



Uttlesford District Council

Chief Executive: Dawn French

MINUTE PACK - PUBLIC STATEMENTS SUBMITTED AT THE SCRUTINY COMMITTEE MEETING ON 15 JANUARY 2019

Scrutiny Committee

Date: Tuesday, 15th January, 2019

Time: 7.30 pm

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

Chairman: Councillor A Dean

Members: Councillors H Asker, G Barker (Vice-Chair), R Chambers, J Davey,
P Davies, S Harris, G LeCount, M Lemon, B Light and E Oliver

ITEMS WITH SUPPLEMENTARY INFORMATION PART 1

Open to Public and Press

1 Public Speaking

3 - 19

To make available the public statements submitted at the Scrutiny Committee meeting held on 15 January 2019.



Uttlesford District Council

Chief Executive: Dawn French

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In Shakespeare's day Saffron Walden smelled sweet with the saffron crocus. But today to misquote the Bard...'there is something rotten in this state of Uttlesford'.

The ghost of the Stansted Planning decision, which haunts this ~~room~~^{room, room}, needs exorcising by this Scrutiny Committee; to restore the electorate's faith in transparent and accountable democratic process.

5 Conservative councillors including the chairman colluded to vote a previously agreed outcome. This was an affront to local voters who had resoundingly given their opinion. The poorly framed and biased reports from Planning Officers were not challenged despite the glaring anomalies. Planning Officers appear to have an attitude of underlying contempt for the electorate but are happy to take instruction from the applicant ^{MAG} without any challenge. This is neither accountable nor transparent

For their decision the 5 made no reference to compliance with formal planning policy.

Mills and Ryles ...claimed to take a wide broad perspective including Brexit which is completely outside their remit. Chambers made reference to voting for his grandchildren despite the fact that his vote ignored WHO health guidelines and increased carbon emissions which will both greatly damage his grandchildren's future. It is unclear whether Hicks who was silent all day was actually awake and no-one remembers what Wells reason was

No intelligent person accepts that this planning decision will not materially adversely affect the environment. Yet we are told by officers that The Planning Committee is an expert, trained committee; clearly when half the committee give no evidence of understanding or having read the application this is hard to believe

officers ~~strongly~~ advise this committee that its scope should ~~clearly~~ exclude a review of the merits of the decision made by the Planning Committee, including any review of the merits of planning officers adviceWhy? that is at the crux of this issue

They also write the Stansted application is still "live" and it would not be appropriate to review it nowon the contrary this is the ideal; it should inform the 'live' continuing debate ^{time}

^{just} THIS advice CANNOT BE RIGHT AND IT IS A WAY OF KICKING THIS ISSUE INTO THE LONG GRASS ...it should be ignored. RESIDENTS DESERVE GREATER transparency and accountability

to conclude

Shame on this councils planning officers for not challenging mags application in an unbiased and professional manner

Shame on you councillors mills, ryles hicks chambers and wells in not representing your communities and not being independent and unbiased showing little integrity given the lack of attention to the application and comments.

And prospectively shame on this scrutiny committee if the matter and decision is not investigated end to end'

47 communities will not forget how this planning application was dealt with

Mr Chairman, can we remind ourselves of the definition of **SCRUTINY**. The Oxford Dictionary, says, "*It is a critical observation or examination*" the original meaning coming from the Latin word *scrutinium*, meaning "*to search and sort rubbish*".

So, where are we?

I have read the report by **Simon Pugh**. It is abundantly clear he does not support the motion by Councillors Lemon and Light. I would suggest he is totally wrong. Ask yourself why does he not want a full-scale investigation? What does he fear might be exposed?

