

**PLANNING POLICY WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.00pm on 13 JULY 2015**

Present: Councillor H Rolfe - Chairman  
Councillors S Barker, P Davies, A Dean, S Harris, J Lodge, J Loughlin and A Mills.

Also present: Councillors J Davey, R Freeman, J Gordon and D Jones,

Officers in attendance: R Harborough (Director of Public Services), M Cox (Democratic Services Officer), S Nicholas (Senior Planning Policy Officer), M Paine (Planning Policy Team Leader), A Taylor (Assistant Director Planning and Building Control), A Webb (Director of Finance and Corporate Services)

**PP7 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

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

Councillor Barker declared a non-pecuniary interest in item 9, ECC Waste Consultation Response as a member of ECC.

**PP8 MINUTES**

The minutes of the meeting held on 8 June 2015 were received, approved and signed by the Chairman.

**PP9 BUSINESS ARISING**

**i) Minute PP39(ii) – call for sites**

Councillor Dean asked when the ECC criteria for the assessment of sites would be available to the working group. He was advised that some information was set out in the SHLAA report on tonight's agenda but the next meeting on the 27<sup>th</sup> July would consider the sustainability appraisal scoping report that would set out the criteria.

**PP10 LOCAL PLAN WORK PLAN AND RISK ASSESSMENT**

The Planning Policy Team Leader presented the report. He set out the background to the report and explained that the indicative work plan outlined the main activities to be undertaken for the council to achieve a sound local plan, following the report of the Planning Inspector on the previous submission and the withdrawal of the plan in January 2015. He said that after studying the Inspector's report, one of the problems identified was that the decisions taken had been

insufficiently justified and there was a lack of a full audit trail of the options that had been considered and rejected.

He said Uttlesford was not alone in facing difficulties in preparing a local plan, only 27% of planning authority's plans had been found sound by the Planning Inspectorate since the introduction of the NPPF in March 2012. Producing a new plan would be a huge challenge, but there would be transparent approach going forward and he would send regular email updates to district councillors and parish council clerks.

The work plan set out a time line of the 16 key tasks to be undertaken in the preparation of the plan. It also contained a risk assessment which addressed potential risks to both the timeline and the soundness of the plan. It was important to establish a process at an early stage but he warned that in order to achieve transparency and public scrutiny there would necessarily be a period of uncertainty.

Councillor Barker asked whether the recent budget announcements would have an effect on the process. The Planning Policy Team Leader said this would be considered but a more important issue was the productivity plan, the requirement to prepare a plan within a timeframe set out and published by the Government within the next few weeks. There could be implications for the council if this timeframe was not achieved.

Councillor Lodge asked about the timescale for preparing the new transport assessments as this had been an area of concern in the previous plan submission. He was advised that an initial scoping report would be prepared for the next meeting. It was important to first determine the existing transport models and whether there was data available to enable options to be considered. It was explained that the transport assessment was a long and involved process of modelling, mitigation and testing. As such there were no dates in the plan but 6 steps to be followed had been identified.

In answer to a further question from Councillor Lodge, it was confirmed that in terms of education and health provision, officers were in contact with the NHS and ECC concerning future provision to be included in the Infrastructure Delivery Plan. Councillor Barker said that plans for school expansion in Saffron Walden, Dunmow and Stansted had already been considered by the ECC Education Panel. In relation to the sustainability appraisal, the Planning Policy Team Leader said he was confident that the ECC Place Services had sufficient knowledge to undertake this work. Difficulties identified by the Local Plan Inspector were attributable to the Council's own protracted plan-making process.

Councillor Dean said he was reassured by the report which put in place a transparent process and set out a road map for developing a plan. He welcomed the strategic approach as he felt that previously the council had got to the specific sites too early. In relation to the highways assessment he felt that Essex Highways hadn't served the council as well as expected during the previous plan process he wanted assurance that there would be a deliverable plan.

He then highlighted the importance of the leadership role for members and the need to make difficult decisions. To facilitate this he felt there should be more dialogue between members and officers.

The Leader commended the report and said the work plan provided a good approach for the whole process and a set out a clear sequence of tasks.

AGREED that the work programme and risk assessment be supported, subject to future modifications as circumstances change.

PP11

### **TOWARDS A FRESH VISION OF THE DISTRICT IN 2013**

The working group received a report setting out guidance for drafting a vision statement for the local plan. A clear vision was central to the commencement of the plan preparation process and set out a framework for future development.

The report gave some examples of vision statements produced for other authority's plans. Members noted the need for an updated vision statement, to agree a set of priorities as to how the district would look in 10 – 20 years.

