



UTTLESFORD DISTRICT COUNCIL
Felsted & Stebbing Ward
District Councillors John Evans & Richard Silcock



DISTRICT COUNCILLORS' REPORT: MAY 2024

Please find attached below our monthly Report to the Parish Council.

UTTLESFORD REFUSE SERVICE

We advised previously that the UDC Scrutiny Committee (via a Task and Finish Group made up of four cross-party members from across the District, including one who has a professional background in HGV fleet management and operations) were to report to Council as to the causes of the temporary “grounding” of the UDC refuse fleet at the beginning of the year. Their mandate was to identify lessons to be learned and also suggest steps to be taken to provide for the better resilience of the service in the future.

A report was first submitted and considered in the challenging environment of the Scrutiny Committee before then coming to full Council, as it did last week. The papers submitted are voluminous and perhaps too extensive for the typical reader, but we include them for the sake of completeness and in case you or members of the public would wish to drill down into the full detail. This is the link to the Council Agenda:

<https://uttlesford.moderngov.co.uk/documents/s35206/Operational%20Resilience%20Cover%20Report.pdf>

We commend the T&F Members for the clarity of their report and the speed of its preparation and submission. Their recommendations, while embodied in the report, were also presented in one of separate 8 item Appendices, which for ease of reference are to be found in an easy to read (and non jargon-laden) paper:

<https://uttlesford.moderngov.co.uk/documents/s35208/Operational%20Resilience%20Appendix%20A%20-%20recommendations.pdf>

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Naturally, residents will want to know what was the additional cost throughout the period of the manifest managerial failure by UDC to provide the statutory service required using their own fleet resources and in this respect, Annex H prepared by the Chief Executive analysed the costs at **£ 75,319**. The breakdown and detail is included here:

<https://uttlesford.moderngov.co.uk/documents/s35265/Waste%20Service%20Disruption%202024%20final%20costings.pdf>

This extra cost over the period affected amounts to less than £ 2 per bin/household.

As we anticipated also last Autumn, the purchase of additional new refuse vehicles was already planned for (as well as the recruitment of drivers and loaders) and this programme goes ahead (at a cost of some £ 1m which has been budgeted for in the 2024/2025 Accounts).

In addition, to take into account the extra time taken in completion of the rounds and more complex logistics arising out of the requirement to off load refuse at the ECC depot at Braintree, instead of at the transit station at Great Dunmow which was closed by ECC, a logistics/efficiency exercise will also be undertaken to maximise route efficiencies/turn-arounds, leading hopefully to a better and more predictable refuse service performance for residents as well as fuel savings for the HGV fleet.

The T&F group has not been stood down and they will report further as to the effectiveness of the measures proposed, as described above, to secure improved and resilient performance of the refuse service.

OTHER UDC RESILIENCE MATTERS

One positive outcome of the review of the refuse service failure has been additional action taken to identify other potential single or critical failures in the Council's management and processes. This is by way of an update to and supplementary to existing risk registers and a brief report to this effect, anticipating some of the work to be reviewed was commented upon in this Annex submitted to Council. This is a work in progress and we will advise you, for the sake of completeness, of its outcome in the future.

<https://uttlesford.moderngov.co.uk/documents/s35225/Operational%20Resilience%20Appendix%20G%20-%20Broader%20Operational%20Resilience%20report.pdf>

UDC INVESTMENT PROPERTIES & CAPITAL/BORROWING MATTERS

We have described on several occasions in past Reports the extent to which UDC has purchased freehold investment properties in the commercial sector in order to generate rental income necessary to bolster its revenues, this being required given the decrease in support provided from Central Government to all Local Authorities in recent years. Acquisitions have been undertaken by use of borrowed funds (mainly from Phoenix Life – see below – and from other Local Authorities/PWLB).

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One of those investments is an equal share held in a 50/50 Joint Venture together with Aviva Insurance which owns the large estate at Chesterford Research Park, incorporating state of the art research laboratories and facilities in the life sciences sector.