Mr Pugh **described the Stansted Airport application as a Major Planning matter**. This surely should have rung warning bells. It was complex and clearly not a matter that either the Officers or indeed Councillors **had experience of dealing with. Their training, experience and knowledge would have been inadequate**. A wise management team would have asked the Secretary of State to call the matter in. As we know this did not happen. Instead your colleagues on Planning were expected to read, digest and understand documents in excess of **7,000 pages**. Not something within the capabilities of most district councillors. Add to this they had to sit through many hours of discussion by interested parties and expert witnesses. Cross examination would be required, but again, how many district councillors have the skill to interrogate, more especially if they do not understand the subject. A government appointed Inspector would of course have all of those skills.

So tonight, I would urge you to override the views of **Mr Pugh**. This is a matter for you to make a decision to sort through the rubbish including the debacle at the hearing. Not you personally but for you to appoint an **Independent Scrutineer**, probably a Barrister.

As individuals please ignore the **PARTY WHIP**. Local politics has no place for playground "**bullies**" where threats are made to those who do not toe the line. Please support Councillor Lemon who ignored the **Whip**

because he realised something is wrong. Not to do so would be an opportunity lost.

Thank you.

Dear Sirs,

Request: I would like to express support for a Scrutiny Review as outlined in the attached papers.

Please circulate this submission to Committee Members.

Due process was not followed in this application process.

Background and detail:

I attended the Uttlesford District Council Planning Committee meeting on 14 November 2018 regarding the application to increase commercial flights and passengers at Stansted airport. I was present for the whole meeting. I spoke against the application on behalf of the High Easter Parish Council. The Parish Council had earlier submitted detailed comments and questions.

In our statement, to Committee, we concentrated on the main issue for ourselves (namely noise pollution). Our previous written comments covered additional issues.

47 Parish and Town Councils formally objected to this proposal. Not a single one was in support. i.e. there was effectively unanimous objection. Many of these statements quoted the balance between the environmental and social disadvantages, balanced against the economic advantages, but nonetheless came down on the side of objecting.

As you will be aware, the voting of the members of the UDC Planning Committee was split 5 and 5, with the application being approved as a result of the Chair's, Alan Mill's, casting vote. Noteworthy was that all 5 Conservative members (including the Chair) voted to approve.

During the debate among the Councillors of the Planning Committee, those members who were not Conservative, had all clearly read the Application (in all its significant length) and the Officers Report. They asked detailed and persuasive questions seeking clarity and debating the consequences of this application. They highlighted many basic flaws in the Application and the Officers Report. Noteworthy was that from the Conservatives there was no debate or questioning other than the most basic. One Conservative (Cllr Hicks) never said a single word during the whole day (1000 to 1800). It was not at all clear that the Conservative members had read and digested the Application and the Officers Report. Only towards the end did three of the Conservative members give short statements as to why they would vote in approval.

I can only have one explanation for this: **The Conservatives were under "instruction" from "someone" to support the application. Is this true?** There were no declaration of interests to this effect. **It does not "smell" right.** How can **all** the Parishes and Towns of the District object, and yet their detailed concerns not even be acknowledged or better, analysed, by the Conservative Planning Committee members? Have they no concern for the opinions of their towns and villages?

As an example of insufficient consideration, High Easter Parish Council feels that the proposal fails to take into account emerging government guidance in CAP 1498 which seeks to represent the views of the often smaller communities whose lives are blighted by aircraft noise beyond the historic standard contours. MAGS in responding to this question in its 258-page statement on the written response of the statutory consultees, argues that it is not relevant as CAP 1498 refers to airspace change and not annual passenger limits which is the subject of its proposal. MAGS goes on to argue there is no change to the permitted number of flights where CAP 1498 would apply. The Parish Council disagrees with MAGS on what constitutes an increase in flight, but there was no opportunity for this discussion to take place to explore this further.

