UTTLESFORD PLANNING POLICY WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.00pm on 23 FEBRUARY 2015

Present: Councillor H Rolfe - Chairman
Councillors S Barker, P Davies, K Eden, S Harris, S Howell, J Loughlin, E Oliver and J Salmon.

Also present: Councillors C Cant, J Menell, V Ranger and J Redfern.

Officers in attendance: J Mitchell (Chief Executive), M Cox (Democratic Services Officer), R Harborough (Director of Public Services), H Hayden (Planning Policy Officer), S Nicholas (Senior Planning Policy Officer), J Pine (Policy and Development Management Liaison Officer) A Taylor (Assistant Director Planning and Building Control) and A Webb (Director of Finance and Corporate Services).

PP12 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors A Dean, M Lemon and J Parry.

PP13 **MINUTES**

The minutes of the meeting held on 26 January 2015 were approved and signed as a correct record.

PP14 **EVIDENCE BASE AND REVIEW OF WORKING**

The working group considered a report which reviewed the local plan evidence base. The report highlighted areas where updates were required or additional studies needed to be commissioned and gave an indicative cost of any likely work.

The report was noted.

PP15 **GYPSY AND TRAVELLER ISSUES AND OPTIONS CONSULTATION**

Public speaking

The local District Councillor and 5 members of the public spoke in relation to the proposed Gypsy and Traveller site at 5 Acre Wickham Bonhunt/ Arkesden. They requested the council to withdraw the site from the consultation process.

Speakers
Councillor Menell
Steve Coltman - Arkesden Parish Clerk
Robin Coady - representing the residents' group
Joan Morgan - Chairman of Wicken Bonhunt Parish meeting
Philip Kratz - planning lawyer, representing the residents
Will Nichols - Strutt and Parker

The following issues were raised:

Principles

- The residents understand the need to have Gypsy and Traveller sites but these should be in the right place with proper access to services.
- There is a live application for 12 houses proposed in the village which is likely to be refused as being unsustainable. How does this equate with this application?
- Could there be a broad area of search rather than specific site allocations
- Gypsy and Traveller sites should be sustainable and the council must allocate appropriate sites, and treat the Gypsy and Traveller the same as the settled community,
- The suggestion for sites in rural sites to be limited to 5 pitches is welcomed but residents do not trust the council's enforcement process.
- There would be a significant impact on the small community of Wickham Bonhunt

Legal issues

- The evidence base in the report overstates the need.
- There is no law requiring local authorities to make provision for Gypsy and Travellers - the only recourse is for the Inspector to find the plan unsound.
- Emerging Government guidance will 1) change definition of travellers – the need will disappear 2) change the weight of emphasis in respect of retrospective applications.
- The planning context is changing so it would be unwise to allocate sites at the present time.

Consultation process

- 604 responses were received to the consultation but residents don't feel they are being listened to.
- All major concerns have been discounted, whist the council just seems concerned with following a process.
- The council should take account of the submitted evidence and listen to the community

Site suitability

- The site fails UDC's own sustainability criteria
- The site has access to services, employment, public transport
- There are problems with sewage and drainage

- The site lies within flood zone 3 and is subject to flooding to an even greater extent than the surrounding properties.
- The flooding issue has been accepted by the landowner, Anglia Water and in the Strategic Environmental Assessment.
- There is concern for the safety of the occupants of the site, there will need to be an emergency plan in place
- There are too many problems with the site for mitigation to be possible
- The circulated photographic evidence regarding the flooding is unequivocal.

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The Assistant Director Planning and Building Control took Members through the report. 2589 comments had been received from 689 people in response to the consultation. The report included the representations made to each question and set out officers' comments and recommendations. It was noted that during the process one site had been withdrawn and two additional sites had been proposed. The report also provided an update on the enforcement action taken in respect of the Gypsy and Traveller sites in Stansted. This had revealed 3 vacant pitches which would go towards reducing the number of pitches required to be allocated.

The working group was asked to note the report. No decisions would be taken until the visits to all the proposed sites had been undertaken.

Councillor Harris referred to the officer recommendation that sites should have a maximum of 5 pitches in rural areas and a maximum of 15 elsewhere. In that case she questioned whether the current 17 pitches at the Felsted site could be reduced. She was advised that this would be a decision for ECC, as landowners, although any reduction here would need to be provided for elsewhere in the district.

Councillor Oliver spoke about the problems with flooding in Wickham Bonhunt which had led to some houses not being able to obtain insurance. The proposed site was in this flood risk area and he felt that the council should have care for potential residents both from the settled and Gypsy and Traveller community. He was pleased that officers were recommending a limit of five pitches per site in rural areas but he was not confident that the enforcement procedures were in place to control further occupations.

He said the site had been deemed unsuitable in the past and nothing had changed. He was concerned that the consultants had taken the landowner's word about the suitability of the site, and all the many sensible objections had been brushed aside. There was nowhere less suitable.

Councillor Howell questioned a point raised by a public speaker that Cotswold DC had chosen not to identify specific sites. The Assistant Director said he was not aware of this but would report back to the next meeting. In relation to the speaker who questioned the requirement to identify sites for Gypsies and Travellers, he said he was not convinced that the local plan would be found sound without such provision.

Councillor Howell said it was clear that in terms of enforcement the council had failed in its duty in the past. He also questioned the self-certification of Gypsy status, as he could think of nowhere else in law where these facts would be taken on face value with no other evidence requirements.

He asked whether the photographs showing the flooding was in reality a 100 year event, and was concerned that the residents and the statutory bodies held such different views. The Assistant Director said that flooding was a recognised issue, and one of the reasons for recommending further information. An important piece of work was required to consider whether mitigation was possible and whether the cost of this would affect the viability of the site.

