with slides and so on, suitable for young children.

11.3.6 New developments generally also designate Local Areas for Play (LAPs) which are public open space as separate to play areas. In reality however, these are typically small parcels of land which are ‘left over’ from the developer’s preferred layouts. Their small size makes them of little use for recreation, perhaps enough for very small children to play, but not enough for adults or older children to use for recreation. At best they could be left in a natural state and would serve a purpose of environmental benefit, however this would not then be a LAP.

11.3.7 A case in point is Tudor Park, recently completed on the East of Saffron Walden (UTT/1572/12). These pictures and figures illustrate the problems referred to in paragraph 11.3.6 above.



These “LAP” spaces measure approximately 18m² (on the left) and 27m² (on the right). This size of LAP is inadequate for the purposes of recreation and therefore should not count as amenity greenspace. This development of 130 houses might accommodate 312 people (at 2.4 people per dwelling). These spaces should have provided 2.37ha of open space. Instead there was just 0.0045Ha, and that was broken down into two sections so small as to be unusable.

11.3.8 The SWNP considers that the litmus test question for whether a site is suitable for consideration as an open space for informal recreation is “Can several people use it at once for activities such as flying a kite and throwing a ball for a dog?”. If the answer is no, then it is likely to be too small to be useful for and counted as recreational space, although it may serve as a small piece of land of environmental value if for example the grass inside the fence was left long.

11.3.9 Optimum layout for public open space is an important matter and should be planned in as an integral part of the development layout, rather than just using space not wanted for housing. Where one or two fields are being developed, for example, a sensible planning method would be to put all on-site open spaces together in one central location, to ensure a maximum amenity standard and therefore optimum use.

11.3.10 The layout of the Manor Oak development places the green space adjacent to the main road, which makes them dangerous and severely limits their use. This is to be avoided in future developments.

11.3.11 Modern housing developments have much smaller gardens than older developments did. This places additional pressure on public space to provide for recreation and the wider environment.

11.3.12 In order to create a healthy environment for Saffron Walden, all new development must provide adequate outdoors space for informal recreation. Even by applying the standards in the UDC Open Space Assessment report, the current deficit will not be removed, however from this point forwards it will not worsen. In order to meet the new standards, each new development must provide 75.1m² per person of green open space for informal recreation⁶⁵.

⁶⁵ 7.51ha per thousand of population = 75,100m² per thousand of population = 75.1m² per person

POLICY SW17 OPEN SPACE FOR INFORMAL RECREATION

1. Play areas must be in locations central to the development, be well-overlooked and built in durable materials.
2. The provision of amenity green space must be in a single well-placed location and not divided into small pockets. The “Litmus Test” as described in paragraph 11.5.9 must be considered. It must also be usable; any area which is unusable, sloping or by a road should not be counted towards the greenspace requirements.
3. A fenced and dedicated dog park in Saffron Walden would be welcomed.
4. Community projects to create or regenerate outdoors community amenity space will be welcomed for consideration.
5. Development land may not be divided into separate parcels so as to reduce the overall size of the development and reduce liability for provision for amenity space.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

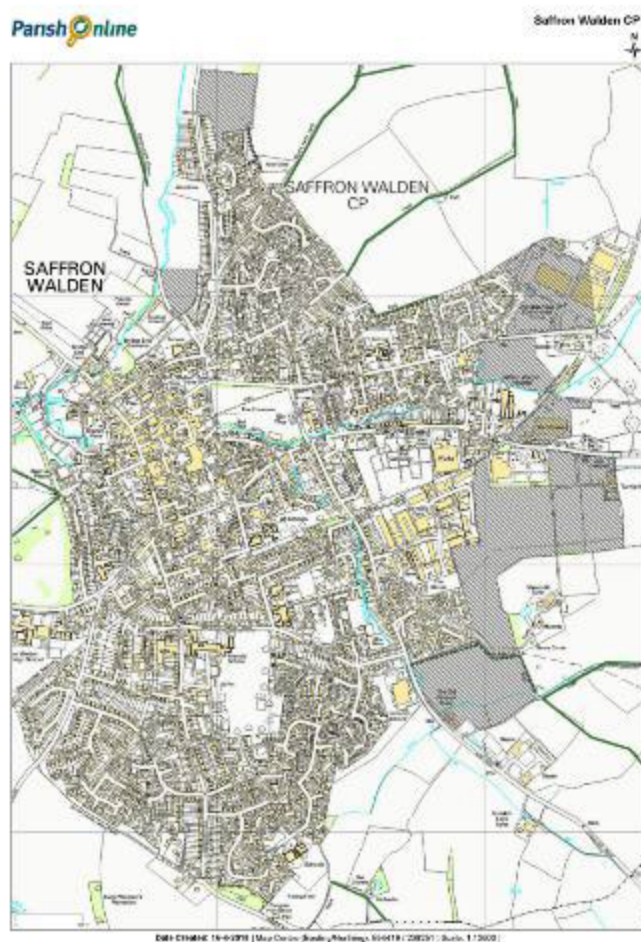
PUBLIC RIGHTS OF WAY

11.3.13 As Saffron Walden expands it becomes harder to access public rights of way across open space. While new consented development requires the preservation of rights of way, there is a huge difference in the amenity provided by a footpath through a housing development compared to a footpath at the side of a field. The picture below shows in green the footpaths radiating out through the open fields from Saffron Walden, and the greyed-out sections show areas consented for development.

11.3.14 The public rights of way within Saffron Walden and especially around the built-up areas of the town are an important asset. They provide a free-to-access escape from traffic and thus provide health and wellbeing benefits. The SWNP aims to retain these public rights of way. In retaining these rights of way, the SWNP recognises that it is not only the existence of the right of way, but also the setting, which provides the enjoyment, which must be safeguarded.

11.3.15 Where a development proposal is in a location on or near to any public right of way, careful consideration will be required for what impact the proposal may have on it and whether there is an opportunity to enhance the public right of way.

Maps showing public rights of way around Saffron Walden and Little Walden



OS PSMA LICENSE NUMBER: 0100057521

11.3.16 The HarCamLow Way is an especially important trail stretching 141 miles which provides opportunity for walking, cycling and horse riding. It is described by the Long Distance Walkers Association as *“A figure-of-eight walk, mainly on tracks and green lanes passing many places of historic interest, crossing low hills, woods and arable land via Standon and Manuden to meet the cross-over point at Newport. It continues through Saffron Walden and over the low Bartlow Hills to Horseheath and the Fleam Dyke, to enter Cambridge, the return route passing through Melbourn and Chrishall to Newport, continuing via Debden, Thaxted, Takeley and Hatfield Forest.”*⁶⁶

11.3.17 Where the HarCamLow Way adjoins Saffron Walden to the north east of the town, it passes around arable fields and travels along the brow of a hill at highest point on that side of town. Without travelling far along the path away from the built-up area, it is possible to enjoy views stretching clearly over the whole of Saffron Walden and to the countryside beyond as is illustrated in the photos below.