AGREED that the working group support the guidance set out in the report relating to the production of the Vision for the District.

PP12

### **DEVELOPMENT STRATEGY: OPTIONS STAGE METHODOLOGY**

The Planning Policy Team Leader presented the report on the Development Strategy for the Local Plan. The strategy was the mechanism by which the locally led vision for the district would be brought together with national requirements to produce a plan, which would be found sound by the Inspector. The report before members set out stage one of the process, which was the proposed methodology for the formulation of options and scenarios for consultation in the autumn.

Underpinning the methodology was the requirement in national policy to ensure that every effort is made to meet the district's development needs. The development strategy was at the heart of the plan and how the council should manage development in the District.

The report addressed the early stages in the formulation of the development strategy. There would be no detailed work on deliverability until the initial stages of evidence gathering and high-level assessment were complete. The options should not be narrowed too quickly until evidence had been assembled and thoroughly tested. The strategy would initially focus on the suitability of broad areas of search, to be identified with the assistance of 5 high level criteria, as set out in the report. There would be a matrix to apply the criteria in a consistent fashion, which would be represented on a map and form the core of the options consultation. The broad areas of search would be represented as elliptical shapes. The mapped areas of search and scenarios would be presented to the

next meeting, whilst the sustainability appraisal of the scenarios would be considered in the autumn.

In answer to a question from Councillor Dean about development in smaller villages, the Planning Policy Team Leader said that the Planning Policy Team would work with parish councils to identify the specific needs in their area and this would be fed into the plan process.

Councillor Lodge said he was happy with the strategic approach suggested in the report rather than being developer led. He asked whether the relevant landowners could be approached once the area of search had been identified. He was advised that this would need to be looked at but the usual procedure was for landowners to approach the council when the areas of search had been identified if they were interested in taking their sites forward.

Councillor Dean said it was important to bear in mind the balance between needing to protect the countryside and cramming too many houses into existing settlements and creating urban blight. The Planning Policy Team Leader said there was a need for a regular supply of houses throughout the plan period and in particular the first 5 years and the challenge was for the council to manage the cumulative impact.

Councillor Davies said he was heading a working group into community engagement that was looking to establish a community panel. He thought this would be a useful way to feed community views into the local plan process.

AGREED that the Local Plan Development Strategy: options stage methodology be supported.

PP13

## **STRATEGIC HOUSING LAND AVAILABILITY METHODOLOGY**

The Senior Planning Policy Officer explained that a new SHLAA document was being prepared following the withdrawal of the Local Plan from the examination process and the need to identify more land for housing. The purpose of the SHLAA was to identify sites with potential for housing, but the document only provided evidence to support decision making, it did not make judgments about whether sites should be allocated, as they would be further tested through the plan making process. The report set out the draft methodology, which contained five stages culminating in the final evidence base showing the location of all sites and site appraisal information for each of the sites.

In answer to a question from Councillor Barker, the Senior Planning Policy Officer said that in terms of the transport assessment, ECC would be consulted on the larger sites, but smaller sites were assessed by officers using information required from the landowner. Councillor Barker was concerned that sites might be carried forward on this basis. She wanted this assessment to be robust as transport provision was one of the reasons for the failure of the previous plan submission.

The Planning Policy Team leader said that the SHLAA was just one small element of the assessment process underpinning the Local Plan. Councillor Lodge asked whether the council should go out to competitive tender for the transport assessment. He was advised that ECC was the statutory body and could not be bypassed and any independent consultant study would need to be signed off by the Highway Authority. It was important for the council to determine the capacity at ECC and the resource that might be available for Uttlesford.

AGREED that members agree to consult on the proposed methodology for a six week period.

PP14

## **GYPSY AND TRAVELLER CONSULTATION – FIVE ACRES AND PENINGTON LANE**

The Assistant Director Planning and Building Control presented a report that considered the outstanding sites from the December 2014 Gypsy and Traveller Issues and Options consultation.

Further information had been required in relation to the site at Five Acres Arkesden/Wicken Bonhunt. The landowner had submitted a flood risk assessment which had been sent to the statutory consultees. In the light of the comments received the officers' conclusion was that the site should not proceed to the next stage of the plan making process. The detail was contained in the updated report of representations, officer comments and recommendation which was considered by the working group.

During the issues and options consultation two further sites had been proposed. Site assessments had been carried out on these sites and it was recommended that the site at Pennington Lane, Stansted should not proceed due to landscape impact and the detrimental effect on the conservation area and the open countryside.

