

**LDF WORKING GROUP held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN AT 9.30 am on 14 JUNE 2013**

Present: Councillors J Cheetham – in the chair.  
Councillors S Barker, K Eden, E Godwin, K Mackman, J Menell,  
V Ranger, H Rolfe, J Rose and D Watson.

Also present: Councillors J Redfern and J Parry.

Officers in attendance: M Cox (Democratic Services Officer), R Harborough  
(Director of Public Services), H Haydon (Planning officer), S  
Nicholas (Senior Planning Officer) and A Taylor (Assistant  
Director Planning and Building Control).

**LDF66 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors J Ketteridge and E Oliver.

**LDF67 MINUTES**

The minutes of the meeting held on 8 April 2013 were approved and signed as a correct record.

**LDF68 MATTERS ARISING**

Councillor Watson said that he had asked the Leader of the Council to include 3 items on the agenda for today's meeting. He had been told that two of the items were outside the remit of the working group, and the other would be considered today but this did not appear on the agenda.

The terms of reference for the working group were "to give advice and guidance to officers in progressing the Local Development Framework". He considered that the issues he had raised were vital for the preparation of the local plan and asked for the information he had requested to be provided.

His first question asked about the protocols that were in place for meetings between officers and developers regarding the negotiation of S106 agreements and the role of parish and town councils affected by those discussions.

The working group discussed this issue. Councillor Rolfe questioned the protocols that were in place and felt the S106 process should be more transparent to residents and local councils.

The Assistant Director Planning and Building Control said there were nationally understood procedures. The planning case officer led the S106 negotiations with the legal team with close input from professional officers. All legal obligations had to meet the stringent tests within the act and the NPPF, adopted guidance and the local plan.

In terms of the involvement of town and parish councils, parallel conversations might be held if the local council was affected by the terms of the agreement but they would not be involved with negotiations unless they were party to the application. Best practice would be for the developer to have pre-application discussions with the parish council and for their views to be fed into the process that way.

Councillor Eden thought that the local community should have a say in how the S106 monies were allocated. However, it was explained that the rules on the terms of the S106 agreement were very clear; it could only include those matters that were required to make the planning application work (for example highway or education contributions). Input from the public was through representations on the local plan and specific consultations as part of the development management process and the communities' wishes were recognised through village and neighbourhood plans.

The working group noted that the Cabinet meeting in June would consider updated and consolidated developers contribution guidance.

The Chairman said that the other issues raised by Councillor Watson would be considered later in the meeting.

LDF61

## **RESIDENTIAL WINDFALL ALLOWANCE**

The working group considered a report on whether the council should include windfall sites in the housing supply. This followed a provision in the NPPF which enabled local planning authorities to make an allowance for windfall sites in their 5 years supply if they had compelling evidence that the sites had been available in the local area and would continue to provide a reliable source of supply.

The report set out the relevant data - the number of windfall sites consented and built from April 2001, the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. This concluded that that windfall sites made a contribution to the number of annual completions and in the light of available sites and planning policy they would continue to be permitted and built in the future. On the basis of 12% completions on windfall sites, it was suggested that an annual amount of 50 dwellings should be included in the housing numbers. This was consistent with the historic annual rate.

Members welcomed this proposal, and agreed that 50 was a reasonable number. It was confirmed that the 50 dwellings would come off the overall figures but would not alter the numbers in the existing allocations.

AGREED that a windfall allowance of 50 dwellings per annum be included in the 5 year and overall housing supply.

LDF61

## **HOUSING TRAJECTORY AND 5 YEAR LAND SUPPLY**

The Senior Planning Officer presented a report on the Housing Trajectory and 5 Year Land Supply Statement 2013.

The 5-year supply statement showed the council had 74% or 3.7 years supply of committed sites against the annual requirement of 415 dwellings based on the economic growth scenario. It was noted that if the sites identified in the proposal for draft sites 2012 were taken into account this percentage would increase to 120% or 6 years.

The NPPF viewed housing development in the context of a presumption of sustainable development and stated that relevant policies for the supply of housing should not be considered up to date if the council could not demonstrate a 5 year supply. The working group questioned how much weight should be given to this statement. The Assistant Director said that the council continued to monitor the national appeal picture in relation to the 5 year supply but it was preferable to approve an application that was acceptable to the Planning Committee with appropriate conditions attached, than to have a decision imposed at appeal.