I felt physically sick for 24 hours after the meeting. I had to sit in the Saffron Walden Carpark for an hour before driving home, since I was concerned for my driving safety. Later, analysing my anger, I realized that I had simply been wasting my time. Not only me, but everyone involved in the consultation process. **The Conservative Councillors never gave any impression that they were taking the meeting seriously. The whole application had been approved in advance.**

Responsibility: It is the responsibility of District Councillors to serve their District, not their Party. I completely fail to understand how the views of all Parishes and Towns are totally ignored without even the most basic acknowledgement of their submission. **This is an absolute disgrace!**

Scope and ToR of Scrutiny Review:

- Please add to 4. "Engagements with Parish Councils ...": "Manner in which comments on the consultation were resolved."
- Please delete the exclusion "The conduct of any Planning Committee meeting". This should be in scope, because it as a "behavioural issue of importance".

For these reasons I respectfully urge an investigation.

Declaration of interest: I am a member of the public living in High Easter in Uttlesford District. I am a Parish Councillor of High Easter, but writing personally.

I had applied for a speaking slot at this Scrutiny Committee Meeting, but was unsuccessful since all the slots were taken. (I was late due to illness).

Many thanks

With Kind Regards

Neil (Reeve)

I am Brian Ross, Deputy Chairman of SSE

I was told this morning, by a relative stranger, that it's a complete waste of my time to be speaking to this Committee this evening – because everything to do with the most recent Stansted Airport Planning Application has become totally politicised. I am told that the Council will block any meaningful investigation until after the May elections, and will try to restrict its scope rather than allowing it to examine the entire process from start to finish.

I very much hope that I'm not wasting my time. SSE has always been politically neutral tried and has tried its best to defend this local community (regardless of their political persuasion) against unfettered expansion of Stansted Airport.

We were, of course, disappointed when UDC approved expansion to 43 mppa last November. But we were not surprised because, as far back as the summer of 2017, it was made clear to us at the highest level, that this Council wanted the planning application approved.

In order to ensure public trust, the review must be carried out independently and the terms of reference must enable the entire process to be thoroughly looked at, from start to finish. It's not just a question of trying to develop best practice; it's also important to consider whether there was any malpractice.

There are some who say that it would 'not be prudent' for the Council to wash its dirty linen in public while there is still the risk of a legal challenge. First, this seems to indicate some concern that the review would uncover dirty linen. Second, the risk of legal challenge may well be far higher if other avenues for seeking redress are blocked.

I therefore urge you to agree to a thorough independent review – perhaps by a planning QC – examining all aspects of the process followed in the handling of the recent airport planning application. A truly independent review of this type need not be a drain on officers time. It could therefore start very soon and it should publish its findings as soon as possible.

Thank you.

Statement to UDC Scrutiny Committee on 15th Jan. 2019

Mr. Chairman and Committee members.

I'm Ray Woodcock a resident of Stansted Mountfitchet, I'm also a member of ~~Stop Stansted Expansion.~~

Two members of this committee have asked ~~for~~ to review issues arising from the major Planning Application UTT/18/0460/FUL, I attended all public speaking and the determination meeting.

The following issues, I believe, justify the need to carefully examine the procedures used, to help improve future major planning applications. *procedures*

I was made aware that a number of residents applied, in good time, to speak during planning application UTT/18/0460/FUL, at least 3 were denied the opportunity, they were told that all speaking time had been allocated.

Two told me that UDC said that their requested day to speak was full. One attended the second session on spec, when she asked to speak, she was allowed. Another told me that his request to speak on a particular day was denied, he had commitments on the other days, he was unable to have his say. The third person attended the third session on spec and asked to speak, his request was granted as there was clearly much time available.

All three public speaking sessions ended early even allowing for the "No Show".

Mr. Chairman and Committee, the question, how many other applicants were told that all speaking slots had been filled? THIS MUST BE ADDRESSED.

It must have been clear a few days before these meetings that speaking slots were available, why were those who were informed by phone and/or email that all slots had been filled, were not contacted inviting them to speak on their requested day?

One other matter of fact, the issue of air quality or better described as air pollution was not properly considered even when a number of speakers raised this issue and referred to UDC's own air quality reports. As you know, a case is currently progressing through the High Court concerning the premature death of a child due to air pollution.

