



## UTTLESFORD DISTRICT COUNCIL

### Felsted & Stebbing Ward

District Councillors John Evans & Richard Silcock



### DISTRICT COUNCILLORS' REPORT: JANUARY 2024

We are pleased to submit our monthly Report to the Parish Council.

We wish Members a very Healthy and Happy 2024. We have had the chance of a recharge of our Council affairs batteries over the Christmas and New Year break – there have been no formal Council business meetings until this week, when Cabinet and Planning Committee meetings resumed again their normal cycle.

Again, our Report contains much which relates to planning matters but we make no apology for it – this aspect of the Council's business continues in so many respects to dominate the current working agenda in so many areas.

#### **OUR IMMEDIATE AND CURRENT LOCAL WORK**

Although there have been no recent formal meetings to attend, we have assisted several residents recently with their own specific concerns and problems and in particular intervened regarding one issue which is very well known to you and relates to flooding at Causeway End. We have in this respect once again lent our weight to that already provided by County Councillor Foley towards Essex County Council over many months, seeking a permanent solution to the utterly unacceptable flooding of the eastern end of that road which occurs with great frequency, where water escapes from the field ditch and floods the drive, front garden (which includes a septic tank) of adjacent residents. Driving conditions on the sunken level of the road which approaches a semi-blind bend leading towards Cobblers' Green, are by reason of the flooded surface, dangerous.

This issue is by far the most persistent and serious flooding episode in our Ward and we say this since being first being made aware of it in 2019 – none of the other localised flooding incidents in the ward are as thorny to resolve nor as severe as this one.

Further investigatory action is promised by the ECC Cabinet Member responsible by the end of January and we are emphasising the importance and indeed necessity of identifying the root cause of the flooding

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before merely addressing remedial actions. Until the cause (considered by us – as non hydrological experts of course - to be water emanating from an adjacent field and spilling into and over the road side ditch) is specifically identified, then any culvert clearing and/or mechanical ditching would not likely provide a permanent and sustainable solution. We shall persist in our efforts to resolve matters satisfactorily and shall keep residents and you advised.

### **UNWELCOME LOCAL PLANNING NEWS**

Hot off the press comes news which will be rather disappointing and unwelcome to your Planning Committee in particular and it is in relation to the application of the presumption of sustainable development prescribed to apply where applicable in accordance with paragraph 11 d of the National Planning Policy Framework (more as to this below). You will recall that we were happy to report in a Report last Autumn of the arrival of a **5.14 year** housing land supply in the District which would go a long way in displacing this national policy presumption, given the absence of an up to date Local Plan.

On 8 January 2024, a paper has been prepared and included in the papers coming for the first time before the UDC Planning Committee when it meets on 10 January which explains why the five year housing land supply figure is now deemed reduced and how the presumption will hereafter apply – at least until the next five year supply figures become available and hopefully the draft Local Plan reaches Regulation 19 later this year. The technical details and explanation for this mechanical reduction are to be found in this paper:

<https://uttlesford.moderngov.co.uk/documents/s33993/Late%20List.pdf>

but the following extract explains why for technical (and in fact it might be thought notional reasons), the applicable measure is now reduced to **4.50 years** and which will be taken as the reference point against which planning applications will be judged for the next several months:

#### QUOTE

The 5YHLS statement identified that, between 1<sup>st</sup> April 2023 and the 31<sup>st</sup> March 2028, the number of homes which could be considered ‘deliverable’ amounted to 3,695. The Objectively Assessed Need (OAN) over the same period, including a mandatory 5% buffer, was 3,591. This meant the Council could demonstrate a surplus of 104 homes, which translated to a housing land supply of 5.14 years.

Since the publication of the 5YHLS the Government published the latest Housing Delivery Tests (“HDT”) results. This test measures how Local Authorities are performing with regard to housing completions when compared against their Objectively Assessed Need ‘target’ across a preceding 3-year period. Within the most recent HDT [sc. *published on 19 December 2023*], this period comprised 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2022. During this period, housing completions within the district (1,055) made up 58% of the required number of homes (1,824). Whilst a significant

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number of residential permissions have been granted in recent years, many have not yet been built and so are not accounted for in the backwards looking HDT.

Paragraph 79 (c) of the NPPF clarifies that, with regard to the HDT:

*“where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”*

The mandatory 5% buffer applied to the 5YHLS ..... must now be replaced with a 20% buffer. This has ramifications for the Council’s 5YHLS position as detailed below:

	Supply (as of 1 <sup>st</sup> April 2023)	OAN	Buffer	Total Need	Surplus/Deficit	Years Supply
<b>October 2023</b>	3,695	3,420	171 (5%)	3,591	104	5.14
<b>January 2024</b>	3,695	3,420	684 (20%)	4,104	- 409	<b>4.50</b>

#### UNQUOTE

Of passing interest to some, Braintree District Council passed the Government’s Housing Delivery Test, delivering 2,811 new homes between 2019/20 and 2021/22, namely 152% against its target of homes required. The difference in their statistic and that for Uttlesford (1,055 as described above) reveals that builders/developers have been completing more dwellings at a greater rate than is the case in Uttlesford across the District boundary. One can surmise that one reason for this is typically the lower value/priced and smaller units in that District than in ours resulting in a greater supply to meet that particular demand.