For those members and resident interested in the financial aspects of those investments, we draw the attention to the work of a working group appointed by Cabinet, namely the UDC Investment Board (of which John became a member in May 2023). It meets periodically and reviews on a quarterly basis the performance of the portfolio. The last meeting was on 15th February and the relevant property portfolio/valuation papers for that are here:

<https://uttlesford.moderngov.co.uk/documents/s34390/UDC%20Property%20Portfolio%20Q3%202023%20Report.pdf>

As the 50% interest in Chesterford Research Park shows a considerable profit on paper since acquisition, consideration was given by Council to its disposal on suitable terms, if offered and achievable. This would not be a fire sale nor is there a commitment to sell on any terms. A disposal is not required for budgetary purposes but if the right terms are available, then by use of sale proceeds, that would lead to repayment of a substantial portion of the borrowing, which would also meet Government's preferences for lower local authority borrowing/gearing.

Further and separately, the Council has been approached by Phoenix Life, from whom a long-term loan was taken out in 2017 in the sum of £37 m at a fixed rate of 2.86% to part fund the acquisition of the 50% share in Chesterford Research Park. They enquired whether UDC would consider an early redemption of the loan in return for a reverse premium/discount on the amount to be repaid.

The current loan outstanding is some £35.47 m and a very substantial discount of some £10.20m is now offered. meaning that the Council would only need to repay some £25.27 m. (these are c./round figures), which would need to be refinanced at current rates. There were two identifiable benefits for the Council, the first being after borrowing the refinanced sum over the medium term at current interest rates (circa 4.93%) the transaction would have a positive impact on the revenue position by around £700,000 per annum. The second benefit is that the Council would be reducing its total sum borrowed by some £10.2 m which will meet with Government's philosophy, arising out of concerns about local authority levels of borrowing.

These arrangements with Phoenix Life do not depend on whether or not the disposal of the Chesterford Research Park interests proceeds or not.

OUR IMMEDIATE AND CURRENT LOCAL WORK

Since our last report, the very substantial volume of processed building rubble fly-tipped on the road/driveway leading to Grandcourts was removed by UDC most promptly after deposit.

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Issues regarding flooding at Causeway End and Stevens Lane continue to be of major concern and we continue to be supportive of County Councillor Foley regarding intervention with his colleagues and officers at ECC, given their joint roles as Lead Local Flood Authority and Highways Authority. It does seem to be a “game of inches” however, but we shall persist in our efforts to support residents.

We have however, as a result of our recent work and input received from residents in our field visits and discussions with them, come to appreciate further the importance and relevance of SuDS. Until recently, they were required only on major development sites (ie in excess of 10 dwellings). Since earlier this month, however, they are required on developments of all new dwellings. This is to provide for the greater absorption of run-off water from roofs and driveways etc into the ground, thus preventing storm water from being introduced into the public sewerage system which can give rise to the outflow of untreated output from treatment works into watercourses, of which we read not infrequently in the press – none so far as we are aware however, and pleased to note from the Felsted treatment works.

Given that the design and proposed management arrangements for SuDS are matters for ECC as the Local Lead Flood Authority and yet other planning and building regulations matters are for UDC, there is the risk of a “mismatch” between the requirements and practices of the two authorities. This is most undesirable. John, as planning portfolio holder, reported to Council last week his request to UDC officers to consider means whereby the correct implementation and management of SuDS might in future, be required to be certified as “true and correct” by an independent, properly qualified and insured drainage engineer. Such potential sign-off arrangements would serve to protect the understandable need of householders of newly purchased properties to have assurance that their drainage systems are actually and as fitted, fit for purpose.

THE DRAFT LOCAL PLAN – AN UPDATE

There is little to report in this respect while work of the Local Plan Panel (successor to the Local Plan Leadership Group) continues in workshops and monthly public meetings. The most recent of these concerned the matter of policies to be included to address and mitigate the effects of climate change.

The Regulation 18 draft Local Plan contains very ambitious policies in this regard but since its publication, a Written Ministerial Statement was issued by DLUHC on 13 December which seeks to rein in the ambitions of local authorities who were looking to achieve the “maximum” possible in this area – as is Uttlesford.

This is a hot topic for UDC (and other local authorities) as local plan policy makers, but it is reassuring to know that ECC is also supportive of the current ambitions and will seek to be resistant to efforts to limit policies to a lowest denominator, as suggested by the WMS. Work continues in this area towards settling final policies to be included in the Regulation 19 draft.

