

**PLANNING POLICY WORKING GROUP held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 27 JANUARY 2016 at 7.00pm**

Present: Councillor H Rolfe – Chairman
Councillors S Barker, P Davies, A Dean, J Lodge, J Loughlin,
A Mills, E Oliver and J Parry.

Officers in attendance: R Dobson (Principal Democratic and Electoral Services Officer), R Fox (Planning Policy Team Leader), A Taylor (Assistant Director Planning and Building Control), A Webb (Director of Finance and Corporate Services) and S Wood (Planning and Housing Policy Manager).

PP42

APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

Apologies for absence were received from Councillor Harris.

Councillor Lodge objected to the presence at the meeting of the Assistant Director Planning and Building Control on the grounds that as he was to take up a new role with a private company, he had either an actual or perceived conflict of interest.

The Chairman said senior officers and the Council's legal advisor had advised that the Assistant Director's presence at the meeting was tenable. Many areas of work for which the Assistant Director had been responsible had already been transferred to the Planning Policy Team Leader. The Chairman said he was satisfied there was no direct conflict of interest and the request was rejected.

Councillor Lodge said he was unsatisfied at this decision.

The Planning Policy Team Leader said the Assistant Director was required to act in accordance with the Royal Town Planning Institute's professional code of conduct which governed situations such as this.

PP43

MINUTES

Subject to the following amendments, the minutes of the meeting held on 16 December 2015 were signed by the Chairman as a correct record.

The record of attendance was corrected to show that Councillor Oliver had not been present at the meeting.

An amendment was agreed to Minute PP37 to substitute the sentence: "The study could consider new green belt designations but these would be on the edges of the existing green belt area" with "The study could consider new green belt designations including Saffron Walden and Thaxted." The Assistant Director Planning and Building Control advised there must be one contiguous area of land forming the Green Belt.

BUSINESS ARISING**(i) Minute PP36 – Council response to the PAS review of the Local Plan submission**

In response to a question, officers confirmed that a date for the proposed workshop on criteria for the evaluation of sites, was being arranged.

Councillor Lodge said he had asked for terms of reference of the employment strategy of the Highways and Transport Strategy and the Housing and Employment Strategy, and asked how a sustainable strategy would be developed. Officers said this matter was for discussion at this meeting and would flow from the evidence base which was in large part still under review.

Councillor Lodge said he had also asked for an assurance regarding the Community Infrastructure Levy (CIL). The Planning Policy Team Leader agreed considering whether to develop a CIL would be an integral part of the Local Plan process. However, it was not possible to consider this until such time as the overarching structure of the Local Plan had been developed and a list of infrastructure required to deliver the plan identified.

(ii) Minute PP42 – Housing trajectory and five year land supply statement

In response to a question about the flowchart to be prepared in relation to the Local Development Scheme (LDS), officers said the content would reflect follow the structure set out within the LDS.

(iii) Minute PP40 - Evidence based review and work plan

Members were informed that two meetings had taken place with the transport consultants, who were in the process of collecting and analysing existing databases. One of the key issues would be to undertake a review of the Highways Impact Assessment. Following completion of substantive research a report would be brought to the Working Group.

(iv) Minute PP39 - Issues and options consultation

Councillor Lodge asked when the report would be available. The Planning Policy Team Leader said a high-level report would be on the agenda for the next meeting to inform members of the responses, of which 400 had been received.

Action: officers to supply the Working Group with terms of reference of the employment strategy of the Highways and Transport Strategy and the Housing and Employment Strategy.

PP45

STRATEGIC LAND AVAILABILITY ASSESSMENT

Members received an update on the SLAA indicating the draft assessment of the final phase would be published on the website in February. This was a fact-checking assessment, and was not intended to seek comments on the merits of any particular site.

Members asked a number of questions, and officers explained the study was a call for sites with fairly even distribution throughout the area.

Councillor Lodge reminded officers of his request for the supply of the terms of reference for the Garden City Developments work.

Councillor Dean expressed concern at lack of indication of next steps, and suggested a plan of the key items to be considered at each meeting was required.