11.3.18 Where the HarCamLow Way adjoins Saffron Walden to the West it passes along a public right of way through Audley End Park and then turns south along a route also known as Beechy

⁶⁶ www.ldwa.org.uk



Ride. All sections of the route, whether to the north east or south west of the town are very well used by local walkers and cyclists. Saffron Walden's location as a point on this route also has potential as an additional generator of tourism. Any development along or adjacent to this route must be carefully considered in relation to the amenity value of the route

11.3.19 The amenity value of a public right of way or footpath that runs between fields is considerably greater than that of a footpath that runs along a built-up area. The tranquillity of a rural setting, and the local wide and sweeping views and sense of open space is lost when the adjacent spaces are developed. Development should consider the mitigation of any adverse effect on the amenity value of a footpath which could include the provision of landscaping for example. It should be bordered on either side by wide swathes of natural planting, such as might be suggested as appropriate for the location by Essex Wildlife Trust. This will screen off the development and provide the users with the sense that they are still in the countryside. This will also serve the dual purpose of creating a wildlife corridor.

POLICY SW18 PUBLIC RIGHTS OF WAY

1. Development that will be clearly visible from a public right of way should consider the appearance of the proposal from the right of way and incorporate substantial green landscaping to reduce any visual impacts.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

LAND OF VALUE TO THE NATURAL ENVIRONMENT

11.3.20 Saffron Walden as a whole has no publicly accessible woodland. Both the environment and the population would benefit from the creation of woodland which is freely available for the public to visit. The Woodland Trust has conducted research into the benefits of publicly accessible woodland, and recommends:

- That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size; and
- That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people's homes.⁶⁷

POLICY SW19 LAND OF VALUE TO THE NATURAL ENVIRONMENT

1. The creation of a publicly accessible woodland adjacent or very close to the town of Saffron Walden would be supported.

This policy supports the Neighbourhood Plan Objectives 2,3,4,5

⁶⁷ Woodland Trust's Woodland Access Standard: Published in *Residential developments and Trees A guide for planners and developers* January 2019

12. ARTS AND CULTURAL FACILITIES

12.1 The strong arts and culture community in Saffron Walden is an asset to the town and continuing support for it meets the objectives of the SWNP.

12.2 On an economic note, public art and cultural events can and do boost and build upon the town's aesthetic appeal, increasing local and visitor footfall and providing commercial opportunities for local businesses. This helps the town to remain economically active and self-sustaining.

12.3 Public art and cultural events contribute to helping people live healthy lives. An Inquiry Report published in July 2017 by the All-Party Parliamentary Group on Arts, Health and Wellbeing delivered three key messages: 1) "The arts can help keep us well, aid our recovery and support longer lives better lived." 2) "The arts can help meet major challenges facing health and social care: ageing, long-term conditions, loneliness and mental health." 3) "The arts can help save money in the health service and social care".

12.4 This finding is endorsed by Government planning policy

NPPF Paragraph 93: "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;"

12.5 Publicly accessible art and cultural events help to sustain the market town feel of Saffron Walden, which is enjoyed by residents and visitors alike. Proposals for cultural events will be supported, especially those that can be accessed by individuals and families on low incomes.

12.6 The town benefits from a strong and varied diary of community events, all free to attend, including: a tri-annual 8-day carnival, a tri-annual Maze Festival, and the tri-annual Fete de la Musique. The market square hosts an annual Dance in the Square, Cinema in the Square and Christmas Lights events. The annual firework display is held on The Common

12.7 The town also has the Fry Art Gallery, Saffron Walden Castle and the Museum, Bridge End Gardens, Saffron Hall (a globally recognised concert hall) and a local community cinema, Saffron Screen. An English Heritage site, Audley End House, lies just outside the town. Local amateur theatre groups stage performances at the Town Hall.

12.8 Most of the events and organisations are staffed wholly or in great part by volunteer groups including Saffron Arts Trust, Saffron Walden Initiative, Saffron Walden

Round Table, Saffron Hall Trust and Saffron Walden Community Cinema Ltd, and numerous other arts groups.

12.9 The arts and culture groups have identified gaps in infrastructure which, if filled, would enable them to further broaden their offer. These gaps include more space for studio bookings, art and cultural exhibitions, stage shows and concerts, and more capacity for film screenings.

12.10 Saffron Walden Museum is the district museum service for Uttlesford, operated by Uttlesford District Council under a management agreement with Saffron Walden Museum Society Ltd (a registered charity). The grounds of the Museum, a grade II listed building, built in 1834, sit in the bailey of Walden Castle, and the whole site is a Scheduled Monument. Historic England has carried out a major conservation project to enable the Castle keep to be opened to the public. The Museum has long-term plans for upgrading and expanding its offer and has already been granted Resilient Heritage lottery funding. This funding will enable the Museum to explore ways to develop and improve the Museum building (sympathetically to and within the restrictions of its site), and to develop and improve its service and activities, with the aim of increasing visitors, community engagement, income and sustainability, and ultimately to solidify its position as the 'heritage hub' of the town and the district. The SWNP fully supports this project.

12.11 Saffron Screen is a 200-seat single screen community cinema based at County High School. The service it provides is constrained by the fact that it shares a hall with the High School; for example, it cannot get new films because they must be shown for 7 consecutive days and the hall does not have the bookings capacity to offer this. Ideally, in order to achieve economies of scale for management, and provide the fullest programme, it seeks a site whereby it can have 3 screens of approximately 160, 120 and 80 seats. A further flexible area could be used for other events such as exhibitions, courses, and meetings. A café/bar area would be essential for revenue and to enhance the visitor experience. The current location at the High School is on the edge of the town, so visitors tend to drive to it and then return straight home after the screening. A new site within the town would encourage people to walk or use the town centre public car parks and this would boost the evening economy in the town centre

12.12 Fairycroft House is an arts and media centre within the town. A 19th Century building, formerly a large home, since the 1950s it has hosted youth activities and in 2016 was sold by Essex County Council to a Community Interest Company (CIC). It serves all age groups and offers a range of arts and media activities including music, singing, dance and drama, as well as youth counselling services. It has soundproofed rooms for bands to practise, a professional-level recording studio, and larger multi-use rooms. The CIC has plans for expansion over the next two years (from 2019) and has identified a number of changes that can be made to the building which will increase capacity and extend the possibilities for usage for various events and classes.