I believe these issues justify the need to investigate the way major planning applications are handled by UDC.

Thank you. Ray Woodcock

Dear Cllr Dean and Scrutiny Committee,

I see that you are having a meeting on 15th January to discuss the handling of the Stansted application and approval. I would like to advise you of the following matter leading up to the planning decision.

Please could you confirm receipt of this email and circulation to all the committee.

Last year I made a FOI request for minutes of meetings between UDC and the airport operator MAG. The minutes I received had several redactions contained within minutes of a meeting dated 6th March 2018 about proposed ancillary developments connected to the airport expansion. The redactions blocked details of the proposed developments and were said to be in the public interest because the airport operator had commercial interests to protect.

I made an objection to this and requested a formal review under the FOI regime on the basis that the council exists to serve the public interest, not the commercial interests of applicants. In protecting the applicant's public interest, the council was ignoring and misunderstanding its public interest duties.

The outcome of my request for a review was that MAG consented for me to have the unredacted minutes. I felt that UDC should have determined this from its own perspective.

I was provided with the unredacted minutes of the meeting 6th March 2018, which showed that additional development was planned including a seven-storey car park and a solar farm, as well as a coach park. It seemed to me that this information had been withheld from the planning committee.

I therefore asked the FOI officer to ensure that the committee received the unredacted minutes (see my email below). I received no response.

*From: **Debbie Bryce***

Date: Do., 11. Okt. 2018 um 10:58 Uhr

Subject: Re: 482 - EIR Request for a Review

To: FOI <foi@uttlesford.gov.uk>

Dear Roger,

Having looked at the unredacted minutes, could I ask why UDC felt it necessary to redact information about a seven-storey car park? Any local resident is going to find that a daunting prospect. Have you seen the one in Chelmsford? Does UDC really want that in Uttlesford?

The questions arising from this are:

- 1. How has this item of information been into account by UDC in its proposal approval and decision-making about the airport expansion to 43mppa and can that increase happen without a seven-storey car park?*
- 2. Has the Planning Committee been advised of the need for a seven-storey car park?*

Could I request that the UDC planning committee be provided with typed copies of the minutes of the meeting of 6th March 2018 that you have sent me Please could you kindly advise whether the Planning Committee has previously been given copies of the unredacted minutes of 6th March 2018?

The planning committee was not advised by the planning officers. I asked again in the following email:

From: Debbie Bryce
Sent: 19 November 2018 16:24
To: Gordon Glenday
Subject: Re: For the planning committee re. UTT/18/0460/FUL

Dear Gordon, could I confirm that you received the email below:

Am Di., 13. Nov. 2018 um 11:18 Uhr schrieb Debbie Bryce

Dear Gordon,

I asked the FOI officer to share with the planning committee the attached minutes of a meeting between UDC and MAG on 6th March which I referred to during my speech on 6th November, but I have not received confirmation that the committee members have received them.

I am concerned that minutes are being withheld from the planning committee members which refer to development proposals that may be material to the decision. Could you kindly provide them with this email and the attached minutes. I obtained these under FOIA / EIR so they are in the public domain and I made the council aware of this.

The minutes refer to:

Item 17: solar farm options

Item 18: coach park

Item 20: seven storey car park

Item 21: construction traffic coming in

According to the accompanying letter, the airport operator considered that disclosing the information was harmful to their commercial interests; however, it could be material to the assessment of the scheme (UTT/18/0460/FUL).

Regarding item 19, I would advise the councillors to be wary of nature corridors. There is little evidence that these work in practice. We know from newspaper reports earlier this year that bat species continue to decline despite 20 years of mitigation, and the needs of some species continue to be poorly understood.

Please confirm receipt and circulation.