However, having a Neighbourhood Plan in place assists very greatly in resisting inappropriate planning applications where there are policies contradictory and incompatible (subject to the normal “planning balance” approach) with the particular application, but the revised headline HLS statistic of 4.50 years’ will make the task of the Planning Committee yet more demanding when formulating its representations for the foreseeable future.

#### **NATIONAL PLANNING DEVELOPMENTS**

The week before Christmas was a very busy one for the Department for Levelling Up, Housing and Communities (“DLUHC”) and the Secretary of State, Mr Michael Gove. Residents will have seen the

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considerable attention given to his press conference and indeed when reference was made by him to Uttlesford and also to the long awaited introduction of an update to the National Planning Policy Framework (Revision December 2023). This contains prospectively some good news for Uttlesford in the context of its Local Plan work.

The latest version of the NPPF made several changes to the application of the 5YHLS test and prospectively, of relevance to UDC is Paragraph 226 which states:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing[...] This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.[...]These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

Thus, once the Regulation 19 version of the Local Plan has been prepared (including the publication of a Policy Map) this policy would be engaged and UDC will only need to set out a four-year supply (plus a 20% buffer to either requirement due to the HDT performance, whatever that might prove to be).

In any event, beginning in April 2024, a further round of monitoring of housing completions within the District will be undertaken. This is in addition to the normal annual review (published early in October 2023) and will facilitate the creation of a new 5YHLS statement, taking into account housing completions and of course also new residential permissions between 1<sup>st</sup> April 2023 and 31<sup>st</sup> March 2024.

To support the Local Plan preparation, the very latest analysis of residential planning permissions since the 1<sup>st</sup> April 2023 up until 30<sup>th</sup> November 2023, comprises 1,824 (including the 1,000 - 1,200 dwellings north of Highwood Quarry/boundary of Little Easton). When combined with the previous commitments figure within the Regulation 18 Local Plan of 5,722, this totals 7,546 permitted dwellings which are considered deliverable over the remaining Local Plan period (up to 2041).

This growing commitment figure, alongside the NPPF changes made to the application of the 5YHLS which UDC could soon benefit from, suggest that UDC may be able to demonstrate a positive land supply position later this year. However, as the HDT is a retrospective test, housing completions may not be immediately reflective of the strong number of permissions granted – this will depend on the developers/builders actually building out, being a matter over which regrettably, UDC (as is the case also for all planning authorities) has no direct control.

Residents will have read of DLUHC/Mr Gove’s reference to Uttlesford and six other planning authorities whose Local Plans are very out of date – indeed it will be 19 years this month that Uttlesford’s Local Plan was adopted. He demanded to know what were the timetables for advancement of these various Local

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Plans. UDC were very surprised to learn of the demands made by the Secretary of State since his officials had been kept apprised of applicable timetables which of course had been published and put into effect in accordance with the Local Development Scheme:

<https://www.uttlesford.gov.uk/article/4969/Local-Development-Scheme>

The Secretary of State will be reminded of this and the Cabinet is confident that the response proposed to be sent to Mr Gove explaining the progress being made towards the updated Local Plan will satisfy him.

We do not typically include observations of a political nature in our Reports but we might just be permitted to observe that of the Councils singled out by Mr Gove for his critical observations, the majority represented independent administrations or those other than led by members of Mr Gove's own political party. Meanwhile, a motion has been called next week by the main opposition party at UDC to discuss the response to be sent to Mr Gove.

#### **THE DRAFT LOCAL PLAN – AN UPDATE**

Consultation upon the Regulation 18 draft Local Plan continued until 18<sup>th</sup> December 2023 and the response rate was good. The responses are presently being tabulated and analysed and we will report further, when this exercise is further advanced, in our next Report. We thank you and all residents who did respond to the consultation.

Should the Regulation 18 draft proceed to Regulation 19 (ie carrying amendments taking into account the representations etc just made), as we hope it will, there will be a further opportunity of course to make representations on that document which will be the version submitted to the Planning Inspectorate for public examination in due course.

#### **COUNTY COUNCIL CONSTITUENCY REVIEW/POPULATION MATTERS**

In our last Report, we described the changes anticipated in the parliamentary boundaries and the wards' representation, with electors becoming voters in the Braintree Parliamentary Constituency. Since a General Election will likely come about during this calendar year, residents will be reminded that their MP will no longer be that representing Saffron Walden (also no longer so named at the Election, when it will become renamed the Constituency of North West Essex).

