



UTTLESFORD DISTRICT COUNCIL

Felsted & Stebbing Ward

District Councillors Sandi Merifield & John Evans



DISTRICT COUNCILLORS' REPORT: MARCH 2022

Cllrs Sandi Merifield and John Evans are pleased to present their Monthly Report to the Parish Council.

UDC PLANNING FUNCTION AND DESIGNATION/SPECIAL MEASURES – MAJOR APPLICATIONS

You will have read of the very disappointing decision made last month by the relevant Minister in the Department for Levelling Up, Housing & Communities (“DLUP”) to “designate” UDC (ie place it into special measures for certain planning purposes) under s.62 of the Planning Act, because it had recorded in excess of the 10% threshold/measure permitted for allowed Appeals in major planning applications. This threshold represents the permissible maximum of decisions overturned on appeal (from decisions made by the Planning Committee and officers under their powers of delegation) by the Planning Inspectorate and is the Government’s defined measure of “quality”. The applicable statistical period in question is **April 2018** to **March 2020** for which the outturn is 16.5% and thus the threshold has been exceeded.

DLUP (and its predecessors) has for some time required quarterly statistical returns to be submitted by each Local Planning Authority in order to permit it to examine the speed of arrival at non-major and also the “quality” of major planning decisions. The relevant threshold was initially set at 20% in the case of major planning applications, when first introduced in 2013, but it was later reduced to 10%. Its policy purpose has been said to enable planning decisions to be made more promptly than hitherto and also to enable large scale (major) development to come forward more quickly and to provide greater certainty to the development industry.

The UDC statistical performance for speed of decision in non-major applications has comfortably met the DLUP criteria and so the planning function has not come into criticism on that score. So, it is only in respect of the threshold being exceeded in the case of major applications (defined as being in respect of in excess of 10 dwellings or on land exceeding 1 ha.) that the government imposed sanction has been triggered and then applied. Other considerations, as set out by the applicable Guidance, are not capable of being taken into account and we do not, in this report, propose to comment on any perceived political considerations which might be thought to have any bearing.

The threshold is a set %age ratio which if exceeded can permit the designation, in the discretion of the Minister, to be imposed; there is no account taken of the actual quality of or reasons given for the original decision, such as for example a review or re-consideration of the planning judgments exercised by the

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Planning Committee or officers or any allowance made if they were “finely balanced” or the like. Accordingly, a so-called “quality failure” is in a real sense a misnomer – the failure to meet the regulatory quality criteria regarding major applications is a statistical case of falling over the 10% cliff edge/policy threshold set.

What are the consequences flowing from designation?

Applicants will now be permitted, in their option, and only in the case of major planning applications (greater than 10 dwellings or on 1 ha. or more) to submit their planning application directly to the Planning Inspectorate for determination instead of to UDC. Non major applications will continue to be dealt with by UDC, as normal.

This will mean however, a “one stop shop” approach to any major planning application submitted to the Planning Inspectorate, as no further appeal opportunity is available in the case of a refusal. However, a strict timetable will be set by the Planning Inspectorate for their process and importantly, a 21 day period only will be afforded to consultees for their consultation responses to be submitted. This means that the Planning Committees of Parish Councils will need to be very aware of the need for early consideration, consultation and delivery of their submissions. Parish Councils and other representors will have the right to make oral submissions at a hearing before the Inspector.

A meeting is being arranged to be held shortly between UDC officers and Parish Councils to describe in further detail the timetables/processes to be applied. The procedures are contained in this document which has been recently issued/updated by DLUP:

<https://www.gov.uk/government/publications/planning-applications-process-section-62a-authorities-in-special-measures/procedural-guidance-for-section-62a-authorities-in-special-measures>

As the designation status is only open to review annually, it can be anticipated that UDC will remain designated for at least 12 months although discussions will continue at the level of our two senior most officers with DLUP officers and the Planning Inspectorate to assure and demonstrate to them the structural improvements to the planning service which we have described in our previous reports. UDC will do everything it can to bring the designation to an end as soon as possible. It is however, a great pity that DLUP has not awaited the improvement to the planning service which has already been provided for and is well on its way.