12.13 The Tourist Information Centre (TIC), run by the Town Council, provides a huge service to visitors and residents, with ticket sales and other services for residents complementing the services for visitors. Some 118,000 people visit the TIC each year. The space currently available to the TIC is limiting expansion of services.

12.14 Current planning policies seek to transform town centres away from being 'retail-only' spaces and more towards being 'community gathering' spaces. These community gathering spaces will include retail, work, leisure and living units, and can return town centres to the vibrant locations they were before large out-of-town sites became dominant.

12.15 As a way of filling the gaps in the cultural infrastructure as identified by the arts groups, and to meet with current planning policy thought, the SWNP would welcome the construction of additional multi-purpose arts centre space in Saffron Walden. A town centre location for this would be essential to encourage cross-usage with other arts venues and local businesses and to ensure that the town centre as a whole can gain a maximum benefit from the project.

12.16 Fairycroft House successfully provides arts groups with space for classes, rehearsals and performances. For the purpose of policies on arts facilities, the footprint of the Fairycroft site is considered to be 'town centre'.

POLICY SW20 ARTS AND CULTURAL FACILITIES

1. A community cinema and/or an arts centre would be supported, subject to it being in a town centre location or at or next to the Fairycroft site

This policy supports the Neighbourhood Plan Objectives 1,2,4,5

13. HEALTHCARE

13.1 Alongside the medical practices, the NHS has responsibility for provision of healthcare and sets the rates that developers pay to mitigate additional demand created by development. NHS property Services will work with the clinical commissioning group and NHD bodies to understand the relationship growth has with their services and what this means for preparing a development strategy.

13.2 Healthcare provision in Saffron Walden is provided by two GP surgeries and some services available at the Community Hospital. The hospital has one geriatric wards but otherwise offers out-patient care only. The nearest maternity services are at Addenbrookes Hospital in Cambridge (14 miles away), and Princess Alexandra Hospital in Harlow (33 miles away) and for mental health services patients must either travel out of town or see staff who travel into the town specifically for appointments. The nearest walk-in health centre is in Bishop's Stortford (11.5 miles away) and the nearest 24hr and A&E care is in Cambridge.

13.3 Both GP practices are split across two sites, with one in Saffron Walden and the other in Great Chesterford, 4.5 miles away. Both practices are based in old buildings which are not easily enlarged. Public consultation for the SWNP revealed high levels of concern that doctors' surgeries are overstretched and that the town needs a bigger and more sophisticated 'state of the art' health centre.

13.4 The response made by the West Essex Clinical Commissioning Group to a major planning application in 2018 (UTT/18/0824/OP) confirms that primary healthcare provision in Saffron Walden is already under capacity by almost 500m².

13.5 Saffron Walden has several dental practices; however, in consultations residents regularly note that there are not enough NHS appointments available. Additional NHS practices would be welcomed.

POLICY SW21 HEALTHCARE

1. Planning applications and provision for a community health centre in the town of Saffron Walden will be supported, subject to the following criteria:
 - (a) The site is accessible by public transport;
 - (b) The site is accessible on foot;
 - (c) The site is accessible by car; and
 - (d) Sufficient parking is provided.
2. The creation of a combined community health centre at the current community hospital will be supported.

This policy supports the Neighbourhood Plan Objectives 1,2,5

APPENDICES

APPENDIX 1 – STRATEGIC LOCAL PLAN POLICIES

UTTLESFORD DISTRICT COUNCIL CONSIDERS THE FOLLOWING ADOPTED LOCAL PLAN (2005) POLICIES “STRATEGIC” FOR THE PURPOSES OF NEIGHBOURHOOD PLANNING:

- Policy S1 Development Limits for the Main Urban Areas
- Policy S3 Other Development Limits
- Policy S4 Stansted Airport Boundary
- Policy S7 The Countryside
- Policy GEN 1 Access
- Policy GEN 2 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 persistent under delivery of housing)
- Policy H 3 New Houses within Development Limits
- Policy H 9 Affordable Housing
- Policy H 11 Affordable Housing on “Exception 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

ESSEX COUNTY COUNCIL CONSIDERS THE FOLLOWING POLICY OF THE ESSEX MINERALS LOCAL PLAN (2014) “STRATEGIC” FOR THE PURPOSES OF NEIGHBOURHOOD PLANNING

- POLICY S8 Safeguarding mineral resources and mineral reserves

ESSEX COUNTY COUNCIL CONSIDERS THE FOLLOWING POLICY OF THE ESSEX AND SOUTHEAST ON-SEA WASTE LOCAL PLAN (2017) “STRATEGIC” FOR THE PURPOSES OF NEIGHBOURHOOD PLANNING

- POLICY 2 Safeguarding waste management sites and infrastructure

APPENDIX 2 – AIR QUALITY MANAGEMENT AREA

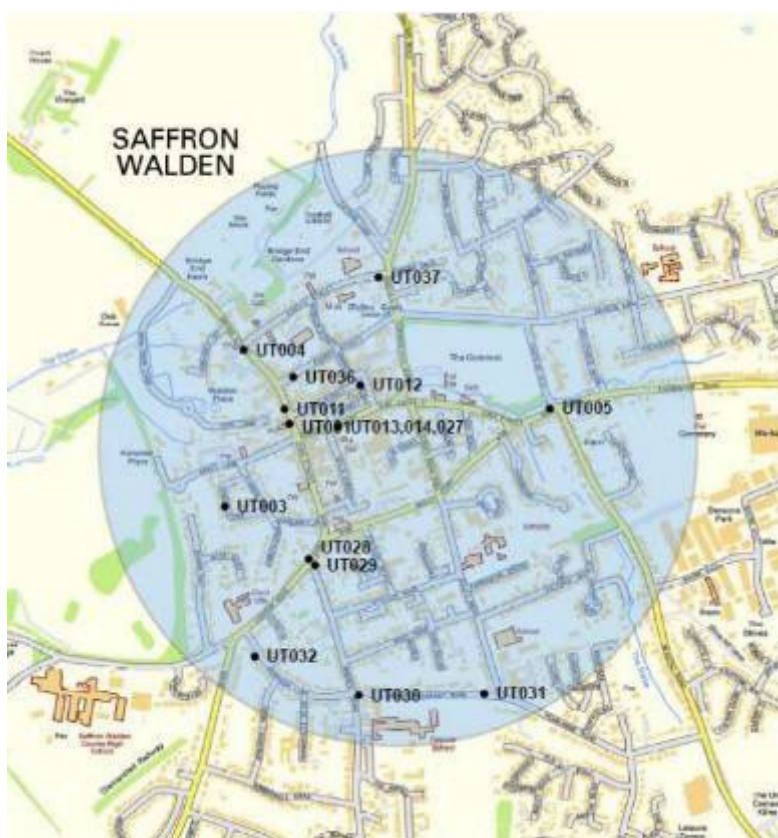
Defra Website July 2018 www.uk-air.defra.gov.uk:

Since December 1997 each local authority in the UK has been carrying out a review and assessment of air quality in their area. This involves measuring air pollution and trying to predict how it will change in the next few years. The aim of the review is to make sure that the national air quality objectives will be achieved throughout the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment.