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Future meetings of the Local Plan Panel will be held to consider allocations of the strategic land parcels and important detailed policies such as the extent/applicability of area wide protections – the current 2005 LP policy familiar to many is that of the Countryside Protection Zone surrounding Stansted Airport.

As to progress in the review of regulation 18 representations made and the evidence being assembled, as well as the assembly of the “evidence base” (ie technical subject matters), we think that you will find the report submitted to the Scrutiny Committee on 16th April of interest:

https://uttlesford.moderngov.co.uk/documents/s35120/1%20AutoRecovery%20save%20of%2020240416%20LP%20Scrunity_.pdf

This also incorporated a report by the Planning Advisory Service (“PAS”) as to the steps being taken by UDC towards Local Plan preparation. PAS was asked by DLUHC to keep (more than) a weather eye on our progress – this being set against the backdrop of Secretary of State Gove’s observations last December addressed to UDC and a few other local planning authorities with antique Local Plans, that he wanted assurance that plan making was really underway and making appropriate progress.

PAS report describes the good progress being made (despite the timetable set by UDC being very challenging) and the resources deployed (for example the personnel engaged and their background is referenced on p 4 of their report):

<https://uttlesford.moderngov.co.uk/documents/s35121/2%20Appendix%20PAS%20PM%20Support%20Advice%20Note.pdf>

Residents will want to know “what next” for them to consider ie when will they be asked to participate in the next stage of consultations. This will come about at the Regulation 19 stage (which will itself happen if Council approves the publication of the draft Local Plan brought before it). If Council does not approve that draft Local Plan version, then it will be a case of going back to Ground Zero ie continuing reliance upon the grossly out of date 2005 Local Plan – we hope that does not come about, since if it does, it will inevitably mean that DLUHC will intervene and take over the making of the Local Plan.

If however, a Regulation 19 Local Plan is approved and published, consultation upon it will run from the end of July until September – and a period of 8 weeks rather than the required 6 weeks will be provided for, to allow for the intervention of the Summer Holidays period.

STANSTED AIRPORT AND NIGHT FLIGHTS

We confirm that the consultation concerning night flights will be considered shortly by UDC’s Stansted Airport Advisory Panel (John and County Councillor Foley are Chair and Deputy Chair of this body) which is a working group of Cabinet. Responses to the consultation will be submitted to DfT by the applicable date later in May and we shall report on them next month, as well as other matters pertaining to Stansted.

It is to be noted that at the last meeting of Stansted Airport Consultative Committee, the Managing Director of the airport reported that 28.5 million passengers had passed through the airport in the last

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calendar year – the greatest number yet. Further expansion is to come with the permissioned building of three additional sectional bays in the Terminal Building, which we touched on in previous Reports.

The Managing Director went on to say that all employment positions available at the airport were filled, further expressing confidence in the extent to which the airport is in the opinion of its owners, Manchester Airport Group, thriving.

Finally, arrangements for the flight path changes which we have previously described remain pending, while consultations with all other UK airports and the CAA are continuing. We shall keep you informed as to this – being a matter of particular concern to residents in the northern area of the Parish, whose properties are overflown when aircraft departures are to the east, which occurs about 30/35 % of the time, namely when the prevailing wind is westerly.

PLANNING ENFORCEMENT MATTERS

We set out in our last Report the statistics at end of March 2024 concerning planning enforcement, which are repeated by way of reminder:

- 266 active planning enforcement cases
- 204 cases have been closed

Your Planning Committee will be interested to learn of a very recent change in the Law, brought in last week under the Levelling Up and Regeneration Act 2023. This provides that new (not historic/already commenced) planning breaches may be enforced within 10 years, in place of the current 4 years. This is a development which will we hope discourage the opportunistic developer or member of the public who seeks to abuse and take advantage of the planning development system, as it stands.

DISTRICT COUNCILLORS' AND CONSTITUENTS' SURGERY

We will hold our usual monthly surgery in the URC Hall at 1730, immediately prior to the Parish Council meeting.

We are always, in addition, 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.

Finally, 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.

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