UTTLESFORD DISTRICT COUNCIL

Felsted & Stebbing Ward

District Councillors John Evans & Richard Silcock

DISTRICT COUNCILLORS' REPORT: NOVEMBER 2026

LOCAL GOVERNMENT REORGANISATION ("LGR") AND DEVOLUTION

Having reported last month that there was a pause on the part of Government so far as the implementation of LGR across Essex was concerned, it has provided a further update on 29 October. While for Greater Essex, the decision for five unitary councils remains withdrawn while the Government continues its review, it does not mean LGR has been cancelled since the Government remains committed to reorganisation across England in principle, with reference to it made in post Budget briefings and now a further decision is expected either before Christmas or before March 2027.

Ministers it appears are still working towards new unitary councils being established across all areas in the Local Government Reorganisation programme by 2029. When decisions are taken, they will be "Minded to" decisions, which are not final decisions. "Minded to" decisions allow Government to gather feedback and hear local views for a three week period before making a final determination.

All areas are expected to hold local elections for current councils in 2027, followed by elections for shadow unitary authorities in 2028, and go live as new unitary councils on 1 April 2029. Government funding will be made available to support the LGR transition process to date, although details are still being worked through.

What the final shape of any future unitary councils in Essex will look like remains unknown and the configuration could be the same as previously selected (ie five) or could be different. Whatever the Government is likely to decide is possibly subject to legal challenge, judging by the approach to LGR adopted by ECC and some other District Councils,

As before, there is no change to UDC or the services it provides to residents and businesses. Local elections for District Councillors will go ahead in May 2027.

Irrespective of the outcome of LGR, work is also continuing on devolution arrangements for Essex. The first mayoral election is currently expected to take place in **May 2028**. The mayor's office will be set up during 2027 in preparation.

We will keep you updated as more information becomes available. Meanwhile this is the link to the Government's latest announcement on LGR of 29 October:

Local Government Reorganisation moves forward in five counties - GOV.UK

PLANNING NATIONAL SCHEME OF DELEGATION ("NSD") & UTTLESFORD PLANNING COMMITTEE

We have trailed the anticipated introduction of the NSD for several months but it has now come into mandatory effect on Saturday 31 October. The last Planning Committee determining applications under the "old process" met last week.

From 31 October, all planning applications will fall to be decided in accordance one of two schedules:

- Schedule 1: Applications that must be determined by officers

- Schedule 2: Applications that may be referred to Planning Committee if they meet the statutory gateway criteria and the nominated officer and nominated member agree (see below).

Because the NSD was imposed mandatorily by the Government, Uttlesford had no choice and was required to adopt it, doing so by amendment of its constitution. Councillors typically were universally against it since in their view it reduces the democratic accountability of Councillors. Following the debate and vote at Full Council on 20 October, the Council has now begun to operate under the NSD already – this includes applications already submitted.

Under NSD, the existing Member call-in process has been removed and is replaced by a new referral process. Any existing call-in requests will be treated as requests for referral under the new scheme. However, Schedule 1 applications must now be determined by officers, so any existing call-ins relating to these types of application cannot be carried forward.

Hereafter, Ward Councillors can request that a Schedule 2 application proceeds directly to gateway consideration, bypassing the officer triage stage. This ensures the request is considered by the Council's nominated member, being one of the Planning Committee Co-Chairs, and this is treated as part of the NSD statutory process. It does not, however, necessarily guarantee referral to Committee.

We have attached as an Annex a Summary of the NSD procedures which might conveniently be detached from the Report for future retention/reference.

WILLOWS GREEN – UNAUTHORISED DEVELOPMENT MAIN ROAD/MOLE HILL GREEN ROAD

This very important topic continues to be very worrisome to local residents and warrants a further update and we will supplement it orally at your Meeting. There remain two pending separate issues:

- a retrospective Planning Application (reference UTT/26/1475/FUL) has been made for planning permission/change of use for the establishment and occupation of 12 traveller pitches (made up of 12 mobile homes, 12 day rooms and 12 touring caravans plus infrastructure) on the central part of the paddock land lying west of Main Road, Willows Green and Mole Hill Green Road.