A question was asked about the delivery of affordable housing, which at 122 last year and 97 for this year was a lower number than would be expected if the 40% figure was applied. It was explained that the developments now coming through were granted before that policy was implemented. However, there would still be developments where the 40% could not be achieved or where the development was below the 15 dwelling threshold. The Council was continuing to meet its target to deliver 100 affordable units a per annum.

In answer to a question regarding the 5% buffer, this was considered to be acceptable because in the last 5 years the Council had only once not met the new build target and consequently there wasn't a persistent under supply of housing in the district.

Members noted that the Council was moving toward achieving its 5 year housing supply having recently approved a number of large applications and further sites, including draft allocation sites would be coming forward in the next month.

The report was noted.

LDF62

## STATEMENT OF COMMUNITY INVOLVEMENT

At the last meeting the working group had agreed the Statement of Community Involvement (SCI) for consultation. This set out the council's approach to public consultation and involvement in the preparation of the Local Plan, and in the determination of planning applications. The report now included amendments made as a result of the representations received.

Members considered the report and the comments received. There was discussion around the merits of the different methods of disseminating information, including the use of social media. Councillor Redfern mentioned difficulties with navigating to planning information on the council's website.

Councillor Rolfe said that a consistent theme in the responses was the public's mistrust of the planning process. He felt there was inadequate community consultation and a lack of public understanding of the planning process. There was also an apparent lack of transparency with meetings between members/officers and developers. Members discussed current practice and areas where improvements could be made.

In relation to meetings with developers members asked whether the affected parish could be consulted on the proposal at an earlier stage, particularly when a S106 agreement was involved. It was understood that at the start of discussions ideas might be speculative but as soon as there was a firm proposal it would be helpful for the relevant parishes to be consulted.

It was explained that it was current practice for officers to advise developers to consult with the parish and this advice was also set out in the guidance leaflet and on the website. Members felt that parishes would also benefit from guidance on how to deal with approaches from developers.

The Assistant Director Planning and Building Control agreed to investigate the following:

- A mechanism to advise town/parish councils at an earlier stage of relevant discussions with developers.
- Guidance for Town and Parish councils on meetings with developers.
- Review the guidance for developers about consulting with the community and parish councils.

AGREED that the amended Statement of Community Involvement be recommended to Cabinet.

LDF63

## HABITAT REGULATION ASSESSMENT

The working group was informed that an appropriate assessment was required under a European directive to ensure that sites, which were important for biodiversity at a European level, were protected and not damaged by proposals contained in a local plan. Although there were no sites within

Uttlesford there were sites in neighbouring districts . In line with statutory requirements Natural England had been asked to comment on Uttlesford's Habitats Regulation Assessment and had confirmed that the local plan was not likely to have a significant effect on the European site.

AGREED that the report be noted and the assessment be made available on the council website as part of the Local Plan evidence base.

#### LDF64 OTHER BUSINESS

The Chairman returned to the questions that had been put by Councillor Watson at the beginning of the meeting.

*Q2 -A statement by Michael Perry giving his professional opinion on the legality/likely success of back dating the Local Plan given the recent rejection by the Housing Inspectorate of other councils similar plans.*

Councillor Watson said he was aware of two local authorities that had recently had their local plans rejected and questioned the soundness of the district's plan as it covered only a 13 year period. It was explained that to date there was insufficient case law for a legal judgment to be made on this matter. Members would have the opportunity to discuss this issue when they considered the report on housing numbers and allocations . It might be necessary to seek a legal opinion at a later date but in the meantime officers would continue to monitor the Inspector's response to other councils' submissions and how this related to Uttlesford.

*Q3 - Guidelines for Officers regarding discussions with developers who are submitting plans for areas which are contained in the draft local plan whilst that plan has not yet been approved by UDC.*

The Assistant Director Planning and Building Control said that for the draft allocations the council relied on guidance in the NPPF. For non-draft allocations all draft policies were to be complied with; and whether the site was suitable was a planning judgement taking account of professional advice.

Regarding progress on the highways assessment, the report was expected to be available by late summer/ early autumn.

#### LDF65 DATE OF NEXT MEETINGS

The next meeting of the working group would be held on Friday 5 July at 9.30am.

The meeting ended at 12.10 pm.