If a local authority finds any places where the objectives are not likely to be achieved, it must declare an Air Quality Management Area there.

In 2009 Defra declared 3 small Air Quality Management Areas (AQMAs) in Saffron Walden.

In 2012 further monitoring of air quality in Saffron Walden resulted in a larger AQMA being declared which covers the central area of the town. The figure below illustrates the radius.



Source: Uttlesford District Council Air Quality Action Plan 2017-2022,

Figure 3 Map of AQMA Boundary showing diffusion tube locations



APPENDIX 3 – TRANSPORT WISH LIST

Sustainable development must take into account the health and well-being for future generations as well as meeting immediate needs.

For reasons of improved mental and physical health and wellbeing, sustainable development is therefore inextricably linked to the reduction of private car journeys and a “modal shift” towards walking and cycling as much as possible, and towards public transport where distances are too far for these first options.

The Saffron Walden Neighbourhood Plan supports the following infrastructure improvements to help encourage people to walk or cycle for shorter journeys. This is not an exhaustive list and is in no particular order.

FOR CYCLISTS

	Location	Description
1.	Battle ditches from Abbey Lane to Saxon Way -	Widen existing tarmac path to permit cycle path (no need to separate) along top of battle ditches, as per 1998 ECC Cycle Strategy proposal, which establishes continuity between the town centre and the cycle route along Wenden Road (via Abbey Lane, the battle ditches and Saxon Way)
2.	Abbey Lane	Make two-way for cycling up to High St junction
3.	Gold St	Make 2-way for cyclists. Enables cyclists to reach the town centre from the south avoiding the High St / George St junction
4.	Audley Road	Make 2-way for cyclists between Station Street and Faircroft Road (change of signs and signage on carriageway or formal path as preferred)
5.	Market Row	Make 2-way for cyclists
6.	Museum Street	Make 2-way for cyclists
7.	London Road / Gibson Gardens	Remove cycle prohibition on cut through behind UDC offices
8.	King Street	Possibly introduce an advisory lane or just allow 2-way cycling (change of signs and signage on carriageway)

9.	South Road	Make 2-way for cyclists (change of signs and signage on carriageway - space for formal cycle path in parts potentially?)
10.	Market Hill	Make 2-way for cyclists (change of signs and signage on carriageway - no space for formal cycle path)
11.	High St / Park Lane	Cycle access on cut through between High St and Park St - dropped kerb if not installed as part of High St crossing
12.	Ashdon Road	On wide pavement on south side, delineate part as cycle path between Elizabeth Way and Hollyhocks Road - should just require white line and carriageway markings
13.	Hinxton to Saffron Walden	Introduce cycle route
14.	Wimbish to Saffron Walden	Introduce cycle route

FOR PEDESTRIANS

	Location	Description
1.	Church Street / Museum street / Market Hill	Improve the crossing facilities at this junction
2.	Debden Road junction w. London Road	Improve the crossing safety at this junction e.g. by introducing a pedestrian refuge
3.	Audley End Road between Copperfields and County High School	Improve the desirability of this footpath; upgrade the surface from mud to tarmac and add lighting
4.	Market Square	Part or wholly pedestrianise
5.	Junction of Castle Street and High Street/Bridge Street	Improve the crossing safety at this junction
6.	Raised table across Ashdon Road at De Bohun Court	Formalise crossing point by e.g. by making it a zebra crossing
7.	Junction of Highfields and Ashdon Road	Make it safer to cross Ashdon Road at the bottom of Highfields
8.	Little Walden Road by Caton Lane	Add double yellow lines to make this junction safer
9.	Ashdon Road north side between Whiteshot Way and Harvey Way	Formalise desire line (mud path) and install tarmac footway

10.	Ashdon Road crossing next to Harvey Way	Install a zebra crossing
11.	Ashdon road roundabout next to Clutton Road and De Vigier Avenue	Improve the crossing safety at this junction e.g. by introducing a pedestrian refuge
12.	High Street crossing between Park Lane and King Street	Install a pedestrian crossing
13.	Newport Road	Pedestrian crossing near Beeches Close
14.	Little Walden Road crossing adjacent to Pound Walk	Install a pedestrian crossing
15.	Landscape View crossing between Rowntree Way and Hill Top Lane	Install a pedestrian crossing
16.	London Road near UDC offices	Install a pedestrian crossing
17.	Whole town of Saffron Walden	Introduce 20mph speed limits to improve safety throughout town.

APPENDIX 4 – DESIGN OF SUSTAINABLE DRAINAGE SYSTEMS

Sustainable Drainage Systems (SuDS) should always be carefully considered in discussions with the Lead Local Flood Authority.

However, any drainage system must not pose a risk to groundwater quality and must not be constructed in ground affected by contamination.

The Environment Agency sustainable planning services provides the following general requirements:

“

1. *Infiltration SuDS such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment;*
2. *Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination;*
3. *Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters;*
4. *The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels; and*
5. *Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). If deep soakaways are proposed you should contact us, as an environmental permit maybe needed.*

Further information can be found in the *SuDS Manual (CIRIA C753, 2015)*, the *Susdrain website (<http://www.susdrain.org/>)* and the *draft National Standards for SuDS (Defra, 2015)*.

Foul Drainage from new developments should connect to the public mains sewer, wherever possible. Government guidance contained within *Planning Policy Guidance and building regulations drainage and waste disposal approved document H* provides a hierarchy of drainage options that must be considered and discounted in the following order:

- *Connection to the public sewer;*
- *Connection to a private sewer, communicating with a public sewer;*
- *Either a septic tank or another wastewater treatment system; and*
- *A cesspool*

If you are unable to connect to the mains sewer, your planning application should outline how you will deal with foul drainage discharge. You should include evidence as to why it is not possible to connect to the mains system, including details of any prohibitive costs. Please note that some 'non-mains' foul drainage systems will require an environmental permit, as well planning as permission.