In relation to the other site at Hill Top Yard, Henham, the Planning Committee at its meeting on 1 July 2015 had refused planning permission for 5 pitches. This did not however exclude the site going forward in the local plan as this was a different process and officers considered that it should proceed to the next stage of the process.

### Public speaking

*Steve Coltman, Joan Morgan, Alan Storah, John May and Robin Coady spoke in relation to the site at Five Acres. Copies of their statements are appended to these minutes.*

Councillor Loughlin said she agreed with the points made by the public speakers, that the Five Acre site failed all of the sustainability tests. She was concerned about the wording in the papers that inferred that unfavourable sites might in time become favourable and be re-introduced into the plan process. This was unclear and left uncertainty for the residents. She said the working group should state

tonight whether the site was suitable or not, and if it was not suitable it should not be reconsidered.

Councillor Dean said he didn't think there was a devious attempt to bring back this site, but recognised that during the plan process there were changes in circumstances that meant certain elements came in and out. He thought it would be helpful to strengthen the recommendation to state the reasons why the site was considered unsuitable.

The public speakers had requested that the working group make a recommendation to Cabinet for the site to be excluded from the local plan process. Councillor Barker explained that this was a small part of the plan preparation process and it was not practical for the cabinet to consider individual sites at this stage. Councillor Dean agreed that this decision was wrapped up in the local plan process but would like the minutes to make clear the reason for the decision.

Councillor Loughlin asked if members could be reassured that the site would not go forward in the Local Plan. The Leader said it was clear that the working group supported the officers' recommendation not to take this site forward. Councillor Dean proposed the wording of the officer recommendation set out on page 112 of the papers but to exclude the words 'due to more suitable sites being promoted'

The decisions on the three sites were as follows

#### **Five Acres Arkesden/Wicken Bonhunt**

AGREED that due to the lack of an NPPF compliant Flood Risk Assessment, concerns about safe access and egress from the site through flood zone 3, harm to the protected lane and lack of acceptable detail regarding mitigation measures, the site should not be taken forward in the local plan process.

#### **Pennington Lane – Stansted**

AGREED that the site should not be taken forward in the Local Plan process for the reasons set out in the site assessment.

#### **Hill Top Lane - Henham**

AGREED to note the officer recommendation that the site be taken forward and the decision of the Planning Committee to refuse the site for 5 Gypsy and Traveller pitches.

PP15

## **REPLACEMENT WASTE LOCAL PLAN REVISED PREFERRED APPROACH**

The Senior Planning Policy Officer presented the Replacement Waste Local Plan, which had been published by ECC on 18 June 2015 for a 6 week period of public consultation. The plan would guide the management of waste in Essex and

Southend until 2032. It identified 28 preferred sites including four in Uttlesford. The report set out the council's response to the consultation.

Jackie Cheetham spoke on behalf of Takeley Parish Council and expressed concern about the site at Little Bullocks Farm at Great Canfield which was proposed for stable non-reactive hazardous waste landfill. There was concern that the site would be accessed through residential areas and unsuitable small rural roads.

Councillor Barker clarified that the location of the waste sites was determined by the location of the mineral extraction sites. She understood that Little Bullocks Farm was the only site proposed for hazardous material in Essex. Members expressed concern at this proposal and felt that ECC should be asked to give this further consideration and look for a site that had good access to the strategic road network.

AGREED that the comments set out in the report, and the additional comments regarding Little Bullocks Farm are supported by the group, and sent to ECC as the Council's response to the Revised Approach of the Replacement Waste local Plan June 2015.

The meeting ended at 9.10 pm

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## **Public Statements**

### **Steve Coltman**

Good evening, before I begin I am sure that you know by now that I am the Clerk to Arkesden Parish Council and I would like to thank the members for the opportunity to speak tonight in what (has been)/(is likely to be) a long meeting. Your patience in listening is appreciated and I am sure you are well aware of the importance of this issue and the depth of feeling in the settled communities affected by this site

The Parish Council and residents welcome the officers' recommendation that Five Acres is **not** to be taken forward into the new Local Plan process. However, we are concerned that one reason given is the availability of "more suitable sites." Surely this cannot be a sound reason for determining site suitability. A site is either suitable or it is not, and Five Acres is most definitely UNSUITABLE and should be declared as such.

The evidence presented to the officers and the responses both from the public and the statutory bodies clearly indicate that there could hardly be a site LESS suitable than Five Acres and yet the planning officers seem reluctant to accept this. This site is UNSUITABLE not only for the reasons given by the officers but also for a host of other highly important issues, not least of which is the dangerous access road – particularly dangerous for pedestrians. No amount of mitigation measures will prevent the road from flooding or make the road less dangerous, both of which could endanger the lives of the Travelling Community.