As County Councillor Foley has previously reported, there is a boundary review presently underway commissioned by the Local Government Boundary Commission (but administered locally by Essex County Council) for the 2025 County Elections, whereunder it is suggested that our ward will fall into a new Division. By way of reminder, this is the timetable regarding this review:

21 March 2023	Decision re how many councillors
28 March - 31 July 2023	Initial public consultation
28 November 2023 - 19 February 2024	Main public consultation

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4 June 2024  
TBD  
2025 - Election

Recommendations published  
Parliament to approve recommendations  
New arrangements apply

The review is necessary because it has been a long time since the last review and the number of electors per division varies considerably across the Council. The proposals so far as we are concerned would mean that Felsted and Stebbing would be joined together with Great Dunmow, Little Dunmow, Flich Green and Barnston to make up a new division, resulting in Uttlesford returning five County Councillors, in place of the present four.

The consultation is still open until **19 February 2024** and this is the link to the consultation:

<https://www.lgbce.org.uk/all-reviews/essex/feedback>

Additional and detailed information regarding the proposals are found here:

<https://www.lgbce.org.uk/all-reviews/essex>

The electorate in the proposed new division as at **2022** numbers **14,392**, but, interestingly, the prediction is that the new division electorate shall have increased to **15,786** by **2029** (or some 9.7% - compared with that for the District as a whole of nearly 13%). For those interested in statistics, these figures incidentally compare with the recorded population growth during the last 10 year Census cycle up until 2021 of some 15%.

So, it seems that the Government's statisticians predict continuing growth for our District which of itself is interesting. Since there has been notable and substantial inward migration from north and east London in recent years, we imagine that we will see that demographic component continuing unabated.

### **DECARBONISATION, CLIMATE CHANGE AND RETROFITTING EXISTING BUILDINGS**

Around a third of the UK's carbon emissions are said to be directly influenced by local authority practice, policy and partnerships and thus, local authorities have a vital role to play in the UK's decarbonisation. UDC declared a Climate and Ecological Crisis in 2019 and is committed to playing its part in preventing a climate and ecological catastrophe that will greatly impact our children, grandchildren, and future generations. It will be recalled that the council's goal is to achieve net-zero carbon by 2030 and also to take steps to protect and enhance bio-diversity in the district.

All UDC members are encouraged to learn more about the subject and attend a course authored by the Carbon Literacy Project which has been tailored for UDC Members, with the purpose of embedding climate action at all levels in the Council. We shall report further as to this subject in months to come. Residents might find this BBC programme on the subject of general interest:

<https://www.youtube.com/embed/q9WylPgyuqo?start=1409&end=1710>

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In this further context, UDC has in excess of 3,700 listed buildings in the District (a greater number than any District in the country other than Westminster) and as part of UDC's commitment towards carbon reduction, we are keen to review the ability of residents to retrofit with energy saving means those dwellings which make up our historic building stock. If any resident has views concerning the ease or difficulty as they see it of obtaining listed building consent in this connection, John would be pleased to hear from them in order to understand the practical considerations experienced.

There are extensive guidance notes published by Historic England on the subject and included on the UDC website and UDC's conservation officer/team have continued to offer advice over the phone when residents have made enquiries about listed buildings. Moreover, the team continues to promote pre applications in the context of the Listed Building consent route to ensure residents adopt a more holistic approach to retrofit that is appropriate to the specific needs of the individual building.

It will be of interest to residents owning listed buildings to be made aware of a new Advice Note issued for consultation recently by Historic England which sets out a more progressive stance on climate change mitigation. Those householders are encouraged to respond to it and the final Note will be added to the UDC website when published:

[Climate Change and Historic Building Adaptation - draft for consultation \(historicengland.org.uk\)](https://www.historicengland.org.uk)

John was pleased recently to have been able to provide support to a resident who successfully applied for permission and listed building consent to install a ground mounted solar array in the curtilage of a listed building. It will be good to see that domestic array at work, once in operation.

Finally, a recent and very informative visit was undertaken to a dwelling built to Passivhaus standards (by kind invitation of Mr and Mrs Learmonth) and thus a very good appreciation was gained first hand of the thermal efficiency and impressive eco-performance of that dwelling. As will be recalled, extensive proposals are contained in the draft Local Plan towards setting such standards in the future but it is most commendable that we have such an early example of forward thinking/application of these principles within our own Parish. Being able to see the theory applied through an open house invitation to view it is a very welcome privilege.

#### **DISTRICT COUNCILLORS' AND CONSTITUENTS' SURGERY**

We have not held our monthly surgery this month in the URC Hall, given the absence of a Parish Council meeting which normally takes place after it but are always pleased to meet up elsewhere, 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.

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Of course, we remain very happy to consider requests for financial support, utilising our Members' Initiative Grant as appropriate and which can be made available to community groups for suitable purposes.

Cllr John Evans

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