“

APPENDIX 5 – COMMUNITY CENTRE SURVEY RESPONSES

	1. Do you have any indoors space or spaces that can be hired by community groups or clubs?	2. What sort of activities is the space used for?	3. How many days/hours per week is the space available for hire?	4. Roughly speaking, what is your occupancy rate?	5. If you find that you turn bookings down because of capacity or suitability of use, please describe the issues.	6. Please let us know here if you have any other comments or suggestions regarding indoor community spaces in Saffron Walden.
Almshouses	Yes	Various groups use it. We do not accept parties for young children. Current examples are craft clubs, yoga, drama and bingo	available most times – have to phone to check.	Sometimes booked	turn bookings down if the Trustees are having meetings or the booking is for a noisy activity (have to take into account the residents living here)	
URC Hall	Yes	A wide range. Pre-school, Yoga, U3A Art, Line Dancing, Badminton, Scouts, Cubs, Guides, Girls' Brigade, plus ad hoc, parties, quiz nights, socials etc. Some of these are church-affiliated, most are not.	6 ½ days/week	generally booked	Generally booked' becomes 'fully booked' in the context of weekday evenings. We have recently had to turn away a number of applications	Pressure for this sort of space has increased considerably since the closure of the Friends School
Golden Acre Community Centre	Yes	Sports clubs, performing arts, pre-school classes, language classes, polling station christening receptions & wakes	The hall is available 9am – 9pm 7 days a week	always fully booked	We do not have the time available that people want as the hall is so busy.	We need another Community Centre that is available like the Golden Acre for people to book time slots for their classes, especially a hall that is on one floor with no steps for disabled facilities
Lord Butler Leisure Centre	Yes	Sports and a meeting room	7 days	GENERALLY FULLY BOOKED DURING THE EVENINGS AND ONLY SOMETIMES BOOKED DURING THE DAY (WEEK DAYS).	WE ONLY TURN BOOKINGS AWAY IF WE HAVE NO AVAILABILITY.	

New Life church	Yes	(e.g. sports, arts/crafts, hobby or games clubs, performing arts, pre-school, services for the elderly)	The room at the front can be hired out every day except Sunday morning. We have our own Toddler Group on a Wednesday morning too. The room is also hired out in the evenings.	generally booked	Sometimes I have had to turn people away as some days seem to be more popular than others! Plus, as we are a church, certain activities are not allowed on the premises.	
Parish Rooms	Yes	Church Groups, Sunday school, Youth Groups, Mothers Union etc, Uniformed groups i.e. Rainbows, brownies and guides; Community Choir, Children's dance and movement group, baptism parties etc, church functions	5 days per week and occasionally on Saturdays			
RA Butler School	Yes	Evening lettings e.g. sports clubs	Mon-Fri 5pm - 8pm, some daytime availability during school holidays	Already booked on the days needed, limited timings available		
Saffron Walden County High School	Yes	Sports in the sports centre and performing arts in the small drama hall	The space is available Monday – Saturday every week apart from 2 weeks closure at Christmas and bank holidays. We also may have to close if there is a big school event such as Open Evening. The hours are 6pm – 10pm Monday – Friday and 8am – 1pm on Saturday	Always fully booked with regular users	We turn people away purely because the available space we have is fully booked.	We have had lots of enquiries from Dance groups, Badminton Groups and theatre groups but we are unable to accommodate because we have limited space and availability.

Quaker Meeting House	Yes	Lectures, meetings, exercise classes, yoga, rehearsals, counselling	8am-10pm	Majority of hires are in evenings when it is generally booked. At other times it is partly booked.	Sometimes we don't have space available when people need it and will turn down bookings which we think are inconsistent with Quakers values. Other than that parking is the only issue.	
Town Hall	Yes	meetings, concert & shows, sales, fashion shows and open events, Pilates, yoga, kids acting classes, training meetings	6 days a week, 7 by negotiation	generally booked	The building being old does not warrant big musical events the capacity does not allow this, also we have things on that are booked years in advance so we have to turn away because of availability at the time.	Another community centre in the town that does not have as many restrictions as an old building gives in term of size and disabled access would be a very welcome space in Saffron Walden

APPENDIX 6.1 – COMMUNITY ASPIRATIONS – MEASURES TO SUPPORT BUSINESSES

Additional signage to point visitors to the town's car parks would be supported. Installation of high-speed electric charging points will be supported. The provision of public toilets at Swan Meadow Car Park would be supported.

Increased levels of home working are supported by the SWNP and, to enable this, the SWNP also supports and encourages the installation of high-speed broadband across the parish.

Proposals that provide a means for temporary office working spaces, light industrial units and pop-up shops to open to test new business concepts will be supported. This might include reduced rents and or rates, and or shorter leases.

Measures to encourage visitors to Audley End House to visit Saffron Walden town centre will be supported. This could include initiatives such as free shuttle bus services. Similar measures to encourage future residents of the proposed North Uttlesford Garden Community to visit Saffron Walden for business and leisure would also be supported.

Measures which promote greater use of the market square as a social gathering space will be supported.

Measures which promote the narrow streets and passageways of The Rows and The Cockpit would be supported. These are the remnants of the medieval streets and should be protected and could be enhanced.

Saffron Walden Town Council holds the Market Charter and has the rights to all stallage in the open air (private or not) within the parish of Saffron Walden. Centuries ago the market footprint was much larger than it is today. Any extension to the footprint of the market, if requested by suitable traders who would enhance the town's commercial offer, would be welcomed.

RESTRICTIONS THROUGH THE PLANNING PROCESS

To restrict the movement of HGVs through both the historic core and residential outer areas of the town

APPENDIX 6.2 – COMMUNITY ASPIRATIONS – ECOLOGY

Public planting must support bio-diversity. A preference should be given to planting which supports local wildlife and consideration should always be given to planting specimen trees which may grow more slowly but which contribute more to the environment over time than "quick fix" plants. UK-grown plants pose the least risk of the spread of disease and should be used.

Where underground SuDS are constructed it is sometimes the case that public open space is on the surface in the same location. Underground SuDS should be designed so that ownership of the land above can be transferred to the public sector if appropriate, while the SuDS can remain privately owned.

Ownership and custodianship of open green spaces should primarily be taken on by the Town Council. Very small parcels of land on new developments which are of little public value should not be permitted. The Town Council has a policy of adopting green spaces wherever possible to avoid residents being obliged to pay service charges for their upkeep, subject to the space and land being appropriate for use and adequate contribution being made by the developer towards future upkeep. An adequate contribution is defined as being the value required for 20 years of maintenance.

APPENDIX 6.3 COMMUNITY ASPIRATIONS – TRANSPORT

The detailed actions of the SWNP on transport are:

IMPROVING SAFETY FOR PEDESTRIANS AND CYCLISTS

- 1) To campaign for improved pavements and crossings;
- 2) To campaign for cycling infrastructure;
- 3) To campaign for all streets to have 20mph speed limits; and
- 4) To campaign for time limiting restrictions on movements of HGVs through the town.