Listening to the proposals tonight for the new Local Plan, I am encouraged that you will be making strategic decisions on where **you** want sites, including Travellers, rather than relying on sites coming forward. However, this working group has promised us a conclusion to the issue of Five Acres, irrespective of the new Local Plan process. We were promised that a recommendation would be made to Cabinet and yet tonight you are only being asked to “note” the report and to support the officers’ recommendations. This is not the “conclusion” that we had been expecting, or indeed deserve, following almost four years of consultations, letters, time, effort and money. You have promised clarity, community engagement and a determination to listen to your electorate and especially to your Parish Councils.

Now is the time to honour these promises and we respectfully request that having read the report, your comments **to the officers** should be to remove any reference to other “more suitable sites” from their report and to actually use the word UNSUITABLE with reference to Five Acres. We can then support you in recommending the report both now and later to Cabinet.

Furthermore, in the first part of the officers’ report presented to you, and duly noted by you, at the February meeting, when reporting on previously rejected sites the officers recommend that these sites are **not** taken forward “**unless** enough suitable sites are not found, when there may be a need to revisit and reassess the rejected sites.”

Failure to change this attitude on unsuitable sites whereby they are left “hanging” until you have nothing better on offer, will result in allocating sites on a “least worst” basis, which is not fair to the Travelling community and does not reflect the concerns of the settled community. You have duties and responsibilities to both of these groups and by not taking on these challenges you risk the whole of your Local Plan being found unsound yet again.

**Joan Morgan, Chair of Wicken Bonhunt Parish.**

I would like to address the Planning Policy Working Group with regard to the Agenda item No.8 Gypsy&Traveller Consultation, where members are asked to **CONSIDER** the officer’s recommendations on the outstanding Gypsy & Traveller sites.

Andrew Taylor states in his summary that the report presented tonight, concludes the Gypsy & Traveller Issues and Options consultation on outstanding sites – 5 Acres Arkesden (or Wicken Bonhunt as it was previously) being one of them. His report identifies the Agencies with whom he has consulted – namely Essex Highways, Essex Historic Environment Team, Essex Waste Management Team and the all-important Environment Agency.

The officer’s report has noted the concerns from Essex Historic Environment Team and concludes that increased pressure on the protected lane (Poore Street) should be resisted. **Agreed.**

He also is not able to confirm that the Waste Management constraints can be overcome. **Agreed.**

Finally, the Environment Agency states the Flood Risk Assessment does not meet the NPPF requirements – Well, there’s a surprise!

All in all, the final conclusion the officer recommends is that the 5 Acres site **DOES NOT** proceed to the next stage of the Plan Making Process. Hurray!

My own conclusion is that after 4 years of open discussion about 5 Acres, the local knowledge of my residents who have known for over 25 years that this site is **NOT SUITABLE**, has prevailed over consultants who sit behind computers and make judgements without even visiting the site.



Uttlesford Planning Officers have finally reached the most sensible conclusion in their report so..

**PLEASE – don't just NOTE this recommendation – make a POSITIVE decision to remove 5 Acres from the Local Plan tonight and put an end to this uncertainty.**

**Robin Coady**

I would like to take you back to the end of last year when Uttlesford decided to start the G&T consultation process at the end of last year. This was after the Local Plan was found unsound. We asked for it to be halted. It was not.

On a number of occasions and as a result of this 'separate' process the residents of Wicken, Clavering and Arkesden were, at this meeting promised a decision on 5 Acres at this meeting before the new Local Plan process was resumed.

We have listened to the recordings of previous PPWG meetings and I would like to quote you Mr Rolfe, if I may.

"I can assure you that this committee will be making a recommendation to Cabinet and then full Council".

There were a number of other similar comments and this is what the public behind me heard.

Unless you tell us otherwise this statement and other similar promises were made in the context of bringing this consultation to a close and before embarking on a new round of consultation.

Officers have now conducted a very thorough process and we welcome their recommendation not to take 5 Acres forward in the Local Plan.

Indeed the need for a very thorough due process has been stressed to us on a number of occasions. We say that with regards to 5 Acres the process could not have been more detailed and certainly more so than any other site considered. This thorough process in our view could not be challenged and would certainly stand up to judicial review.

The evidence presented is unequivocal. Any new process is not going to change the facts that the site floods and that it would do harm to a protected lane. Something now acknowledged by the Statutory bodies and Officers.

**Please don't be scared of making the right decision. We are simply asking the PPWG to do the right thing, deem the site 'unsuitable' and recommend this to Cabinet this evening.**

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Statement from John May to follow