

Committee: Cabinet

Agenda Item

Date: 31 March 2014

8

Title: Uttlesford Local Plan Pre-submission Consultation

Portfolio Holder: Councillor Susan Barker

Summary

1. Members are asked to endorse the Pre-Submission Local Plan as sound and to agree it as the basis of the pre-submission consultation (Regulation 19 Consultation) to take place for a minimum of 6 weeks in April to May 2014. The Cabinet should be satisfied that this is the Plan that the Council intends to submit for Public Examination by the Planning Inspectorate

Recommendations

2. Cabinet recommends to Full Council that:
 - A) The Plan as proposed to be published under Town and Country Planning (Local Planning) (England) Regulations 2012 Regulation 19 is sound; and
 - B) It is agreed that the document as proposed to be published is the document that it is intended the Council will submit under Regulation 22 to the Planning Inspectorate, subject to any further changes arising from the Regulation 19 consultation.

Financial Implications

3. The Pre-Submission Consultation and Public Examination involve costs which will be borne by existing budgets.

Background Papers

None

Impact

- 4.

Communication/Consultation	The Plan will be subject to consultation in accordance with the Statement of Community Involvement.
Community Safety	N/A
Equalities	The public consultation arrangements will take into account equalities issues.

Health and Safety	N/A
Human Rights/Legal Implications	The process by which the Plan is considered is set out in the 2012 Regulations
Sustainability	The Local Plan is subject to sustainability appraisal.
Ward-specific impacts	All
Workforce/Workplace	The staff resource implications are taken into account in the Corporate Plan and budget for 2014/15.

Situation

5. The Pre-Submission Local Plan sets out the Council's planning policies and site allocations that it intends to submit for independent examination later in the year. It has been prepared with reference to the National Planning Policy Framework (NPPF), the Uttlesford Community Strategy, a wide range of evidence which is available on the Council's website, and extensive public consultation.
6. This Plan contains the following:
 - The **profile** of the district provides the context for the **vision** and **objectives** which follow
 - The **spatial strategy** sets out what the policies in the document will mean for the various areas in the district.
 - The **strategic policies** are the key policies needed to deliver the strategy. Once the plan is adopted planning applications will be expected to conform with these policies, and the development management policies.
 - The **development management policies** set out the more detailed criteria that the council will use to determine planning applications.
 - The **site allocations** identify areas for development and include the policies which will determine how these areas should be developed.
7. The purpose of the consultation is so that representations can be made before it is submitted to the Secretary of State for examination by an Inspector. Comments on this stage in the plan preparation process therefore have to be made in a more structured way than in previous consultations. Representations will need to relate to whether the legal requirements for producing the local plan have been met, whether the requirements of the Duty to co-operate have been met and whether it is 'sound'. The tests of soundness are whether the plan has been positively prepared, is justified, effective and consistent with the NPPF.

Risk Analysis

8.

Risk	Likelihood	Impact	Mitigating actions
That the Council submits an unsound Local Plan.	1. Members have been involved in the development of the policies through previous consultations and report of representations. Furthermore they have been kept informed of the evidence base.	4. If the Plan were unsound, this would require potentially additional evidence to be collected, a new draft plan to be prepared and further consultation before the Council would be in a position to submit a sound plan. In the interim it would not have an up to date local plan and applications would need to be determined on the basis of the NPPF. The council's ability to achieve development in accordance with a strategy that reflected local priorities would be compromised.	Cabinet is satisfied that a rigorous appraisal of the Plan has been carried out. The Regulation 19 consultation enables the council to consider making further changes to the Plan before submission if new issues arise that it has not previously taken into account.
Any delay in the Local Plan consultation will delay the adoption of the Local Plan.	1. Members have engaged in the whole process of the Local Plan and understand that any delay would result in the district being subject to further speculative planning applications which would be hard to defend.	4. A delay in the adoption would open the district to further speculative planning applications, a lack of local policies to interpret in finer detail the National Planning Policy Framework and a further weakening of current development limits.	Officer reports to Councillors set out clearly the potential ramifications of any delay in the process of adopting a new Local Plan.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.