As a measurable goal, the town should be safe enough for most children in Year 6 (the final year of primary school) and above to walk to school independently. This will reduce the number of cars doing the school run which will significantly cut congestion and pollution in the town. Anything that improves safety for children should improve safety for all.

IMPROVING PROVISION OF PUBLIC TRANSPORT

- 5) To campaign for improved local and national public transport connections; and
- 6) To insist on developments (past and present) making best use of contributions towards public transport provision

As a measurable goal, public transport should be better timetabled, more frequent, run later in the evenings and operate seven days a week.

RESTRICTIONS THROUGH THE PLANNING PROCESS

- 7) To restrict the movement of HGVs through both the historic core and residential outer areas of the town

As a measurable goal, traffic and air quality will not be worse at the end of the SWNP period than at the start, and ideally will be better.

TRAVEL PLANS

In all cases the Town Council should be approached and given the opportunity to express an interest in co-ordinating the travel plan.

APPENDIX 6.4– COMMUNITY ASPIRATIONS -ENERGY EFFICIENT AND ENVIRONMENTALLY SUSTAINABLE DESIGN

13% of UK emissions come from our homes, and the emissions created by heating our homes and businesses account for almost a third of UK emissions. The Climate Change Act passed in 2008 committed the UK to reducing greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels.⁴⁶ The Government has since then stated an ambition that the UK will be carbon neutral by 2050. At the time of writing the SWNP this has not been backed up by legislation which might, for example, enforce zero carbon emission building standards, except in London. It is expected that this will be rolled out across the UK during the SWNP period.

Energy efficient design is a thoughtful process which helps a home use less energy for heating and cooling. An example is the Passive House (or Passivhaus) standard, in which buildings use very little or no energy. Energy efficient houses can be built in a wide variety of ways, as appropriate to the materials and the location.

Renewable energy is generated from continually self-replenishing natural resources. Households and developments can install renewable technology or micro generation / low carbon technology to generate their own energy, as an alternative to buying all their energy from suppliers. Larger developments would benefit from on-site energy generation.

It is likely that in the future more widespread energy efficient design and increasing implementation of renewable energy will provide residents with sustainable low running cost and low carbon impact homes. When starting a new building from scratch, or extending or adapting an existing building, the greatest results will be achieved through consideration of the following factors in this particular order:

- Design optimisation (e.g. considering how best to orient the building, where to place windows or provide shade)
- Fabric improvement (e.g. building in the most effective insulation)
- Installation of renewable energy sources (e.g solar panels)

This is known as the Energy Hierarchy.

⁴⁶ HM Government: The Clean Growth Strategy – Leading the way to a low carbon future

Water resources in the whole of Uttlesford are stressed and planned development will put additional pressure on an already limited supply. The April 2018 Uttlesford District Water Cycle Study describes this and sets out the need for robust policies on water conservation as follows: *“The Uttlesford District is partly underlain by a chalk aquifer of regional importance and the Environment Agency currently class the surface water and groundwater resources within the District as over-licensed or over-abstracted, meaning that there is no additional water available for supply. This highlights the importance of further developing policies to encourage the conservation of water in new and existing dwellings and commercial properties.”* (Paragraph 1.1). New development proposals must include proposals for water re-use and recycling including rainwater harvesting. Which captures surface water runoff in a storage tank or pond. The water can be treated if required, then supplied to properties through a dedicated pipe network. These systems can be combined with Sustainable Drainage Systems (SuDS).

The Government’s Planning Practice Guidance allows latitude for local plans to set local requirements for environmental sustainability targets, subject to the development schemes remaining financially viable. Neighbourhood plans are not allowed to set higher energy efficient standards than the Local Plan. Nonetheless the SWNP sets out construction standards viewed as desirable.

Where new development or building extensions or conversions is deemed to be acceptable following other policies in the SWNP, design and construction to these aspirational standards is strongly encouraged:

1. Development proposals are encouraged to demonstrate how they have implemented the principles and requirements set out below, unless the proposal is for non-residential development of 1000m² or more and it achieves a BREEAM Outstanding rating. All development proposals are encouraged to meet paragraph 9, below.
2. Land and building should be reused wherever feasible, and where local character and distinctiveness can be enhanced by so doing.
3. Materials arising through demolition and refurbishment, including excavated soil and hardcore, should wherever possible be reused and recycled within the site.
4. Development is encouraged to prioritise the use of materials and construction techniques that have smaller ecological and carbon footprints, help to sustain or create good air quality, and improve resilience to a changing climate where appropriate.
5. Where technically feasible, green roofs and/or walls should be incorporated into the building to improve water management, provide space for biodiversity and aid resilience

and adaptation to climate change.

6. The lifecycle of buildings and public spaces should be considered, including how they can be adapted and modified to meet the changing social and economic needs and how materials can be recycled at the end of their lifetime.

7. Developments should embed waste, recycling and storage areas into and integral part of their design

8. The Energy Hierarchy should be implemented within the design of new buildings, by prioritising fabric first, passive design and landscaping measures to minimise energy demand for heating, lighting and cooling.

9. Development proposals are encouraged to demonstrate, for example through an Energy and Climate Statement, that they will achieve the following:

a) A 19% carbon reduction improvement upon the requirements within Building Regulations Approved Document Part L 2013, or achieve any higher standard than this that is required under subsequent national planning policy or Building Regulations;

b) Provision of on-site renewable energy generation, or, should it become available, connection to a renewable or low carbon community energy scheme, that contributes to a further 20% reduction in the residual carbon emissions subsequent to (a) above.

c) Calculate Indoor Air Quality and Overheating Risk performance for proposed new dwellings, and implement a recognised quality regime that ensures that the 'as built' performance matches this calculation.

10. All newly constructed buildings are encouraged to achieve an estimated water consumption of no more than 110 litres/person/day.

11. Water reuse and recycling and, rainwater harvesting and surface water harvesting should also be incorporated wherever feasible to reduce demand on mains water supply.

12. Community energy schemes will be supported, subject to the design and location being sensitive to local built and natural landscapes and environment.

13. To future-proof the SWNP: If or when the Local Plan, or national planning practice guidance or Building Regulations supersedes these provisions with higher standards or newer technologies, or permits them to be required, development will be required to meet the higher standards and/or use the newer technologies.

