



UTTLESFORD DISTRICT COUNCIL
Felsted & Stebbing Ward
District Councillors Sandi Merifield & John Evans



DISTRICT COUNCILLORS' REPORT: JULY 2021

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

STANSTED AIRPORT PLANNING APPEAL

Since our last report, a decision was taken by UDC Officers to ask permission from the Planning Court (a specialist division of the High Court in London) to pursue an appeal against both the main appeal decision of the Inspectors (allowing potential expansion to 43 million passengers per year) and also their decision to award the legal costs of the appeal to MAG. If permission to appeal is given on one (or both) applications, then there would be a full hearing on the issues sometime in the Spring 2022.

The appeal process does not result in the Court deciding the rights and wrongs of the planning appeal itself ie whether the technical and expert evidence provided by MAG or UDC was right or wrong in planning judgment terms, but whether the Planning Inspectors weighed it properly and fairly in coming to their conclusions. If the Court considers they did not, then the appeal is remitted to a different panel of Inspectors for reconsideration, whose decision would then be made against the state of the evidence and policies applicable at that time.

The decision to ask for permission to appeal and steps to be taken (as in the case of the handling of the planning appeal itself) were matters decided upon by the Officers. We support that decision, as it goes towards support for the decision of the Planning Committee which refused the planning application in January 2020. However, suggestions made by some UDC Councillors that our Administration had not supported that decision are misguided (in case members or residents wish to understand the point in greater detail, it was explained by John in a special Council debate on the subject in the broadcast of 28 June commencing at marker 1:06:00):

<https://www.youtube.com/embed/h0ITjQ-jjBw>

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All steps taken in planning appeal and other legal/court proceedings are delegated matters in accordance with Local Government Regulations and the UDC Constitution and do not fall to the members to direct or manage. The legal team who are instructed by UDC to challenge the Planning Inspectors' decisions will be basing their arguments on the grounds that the Inspectors:

- for the main decision: ignored the Government's climate change and carbon policies, including under the Climate Change Act; and
- for costs: failed to apply the planning appeal procedure rules, allowing only a costs recovery where there has been unreasonable behaviour by the relevant party. In our instance, it will be argued that UDC did not act unreasonably but on the contrary, the Inspectors' costs decision was irrational and unprincipled.

The legal team will be advancing a comprehensive attack on the Inspectors' Decisions and we will be keeping you advised of developments. Sufficient budget has been provided for as to the legal costs likely to be incurred in the proposed actions and UDC will continue to resist liability for any costs incurred by MAG.

LOCAL PLAN - HOUSING NUMBERS

We are referring to the topic of housing numbers separately since it first received detailed consideration by the Local Plan Leadership Group and was then carried forward to and approved by Cabinet last week. The full report may be found here:

<https://uttlesford.moderngov.co.uk/documents/s24177/Local%20Plan%20Housing%20Numbers.pdf>

Identifying the housing requirement is an important stage in the local plan process – it is the number of number of homes that are required by the Government to be planned for over the twenty year plan period.

The Local Plan Leadership Group recommended in their report to Cabinet a housing requirement of 706 homes a year for the District – or a supply of up to 16,944 homes up to 2040. This requirement is derived not from any UDC made policies or other local considerations but entirely from a set of standard formulae imposed by the Government. The resulting report does however consider comments received during the earlier public consultations and representations as well as the experiences of other local authorities.

A buffer of between 15% and 20% has been identified so that the local plan can react flexibly to changing circumstances. This means identifying a supply of at least 16,238 - 16,944 homes to meet a housing requirement of 14,120 homes over the 20 year plan period but it is important to note that about 4,000 homes are already approved in the planning system, meaning that the council is likely to need to identify around 11,600 homes to be built across the District to meet the potential housing requirement in the plan period.

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John brought the LPLG report to Cabinet which discussed it and questioned whether the calculation set by the government was using, from an Uttlesford perspective, the correct elements. The resounding response from the Minister (Mr Jenrick) has been that the government formula would not change at this time.

As to government planning policy generally, we all await with interest the publication of the Planning Bill later this Autumn which will reveal the details of the extent to which local plan making will be changed (which might provide for “zoning” of development and protected areas and the like - which we have described before – and which it might be said would potentially reduce input from members of the planning committee).

The Call for Sites exercise having closed, the sites put forward are being tabulated/detailed and Officers will begin to assess them against the criteria earlier reviewed by LPLG. The list of district wide sites will be published later this month and will be publicised appropriately on the UDC website.

Further, there will be a presentation given to the Town and Parish Councils during July as to the housing requirement, the sites proposed and the appraisal methodology, all part of the early consultation policy to which this council Administration is committed.

STANSTED AIRPORT FUTURE AIRSPACE

As you will recall, stage 2 of a consultation is underway by Stansted Airport Limited, being part of the Civil Aviation Authority modernisation routeing strategy (which covers airspace including that relating to the other London and east regional airports). The process will continue until early 2024 after submission and approval by CAA of any revisions made. Public consultation will take place during 2022/23.

John was able to participate in a stakeholder forum recently which discussed the application of “CAA design principles” in respect of routeing and their potential future amendment. The current departure routes 04 and 22 Clacton overfly parts of the parish and are used particularly when the wind is prevailing NW. He was able to ask questions as to preferred and potential aircraft ascent rates and gradients, taking into account fuel consumption, in order better to understand the ability of aircraft to be higher in the sky by the time they overflew our communities and securing noise reductions. He also urged that consideration be given to heritage assets and conservation areas lying below aircraft routes in the route selection ultimately to be made, bearing in mind the difficulty and expense for householders in installing sound insulation in listed buildings. He would be interested to hear from members and residents as to their experience of unacceptable overflying noise and related topics.

NEIGHBOURHOOD PLANNING

The Newport, Quendon and Rickling NP was “made” by UDC in full council last week. It is pleasing to record that substantial weight was given to it by a Planning Inspector in an appeal decision handed down

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(coincidentally that same day!) regarding development of new housing in Newport which had been refused by UDC Planning Committee. Let us hope that planning inspectors in cases of contentious appeals will continue to respect the Felsted NP in the same way.

WARD MEMBERS' INITIATIVE

Following an approach made to us on behalf of the Felsted Friendship Club by Cllr Moore, we have been pleased to provide some financial support the Club towards its arrangements for a club coach outing – we look forward to seeing photographs of the “fun and frolics” enjoyed on their trip although we have not been told if it is to be of an cultural nature or more a magical mystery tour. We are sure that all members will have a great time!

We remain very willing of course to support community organisations from within the Parish, using our annual initiative funds whenever we can and are always ready to receive proposals or enquiries.

OUR SURGERY

Finally, we are intending to resume our face to face surgery with residents immediately before the September Parish Council Meeting and look forward to meeting residents once again.

As ever, of course, we would be very happy to hear from any parish councillors or residents by email or phone should there be anything they think we can help with or answer any questions you may have on our report.

Cllr Sandi Merifield

Cllr John Evans

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