Councillor Rolfe reiterated that the report was for noting. Officers had listened carefully to all the points raised by the residents. There was a conflict of views regarding the suitability of the 5 acres site, and as a result further information would be sought.

The council was aware of the Government consultation and the likely change to the definition of Gypsies and Travellers for planning purposes. He confirmed that the Council would need to continue to monitor any change in Government policy. There would also be a visit to all the sites before a decision was taken. He reassured members that the council took enforcement very seriously and had increased resources in this area.

The report was noted.

PP16 **ECC DRAFT CONTRIBUTIONS GUIDANCE 2015**

The Policy and Development Management Liaison Officer reported details of a consultation on the proposed changes to the ECC guidance on infrastructure contributions. This updated the 2010 guidance and set out the scope and range of financial and other contributions that ECC could seek through section 106 obligations in order to make developments acceptable in planning terms. The guidance was accompanied by an environmental report which identified 10 sustainability objectives. The working group was asked to endorse the suggested response to the consultation.

One change was that the threshold for seeking infrastructure contributions had increased from 10 to 25 dwellings, due to the new pooling limit of 5 sites. . Members commented that a one size fits all approach should be avoided, as a development of 10 dwellings would have a significant impact in a small village location or group of small villages, and it might still be appropriate to pool contributions from up to 5 smaller sites.

AGREED that the working group endorse the proposed reply to the consultation questions.

PP17 **STATEMENT OF COMMUNITY INVOLVEMENT**

The working group received the Statement of Community Involvement. It had recently been reviewed since its adoption in 2013 and was presented to members for comment before it was subject to formal public consultation. The document set out the council's approach to public consultation and involvement in the preparation of the local plan and determination of planning applications.

Councillor Loughlin asked about the duty to cooperate with other neighbouring authorities and was concerned that unwanted development might be forced on Uttlesford, if the neighbouring district was unable to accommodate the required numbers within its area.

The Assistant Director explained that the duty to cooperate was one of the legal tests to be met in the local plan and the council needed to be alive to the surrounding authorities' plans. The numbers would not be forced on the council, but it would be required to justify why it could not accept the additional numbers at any future examination in public. This was a complicated and evolving situation which would be kept under review. In answer to a question, it was confirmed that the housing numbers gained from a neighbouring authority would be over and above the district's own objectively assessed need and housing numbers

Councillor Barker commented that a number of members of the public had attended this meeting. This should provide a good opportunity to capture contact details so that residents could receive further relevant information. It was agreed that this might be a useful means of engagement and officers agreed to consider the feasibility of this suggestion. Those who had responded to the Gypsy and Traveller consultation would now be on the consultation database.

AGREED to approve the revised document for public consultation.

PP18 **DUTY TO COOPERATE**

The working group received the report on recent duty to cooperate work. It was noted that the Strategic Housing Market Assessment (SHMA) was planned to be reported to the group at the next meeting on 30 March 2015.

The report was noted

PP19 **BRAINTREE LOCAL PLAN**

The working group was advised that Braintree DC was in the early stages of preparing a local plan to replace its core strategy and was consulting on issues and scoping, which looked at the main aims and objectives for the district.

Braintree DC was required to plan for more houses than previously envisaged, between 750 and 950 per year. One of its stated aims was to meet fully its own objectively assessed housing need and the supporting infrastructure within its district boundary.

The map attached to the document showed the results of the recent call for sites exercise. A number of parcels of land had been put forward for the area west of Braintree near to the A120, and three of these straddled the district boundary with Uttlesford.

The timetable for the preparation of the plan was very similar to Uttlesford's and officers would therefore needed to work with Braintree on cross-boundary issues, meeting housing need and to evaluate the proposals which crossed the district boundary.

Councillor Harris said this was a working example of the duty to cooperate and hoped that issues concerning developments near to the district boundary would be discussed at an early stage. She stressed the importance of keeping parish councils, local members and communities informed of any future consultations.

The Chairman said that Braintree DC was going through the same process as Uttlesford. This consultation showed the results of the call for sites but nothing had yet been determined in terms of site allocations. This consultation was on the principle of development but gave local members the heads up regarding possible future growth.

AGREED

1 Uttlesford respond to the consultation by supporting Braintree's aim of meeting in full its objectively assessed housing need together with supporting infrastructure.

2 To confirm that Uttlesford will work closely with Braintree in the evaluation of proposals close to or straddling the district boundary.

PP20 **NEIGHBOURHOOD PLANS UPDATE**

The working group received a report on the neighbourhood planning work currently being undertaken within the district.

To date three neighbourhood plan areas had been submitted and two further plans were expected shortly. Funds had been secured as part of a Government initiative, where the council had submitted a joint bid with the relevant local authority. The Government had also provided financial support for advice being provided through Planning Aid. The Government was now winding down its support in this area and future funds would be applied for directly by the community concerned. The funding was unlikely to cover all the

costs of producing a plan. There was also no longer a clear supply of knowledgeable planners in this area to provide advice and guidance

Councillor Rolfe said he endorsed the council's support for neighbourhood plans. They were important as they assisted communities in bringing forward ideas and plans for the future development of their areas. Community empowerment was an important part of the Localism Act.

In the light of the reduction in central funding he suggested that UDC should look to provide a pool of money for communities to bid for, and to offer access to expert advice.

In answer to a question it was explained that the funds already received from the Government were held by UDC and paid to the community for any work carried out.

> It was AGREED that officers consider a proposal for future funding and support for the development of neighbourhood plans and report back to a future meeting.

The meeting ended at 9.15pm.