- High Court proceedings are also pending, having been commenced by UDC seeking to restrain the unauthorised development by named parties (said to be the land owners) and other persons "unknown" of the land and also concerning its occupation, together with other detailed provisions.

As to the planning application, this will be brought before UDC Planning Committee for decision since it will have proceeded through the NSD gateway process described above. We continue to monitor the representations made by third parties on the planning portal and note that currently there remain responses awaited from some statutory consultees. One can anticipate that these will have to be received before a date will be fixed for the matter to come before the Planninhg Committee which we hope and will urge the Development Management team to arrange to be heard as soon as possible thereafter.

As to the Court Proceedings, we can confirm that the written Judgment of Mr Justice Ritchie which was given orally upon the hearing of 18 June was finally received in October and with that to hand, instructions have been given by UDC to Counsel (Miss Caroline Bolton) to prepare the necessary proceedings against the Defendants for enforcement of the remedies available for contempt of the Penal Notice which as you will recall was endorsed upon the Injunction.

We hope to have available up to date information by the time of your meeting as to the actions taken/pending in this regard.

UDC maintain an advisory webpage/Council Statement, with FAQs, concerning the Court Proceedings and Injunctions obtained by them as they relate to the fields at Willows Green and Milch Hill:

Council Statement - Willows Green and Milch Hill - Uttlesford District Council

RURAL CRIME

John was invited recently to attend a meeting of the Rural Crime panel, a joint meeting between Essex Police and UDC representatives together with members of the rural community and in particular local farmers. Discussions took place regarding the incidence of hare coursing and publicity material concerning illegality made available which Richard has been able to publicise at Linsell's Stores.

Essex Police are alo highlighting the risk of diesel and heating oil thefts from remote locations and urge additional vigilance and security be taken by farmers and residents in that regard.

CHAFFIX ROAD IMPROVEMENTS

We are glad to report that the road and footway replacement is now well underway with the base laid and, subject to the "black top" being laid for the roadway, nearing completion.

PLANNING APPEALS AND ARTIFICIAL INTELLIGENCE ("AI")

The subject of AI will be of interest to your planning sub-committee since PINS has published Guidance to its use in relation to planning appeals. PINS now state that a 'golden rule' for use of AI is that "you must use AI responsibly. It is your responsibility to ensure that the information generated is accurate and appropriate".

According to the guidance, all parties should state if they used AI in their submissions to "draft or substantially rewrite text, produce a summary or analysis, generate or alter images or videos, [or] create content that goes beyond straightforward formatting or presentation ".

The full guidance is found here:

https://www.gov.uk/guidance/use-of-artificial-intelligence-in-casework-evidence

DISTRICT COUNCILLORS' AND CONSTITUENTS' SURGERY

We will be holding our usual Surgery at 1730 at URC Hall immediately prior to your monthly PC Meeting. We are always, of course, pleased to meet up by appointment, as required, with any resident who wishes to discuss a matter of concern or indeed anything we have commented upon in our Monthly Reports.

If any resident would like to receive a personal copy of our Monthly Reports, we shall be pleased to send one directly to them by e mail but do remind all concerned that they are published and included by way of a link in each Month's Parish Council Minutes. Back Editions commencing as far ago as June 2019 are available additionally on request!

Cllr John Evans

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Cllr Richard Silcock

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Appendix to District Councillors' Report: November 2026

PLANNING APPLICATIONS – NATIONAL SCHEME OF DELEGATION

DECISION-MAKING FLOW FOR PLANNING APPLICATIONS

START Planning application decision-making workflow under the National Scheme of Delegation		
↓		
Stage 1 – Is it an **Own-Interest Application?** (a planning application where the Council, a councillor, or an officer is applicant or otherwise has an interest in it (as defined in Regulation 6 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026).		
Yes → Apply Regulation 6 process. If Committee referral is necessary → Planning Committee determines. Otherwise → delegated determination.	Decision branch	No ↓ Proceed to Stage 2.
↓		
Stage 2 – Is it a **Schedule 1 Application**?		
Yes → Delegated determination is mandatory.	Decision branch	No ↓ Proceed to Stage 3.
↓		
Stage 3 – Is it a **Schedule 2 Application**?		
No → Determine under the appropriate constitutional delegation.	Decision branch	Yes ↓ Proceed to Stage 4.
↓		

<table>
<tr><td colspan="3">Stage 4 – Triage of Schedule 2 Applications
Does the application clearly meet either of the statutory gateway criterion? (a) one or more issues of economic, social or environmental significance to the local area, or (b) one or more significant planning matters having regard to the development plan and any other material considerations.