Kind regards,

Debbie Bryce

Again I received no response to the 13th November email. I received the following in response to the 19th November email:

From: **Gordon Glenday** <gglenday@uttlesford.gov.uk>

Date: Mo., 19. Nov. 2018 um 18:05 Uhr

Subject: RE: For the planning committee re. UTT/18/0460/FUL

To: Debbie Bryce

Cc: Ann Howells <ahowells@uttlesford.gov.uk>, Karen Denmark <kdenmark@uttlesford.gov.uk>

Dear Debbie,

I have checked this out and I am sorry to say that it appears that your submission was not put to members of the Planning Committee. The reason for this is that it was not submitted in the way we asked for material to be submitted. It was made clear to everyone involved in the process that documents had to be submitted to the stanstedairportplanningapplication@uttlesford.gov.uk

email address if it was to be considered by Planning Committee members before they made their decision. I'm sure you will appreciate that the Council was dealing with a lot of information in relation to this application and so if the proper processes weren't followed re submissions, we cannot be responsible for things going amiss.

I appreciate that this will come as a disappointment to you but I am afraid there is very little I can do about this now.

Yours sincerely

Gordon Glenday

I responded as follows but again received no reply. I feel I did as much as a member of the public could to encourage officers to tell the planning committee about the ancillary developments.

For the planning committee re. UTT/18/0460/FUL

Debbie Bryce

20. November 2018 um 19:24

An: gglenday@uttlesford.gov.uk

Thanks, Gordon. Those who spoke at the meeting on 6th November were asked to send material for the councillors to you. The general email address was, to my knowledge, only to be used for material required by consultation deadlines.

Could you advise me where and in which documents the councillors were advised by UDC officers of the following developments accompanying the grant of planning permission:

the solar farm

the seven storey car park

the coach park

construction traffic

Regards,

Debbie

I understand the car park is already under construction without needing to be approved - or known about - by the planning committee. However, it is not an insignificant development and anywhere else in the district would require approval in its own right. I believe my requests were managed to keep the planning committee in the dark.

Regards,

Debbie Bryce

STATEMENT OF SIMON HAVERS – Scrutiny Committee: Tuesday, 15 January 2019

I would like to comment briefly on three things: the need for this review, the scope of this review and the timing of this review:

NEED

This review is badly needed if Uttlesford is to have any chance of restoring public confidence after making a decision so manifestly against the interests of its own residents. To list all the reasons why would take too long so just one example. It's an absolute travesty to say that "Extensive work went into engagement with the public". I live 3km from the end of the runway, near the flight path and take an interest in local affairs. The first I heard of this application was in October from SSE, not through any efforts of the council. I spoke to dozens of relatives, friends and neighbours about it subsequently and not one of them was aware of the application and were to a greater or lesser extent outraged that it had not been communicated to them. So much for the extensive work!

SCOPE

It is entirely appropriate for the Scrutiny Committee to scrutinise individual decisions made by other committees if their review uncovers matters they feel are irregular. To try to tie the hands of the review by limiting its scope at the outset will look to me and every other member of the community like an attempted cover up. The scope of any review should explicitly include a review of the merits of the decision made by the Planning Committee and of the advice it received. The only people who would argue against this would be those who fear they have failed to discharge their duties properly and don't want to be held to account for that. A kindergarten PR class would teach you that the cover-up is always worse than the original failing. It's one thing to do something wrong; it's a completely other issue to try to hide the truth from the public. The former you can usually earn forgiveness for; the latter not.

TIMING

I read four different reasons in Officer Pugh's report arguing for a delay to the start of the review: because the secretary of state is still looking at it, because there is litigation going on that UDC is not a party to, because it would not fit in well with the calendar of committee meetings and finally because everyone's a bit too busy right now. I worked in the public sector up until 1992 and even back then this sort of rubbish would not have been tolerated. By all means make sure the review is

properly resourced and has plenty of time to do its work, but that's an argument for starting the work at the earliest opportunity, not kicking the can down the road.

In summary, please start a review without delay and give it a broad scope.

Thank you

Simon Havers