

Committee: Full Council

Agenda Item

Date: 8 April 2014

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**Title: Uttlesford Local Plan Pre-submission
Consultation – update report**

Portfolio Holder: Councillor Susan Barker

Summary

1. The Full Council agenda includes a report and appendix at item 2 on the Uttlesford Local Plan – Pre-Submission Consultation Document. Since the report was written a change to one policy and a clarification on another policy has become required. This update report addresses these issues.
2. 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 June 2014. The Members should be satisfied that this is the Plan that the Council intends to submit for Public Examination by the Planning Inspectorate

Recommendations

- 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.
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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. Since the publication of the Full Council agenda a change to one policy and a clarification on another policy has become required.

Newport Policy 2 – Nursery Site, North of Bury Water Lane

6. A minor change to Newport Policy 1, on page 145 of the Local Plan, is required in order to bring the policy into line with the approved planning permission. This does not change the overall housing numbers for Newport as set out in Policy SP7 – Housing Strategy on page 45 of the Local Plan.
7. Newport Policy 2 should read as follows: The nursery land to the north of Bury Water Lane is allocated for ~~a care village~~. **40 apartments for the over 65's, a care village and 5 market houses**. Within ~~this the apartment and care village~~ area only proposals for specialist housing and associated facilities will be acceptable unless:
 1. Viability appraisals demonstrate that the need for the market housing component is essential for the successful delivery of the development.
 2. The proportion of the market housing is the minimum needed to make the scheme viable

The application should be accompanied by a Transport Assessment, Approved Drainage Strategy and other required documents and any recommended improvements/remedial works will be controlled through the legal obligation.

Great Dunmow Policy 7 – Land South of Ongar Road, Great Dunmow

8. Further to recent advice it is important that Councillors are fully informed of the current situation in relation to this policy area. Planning permission UTT/1255/11/OP was approved at appeal in 2012. The appeal decision was challenged in the High Court and there have been subsequent legal proceedings. An Order quashing the appeal permission is expected, although the planning permission is currently extant. The quashing Order would remit the appeal back to the Planning Inspectorate so that another Hearing can be held. However the Secretary of State for Communities and Local Government has indicated that he will apply for permission to appeal the decision if the Order is made. The legal position therefore remains uncertain.
9. Notwithstanding the uncertainty of the legal proceedings it is recommended that the site be retained within the Pre-Submission Local Plan. It will therefore be open to all parties to make representations as part of the consultation process.

Risk Analysis

10.

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	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.

<p>Any delay in the Local Plan consultation will delay the adoption of the Local Plan.</p>	<p>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.</p>	<p>the NPPF. The council's ability to achieve development in accordance with a strategy that reflected local priorities would be compromised.</p> <p>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.</p>	<p>Officer reports to Councillors set out clearly the potential ramifications of any delay in the process of adopting a new Local Plan.</p>
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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.