Or

Is the application subject to a valid Ward Councillor referral?</td></tr>
<tr><td>Yes → Proceed to Stage 5</td><td>Decision branch</td><td>No / uncertain on criteria ↓
Delegated determination.</td></tr>
<tr><td colspan="3">↓</td></tr>
<tr><td colspan="3">Stage 5 – Gateway Test
The Nominated Member and Nominated Officer consider the gateway criteria (a and b) having regard to the development plan and other material considerations. They may wish to consider whether the application includes:

a. a significant departure from the Development Plan (Local Plan and / or any Neighbourhood Plan)
b. a significant conflict between important planning policies
c. major strategic implications
d. unusually significant infrastructure implications
e. significant potential environmental consequences
f. significant economic / social consequences
g. particularly important site / sensitive location considerations</td></tr>
<tr><td>Gateway engaged and both nominated decision-makers agree to referral →
Planning Committee determines.</td><td>Decision branch</td><td>Otherwise →
Delegated determination.</td></tr>
<tr><td colspan="3">END</td></tr>
</table>

Schedule 1 Applications (dealt with under delegated powers)

Application type	**Description**
Householder applications	Extensions, alterations and other development relating to a dwellinghouse.

Minor commercial applications	Smaller-scale commercial development, as defined in the Regulations.
Minor residential applications	Small housing schemes of up to nine homes on sites under 0.5 hectares, and certain related works and approvals.
Variation of conditions	Applications to change or remove conditions on an existing planning permission that falls within Schedule 1.
Reserved matters	Applications to approve details of an outline planning permission, except for large (500 homes+) outline schemes.
Discharge of conditions	Applications asking the Council to approve details required by conditions attached to a planning permission.
Prior approval	Certain permitted development proposals where the Council must approve specified details.
Permission in principle	Applications for an early-stage approval of the principle of development.
Deed of variation	Applications to change or discharge a Section 106 agreement linked to a Schedule 1 application.
Non-material amendments	Applications for minor changes to an existing planning permission or permission in principle.
Certificates of lawfulness	Applications to confirm that existing or proposed development or use is lawful, including certain works to listed buildings.
Biodiversity gain plans	Applications for approval of a required biodiversity gain plan.
Certificates of appropriate alternative development	Certificates used in certain land compensation cases.

Schedule 2 Triaged Applications

Application type	**Description**
Other planning applications	Planning applications not covered by Schedule 1, including larger or more complex proposals.

Applications linked to listed building consent	Certain planning applications linked to listed building applications or changes to conditions attached to listed building consent.
Changes to conditions	Applications to change or remove conditions on an existing planning permission that falls within Schedule 2.
Retrospective applications (S73a)	Applications seeking planning permission for development that has already taken place.
Reserved matters for large outline schemes	Applications to approve details for outline permissions involving at least 500 homes or at least 50,000 square metres of floorspace.
Deed of variation	Applications to change or discharge a Section 106 agreement linked to a Schedule 2 application.

Schedule 2 Non-Gateway Applications (unless a Members Refers it)

Matter	**Description**
Listed building consent	Applications for consent to alter or carry out works to a listed building.
Listed building conditions	Applications to vary or remove conditions attached to listed building consent.
Advertisement consent	Applications for consent to display advertisements where consent is required.
Tree Preservation Orders	Applications for consent to carry out works to trees protected by a Tree Preservation Order.

The above schedules are summaries from the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Own-Interest Applications

Regardless of its Schedule, where an application is made by or on behalf of:

- the local planning authority;
- a member or officer of the local planning authority; or
- an entity owned or controlled, whether wholly or partly, by the authority or by any of its members or officers.

The nominated officer and nominated member must review it and may agree to refer the application to Planning Committee in accordance with Regulation 6 and the Scheme of Delegation.