It is quite conceivable, notwithstanding the designation, that applicants will continue to submit their major applications to UDC, since they would retain the chance of pursuing an appeal if the initial decision was not to their liking which would not be so if they pursued their applications directly via the Planning Inspectorate. Indeed, one applicant has already advised that its major application is to remain in the hands of UDC. If applications are submitted to the Inspectorate, however, the relevant fees are paid and retained by them, instead of to UDC and to that extent, the designation does have adverse financial consequences for UDC.

UDC WORKING ARRANGEMENTS - POST COVID

These are now being worked up including extensive consultation with officers and staff. For the past two years, as will be recalled, “computer using staff” have been working remotely with only a few personnel

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required to provide direct face to face assistance to the community being physically present in the UDC offices in London Road, Saffron Walden and the satellite facility at Walpole Meadow in Stansted Mountfitchet.

Given that remote/home working can be shown to bring efficiency and is popular with some members of staff, it is intended that from April 2022, fewer officers and staff will be desk bound in the UDC offices, which will shortly also include the new offices and depot located at Canfield (the old banana factory) to which the refuse operation, vehicles and groundwork teams will also be relocating. It is anticipated that the three offices in future will provide facilities on a hot desk basis for some 100 personnel (of the 300+ establishment figure) at any one time but operating in such a way that professional and functional teams will be physically sitting together, arranged on a rotational basis, so as to enable team bonding and knowhow sharing to continue in the traditional way.

This will enable some further space in London Road to be made free and let out to commercial tenants. This already occurs but with additional space coming free, additional rental income from it might be generated in the region of £100 - 200,000, which would be a further welcome boost to the council's income account.

PLATINUM JUBILEE GRANTS

We know that your Clerk has received advice as to this but we might take this opportunity of restating the availability of grants from UDC which are available to assist with community events to mark The Queen's Platinum Jubilee.

Community groups, local organisations, schools and town and parish councils can apply for funding. Grants of at least £700 are available in each parish in the district.

This could be to help pay for street parties, beacon lighting celebrations or costs associated with organising an event such as licenses or insurance – however, the event must be open to all residents.

Successful applicants would also be expected to work with their local town or parish council in the organisation of a community event.

Details about the grant scheme and an application form are on the UDC website, at www.uttlesford.gov.uk/jubilee-celebrations-grant.

If you would like further information, please contact Sue Hayden on 01799 510563 or shayden@uttlesford.gov.uk.

The closing date for applications is **22 April**.

PLANNING AND STATION ROAD, FELSTED/FLITCH GREEN

You will recall reference made in our previous reports to the application made by the promoters Gladman, on behalf of Hawkes farming interests, for the development of land on the west side of and **Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex CB11 4ER**

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adjacent to Stebbing Brook (opposite Flich Green) for 240 dwellings. This was refused by the Planning Inspectorate on appeal, then challenged unsuccessfully by way of Judicial Review (on the interpretation of NPPF) in the Planning Court and further in the Court of Appeal. Gladman by then supported by their trade body, the Land Promoters and Developers Federation, asked for permission directly from the Supreme Court to challenge those decisions as being wrong and of national importance to justify a hearing before our highest court.

We have now heard that the Supreme Court refused that application and we are very pleased to report that the matter is now brought to an end and thus to a very satisfactory conclusion.

PLANNING AND LOCAL PLAN

As reported previously, the officers continue to evaluate the locations put forward in the Call for Sites exercise and the Local Plan Leadership Group will be meeting to review further technical evidence and conducting workshops to assist its members further in their work to evaluate the options to be recommended for the spatial strategy of the District.

Once this is assembled, it will be consulted upon and the next step in the timetable will be the Regulation 18 consultation and the applicable period is expected to commence in April and continue until June 2022.

OUR ASSISTANCE – MEMBERS’ INITIATIVE

We have been able to make funds jointly available from our UDC Councillors’ Allowance to assist in the provision of a facility to enable Felsted Primary School to address pupil well-being by creating a quiet space. This will utilise an existing area which needs updating, therefore making the area more attractive and suitable for use.

We are always ready to consider requests for financial support for appropriate projects.

While COVID limitations continue in terms of use of the URC Hall during the Winter months, we will not hold a person to person surgery but as ever, of course, we would be very happy to hear from any parish councillors or residents by email or phone and of course to meet them should there be anything they think we can help with or answer any questions both they or you may have on our report.

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