APPENDIX 6 5 – COMMUNITY ASPIRATIONS - LAND OF VALUE TO THE NATURAL ENVIRONMENT

In 2018 the Government published a 25 Year Environment Plan to protect and enhance the environment and landscape. As an element of this, The Department for Environment, Food, and Rural Affairs is considering introducing legislation for conservation covenants. Conservation covenants will be agreements made between a landowner and a responsible body requiring either party to do or not do something on land. They will be made for the public good, and for the purpose of conserving, protecting, restoring or enhancing: (1) the natural environment, including flora, fauna or geological features of the land; (2) the natural resources of the land; (3) cultural, historic, archaeological, architectural or artistic features of the land; or (4) the surroundings, setting or landscape of any land which has any of these features. The conservation covenant may contain provision for public access to the land concerned. Conservation covenants once in place become material considerations for planners, and the SWNP supports their creation in any relevant area in Saffron Walden parish.

APPENDIX 6.6 –COMMUNITY ASPIRATIONS - OPEN SPACE FOR INFORMAL RECREATION AND BIODIVERSITY

Ownership and custodianship of open green spaces should primarily be taken on by the Town Council. Very small parcels of land on new developments which are of little public value should not be permitted. The Town Council has a policy of adopting green spaces wherever possible to avoid residents being obliged to pay service charges for their upkeep, subject to the space and land being appropriate for use and adequate contribution being made by the developer towards future upkeep. An adequate contribution is defined as being the value required for 20 years of maintenance.

PLAN MONITORING AND DELIVERY

1. Two measures will be in place to promote the monitoring and delivery of the SWNP.
2. The Chair of the Town Council Planning and Transport Committee will report to the Full Council on progress of delivery of the Neighbourhood Plan at the Annual Meeting.
3. The Policies in the Saffron Walden Neighbourhood Plan will be referenced in all Town Council responses to planning applications.

Agenda Item 9

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Committee: Council

Date:

Title: Stansted Planning Appeal - Costs

Tuesday,
11 October 2022

Portfolio Holder: Councillor John Evans, Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan

Report Author: Peter Holt, Chief Executive
pholt@uttlesford.gov.uk
01799 510400

Summary

1. This paper updates Councillors on the process for settling through negotiation the planning appeal costs due to Stansted Airport Ltd [STAL] which the authority has been ordered to pay, and includes a recommendation that further offers, including a Part 36 Offer under the Civil Procedure Rules (CPR), be made by the authority to STAL in full and final settlement of those planning appeal costs.
2. Information that has been deemed legally privileged by virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972 has been removed from this public report. Members are asked to refer to the restricted report in order to inform their decision making.

Recommendations

3. That Council approve that the Chief Executive be given authority to make a revised CPR Part 36 offer (“the Part 36 offer”) to STAL in respect of the planning appeal costs in the sum of £2,050,000 in full and final settlement (being comprised of £2,000,000 in respect of the claim for costs itself, £0 in respect of VAT and £50,000 in respect of interest).
4. That Council approve that the Chief Executive be given further authority to simultaneously make a second offer (“the all-in offer”) to STAL in respect of the planning appeal costs in the sum of £2,100,000, including all interest and costs incurred by STAL in negotiating this settlement.
5. That Council agrees that, should STAL reject the offers in paragraphs 3 and 4 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 sums authorised in paragraphs 3 and 4 above would be subject to fresh approval by Council).

6. That Council approves the use of Reserves as set out in paragraph 7.

Financial Implications

7. The final settlement sum will need to be paid from Reserves. The Strategic Initiative Fund (SIF) had a balance of £1.663 million from which the £1million paid on account as agreed by full Council in June was drawn, and this will be the primary Reserve used. As the final settlement sum proposed in this report would exceed the balance in this Reserve then the Medium Term Financial Strategy (MTFS) Reserve will be used for the excess of £437,000.

Background Papers

8. 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*.

- Order from the Planning Inspector that UDC meet the applicant's appeal costs.
- Without Prejudice exchanges between UDC/UDC's costs lawyers and STAL/STAL's costs lawyers (*not available for inspection, as legally privileged).
- The report considered by full Council on 15 June 2022

Impact

Communication/Consultation	Cabinet and Party Group Leaders have been informally and confidentially updated as these negotiations have been ongoing
Community Safety	Nil
Equalities	Nil
Health and Safety	Nil
Human Rights/Legal Implications	The details of Legal implications are outlined throughout the body of this report.
Sustainability	Nil
Ward-specific impacts	Nil
Workforce/Workplace	Nil

Situation

9. On 22nd February 2018 STAL submitted a planning application for works and to substantially extend passenger numbers:

“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”)

10. That application was refused by the Council’s Planning Committee on the 20th of January 2020.

11. On 24th of July 2020 STAL submitted an appeal against the decision of The Councils Planning Committee.

12. The Planning Inspectorate heard STAL’s appeal over 30 days between 12th January and 12th March 2021. The Inspectors found in STAL’s favour by order dated the 26th of May 2021:

“In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Uttlesford District Council shall pay to Stansted Airport Limited, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.”

13. The Council subsequently challenged the Inspectors’ decision in the High Court, which was dismissed on 1st October 2021.

14. The Council resolved on 6th October 2021 to accept the High Court’s decision without seeking further leave to challenge, and to accept that this battle had ended.

15. STAL’s legal costs of that High Court challenge were assessed by the Court and have been paid. However, payment by the authority of STAL’s costs of the original planning appeal remain outstanding and it is those costs that are subject of this report.

16. The Council’s Chief Executive wrote to STAL on 22nd November 2021 advising that as the legal challenge was at an end, the Council was ready to begin negotiation over settlement of STAL’s costs of the original planning appeal, as ordered by the Inspectors, inviting STAL to submit details of their costs for consideration.

17. STAL replied to the Council on 23rd February 2022, on a Without Prejudice basis, providing details of their costs, invoices and some details of why their costs were being sought at the level they were.

18. The Council engaged a specialist Costs Lawyer to advise and following correspondence between the Council and STAL’s respective lawyers, and an in depth analysis of the claim by the Costs Lawyer appointed for the Council an offer was advised. Full Council considered a report on 15 June 2022, and

agreed to make STAL a Part 36 Offer in full and final settlement of £1.4 million. Council further agreed to make a payment on account to STAL of £1 million.

19. That £1 million was duly paid on account, and the overall Part 36 offer of £1.4 million was made (including the £1 million paid on account). STAL took receipt of the £1 million on account, but rejected the £1.4 million offer, and duly made a counter offer of £2.2 million (including the £1 million paid on account), which included interest but excluded legal costs associated with these settlement negotiations. Those interest costs and associated legal costs are estimated to be between £50,000 and £100,000 for interest and approximately £25,000 for the settlement negotiation costs, the latter being on top of the £2.2 million STAL offer.

20. A number of factors were considered in recommending these two offers.

- 19.1 Firstly, that STAL is entitled to its costs on what is called the “standard basis.” The standard basis is a legal principle that means STAL’s claim for costs must be (i) reasonably incurred; (ii) reasonable in amount; (iii) proportionate to the matters in issue; and (iv) where there is any doubt as to the reasonableness of STAL’s claim for costs, the benefit of that doubt falls in the Council’s favour. Accordingly, the burden ultimately rests with STAL to demonstrate the reasonableness and proportionality of its claim for costs.
- 19.2 The Council has a fiduciary duty to the taxpayer for the effective and economic use of their money. It has a duty to demonstrate and act in good faith in its negotiations.
- 19.3 Consideration must be given to the fact that if an agreement cannot be reached by direct negotiation between UDC and STAL, and subsequent attempts were made to settle STAL’s claim for costs by either mediation or litigation (though the Court), mediation and/or litigation would incur further costs; both in respect of cost to the Council in its own legal fees and also any further legal fees STAL make incur as a result of those processes.

21. The offers recommended to Members in paragraphs 3 and 4 mirror this range when interest and negotiation costs are included, and it is Officer advice, supported by the advice of our retained Costs Lawyer, that to seek to negotiate or litigate further on the point would likely have minimal further gain compared to the risks of a higher settlement and the additional costs being accrued to both sides by continuing the process (with the Council potentially being ordered to pay STAL’s ongoing costs).

22. A part 36 Offer if rejected by STAL, protects the Council should the matter have to be ultimately determined by the Court. If the offer proposed at paragraph 3 above were to be accepted by STAL after 21 days from it being made, or if the Court were to assess the claim for costs at a sum equal to or lower than the offer then STAL would become responsible for the Council’s costs incurred after the 21 day period from the date of making the offer. By way of further information, a CPR Part 36 Offer is required, by law, to include a

provision in the respect of Interest. In other words if the Part 36 Offer were to exclude interest it would be invalid as a Part 36 Offer.

22. To this end the duties and issues in paragraph 18 above have been carefully considered in providing the Council with the recommended offers in paragraphs 3 and 4 above. Accordingly, the offers proposed at paragraphs 3 and 4 above are in the view of the officers and costs lawyer appointed, reasonable and proportionate offers based on the information currently available.

23. Should STAL accept, in particular, the offer at paragraph 4, then this would essentially see the matter resolved, with no further reference to Members.

24. Should STAL nonetheless reject either or both offers, they may:

24.1 Make another counter-offer and seek to enter into further negotiation. Should this be the case, if the counter offer were to be at a level higher than that in either paragraph 3 or 4 above a further officer report would be brought back for Council approval or

24.2 Seek to end the informal negotiation and invite the Council to enter into mediation to seek to resolve the matter. Any amount higher than that in paragraphs 3 and 4 above would be brought back to Council for approval at the end of the mediation process or

24.3 Take the matter through the Court process. This process would require STAL to serve a full and detailed bill of their costs; the Council would have the opportunity to submit written representations challenging the claim for costs (called "points of dispute"); STAL would have the opportunity to submit written representations responding to the points of dispute (called "replies to points of dispute") and then the matter would proceed to a Court hearing before a specialist costs judge who will determine the reasonable and proportionate sum the Council must pay STAL. This process (called "detailed assessment proceedings") can be lengthy and time consuming. Any sum the Court assesses as being reasonable and proportionate (assuming it would be above the threshold requiring full Council approval and above the sum proposed for the Part 36 Offer set out in paragraph 3 above) would require full Council approval in a fresh report at a future meeting. However, in reality, this would merely be a rubber stamp, as by that point it would be a duty to fulfil the Order of the Court, rather than a matter of discretion as today's proposed Part 36 Offer is. Such detailed assessment proceedings would take an estimated 12 to 18 months to complete and will incur further substantial costs both for the Council and STAL, some or all of which might fall either on the Council or STAL, depending on the Court's final settlement in relation to the Council's Part 36 Offer. The Court would also order payment of interest on any sum ultimately awarded at a rate of 8% per annum; a rate fixed by legal statute.

25. The final settlement sum will need to be paid from Reserves. The Strategic Initiative Fund (SIF) has a balance of £1.663 million and this will be the primary Reserve used. Should the final settlement sum exceed the balance in

this Reserve then the Medium Term Financial Strategy (MTFS) Reserve will be used for the excess.

Risk Analysis

26.

Risk	Likelihood	Impact	Mitigating actions
If the Council were not to engage in good faith negotiations over the payment of costs ordered, the risk is that STAL pursue the Council for their full claim of costs in Court (plus further Court costs, potentially plus additional interest charges) if a settlement is not reached either through direct negotiation or mediation	1	4	This risk is mitigated by the active and ongoing engagement with STAL to date and now by this proposed Part 36 offer and payment on account.
Risk that STAL do not accept the offer proposed	3	2	Should STAL not accept this Part 36 offer, the Council will continue to negotiate, will propose mediation, or accept any offer from STAL of mediation and will be protecting the Councils interests by the making of a part 36 offer and payment on account as outlined above. Further Council approval will be sought as detailed in the body of this report.

- 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 10

MOTION OF CENSURE AGAINST R4U'S MISHANDLING OF THE LOCAL PLAN

In response to the Residents for Uttlesford (R4U) Administration's mishandling of the Uttlesford Local Plan over that past forty-one (41) months since the May 2019 local elections, at which R4U took responsibility for delivering an Uttlesford Local Plan, Council resolves to censure the Administration for its failure to deliver a draft Regulation 18 Local Plan for consultation with the public of the district by an already revised deadline of November 2022.

Council calls upon the Leader of Council and the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan to:

1. Explain comprehensively why the Regulation 18 Plan will not be published by the previously committed date in November 2022, and whether there have been internal disagreements about the proposed spatial strategy within the ruling R4U Administration Group.
2. Explain why the public announcement about this delay in the Regulation 18 Local Plan's public consultation was made through a statement in the press on September 13th and was not formally agreed via a constitutionally proper, democratic decision-making route in public at a special meeting of the Cabinet, and why the Local Plan Leadership Group was side-lined by the press announcement and the cancellation of its own scheduled meeting.
3. Explain objectively whether the recently announced delay in the start of the Regulation 18 consultation risks yet further delay beyond February 2023 and until after the May 2023 District Council Elections, owing to the statutory pre-election purdah requirements.
4. Declare what steps will be taken by themselves to restore trust and confidence in this Council's handling of the Local Plan delivery between now and the May 4th 2023 Local Elections to minimise the development free-for-all in our towns, villages and countryside and to allay growing public concern that R4U has lost control of the district's future.

Signed by Cllr M Caton, Cllr A Dean, Cllr P Fairhurst, Cllr V Isham, Cllr A Khan Cllr B Light, Cllr J Loughlin, Cllr G Sell.

By virtue of paragraph(s) 1, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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