Action: the Planning Policy Team Leader would prepare a work plan, which by necessity would be indicative rather than binding. The terms of reference of the Garden City Development work would be supplied.

The report was noted.

PP46

LOCAL DEVELOPMENT SCHEME

The Working Group received a recommendation for a revised programme for the LDS following the withdrawal of the previous one. The timetable required updating as there had been two government announcements last year setting out sanctions if local authorities failed to produce a plan by the deadline in 2017.

A key change in the recommended revised programme was the omission of the issues and options stage. Officers informed members the reasons were the importance of meeting the deadline to produce the plan, and to take into account the fact that the evidence would not be in place until later in 2016.

Members expressed concern that the key change in the timetable resulting in a slippage of nine months had not been explicitly referred to in the covering report and requested further explanation.

Officers highlighted the need to bear in mind that a failure to submit the Plan by March 2017 could result in Government intervention. The revised timetable reflected the updated Regulations and included all the required consultations. Officers reminded members of the work carried out during

2015 which had focused on the sustainability appraisal, and which had taken longer than programmed. The onward projection prepared by Mr Paine, the previous Planning Policy Team Leader, had not included dates. Mr Fox, his successor, had assessed the situation and at the briefing held before the meeting had set out the work to be done, such as on transport. There were further pieces of work which were integral and which comprised the main reason for the slippage in the timetable. Officers would be meeting representatives of the Department for Communities and Local Government the next day to go through how the Council would be meeting the requirements set down by the Secretary of State.

Councillor Loughlin asked whether it was possible to use any of the previous work. Officers confirmed that where possible, work done on elements of the last Local Plan would not be wasted, and that this aspect of the former Local Plan would be discussed with DCLG at the meeting tomorrow.

Members expressed concern about the process by which a significant decision about the timetable had been presented. Councillor Lodge said the change seemed already to have been the subject of discussion in the public domain, and he was very concerned that this could be the case without consultation of members or the obtaining of comparative data.

The Leader said he had been made aware of the contents of this meeting's agenda only a few days in advance the papers being issued.

Regarding opportunity for public consultation, Members were reminded of the necessity to keep in mind the timetable and the fact that the Government had changed the rules on consultation. However, there would be full opportunity for public consultation once the sites had been put forward.

Councillor Loughlin queried the reason for references to "replaced" policies in the Local Plan. Officers said the policies would be in the new Local Plan and the rationale for these policies would be set out for Members in a report detailing existing policies, and those which would need changing. Members would have the opportunity to comment.

Members discussed staffing levels for the work to be carried out on the Local Plan, and agreed it was essential to maintain sufficient staffing resources. Officers described the current structure comprising a total of five officers. The resource could be increased, if deemed reasonable by officers, as there were funds available. There were also collective resources shared by the colleague authorities.

Agreed: officers to continue regularly to assess the resourcing of staffing to enable the work on the Local Plan to be adequately resourced in advance of need arising.

In view of the large number of reports which would continue to be necessary to take into account when considering the Local Plan, Members

said it would be helpful to have a list of all reports as there was a great deal of information to keep in mind.

Officers commented that all the reports were available on the Council's website as part of the background papers.

Members felt it would be useful to receive a regular update on the timetable, and commented on the issue of uncertainty as to when data from other organisations was due to feed in to the process. Councillor Mills suggested a flowchart to enable recording of this process should be provided.

Action: the agenda for each meeting of the working group would include an update on the timetable.

Councillor Lodge said he was concerned that the Working Group was simply receiving pre-arranged items for approval, allowing no time for assessment. He proposed asking officers to re-revisit the schedule and to report to the next meeting on how the additional consultation could be included.

The Chairman said a significant amount of consideration has gone into the recommendation, which was not a dilution of consultation, but a plan to comply with the deadline by March 2017. He asked members to vote on the recommendation. Councillor Lodge reiterated that he had proposed not to adopt the work now but to bring the revised report to the next meeting. Councillor Dean said he seconded the proposal.

The Planning Policy Team Leader said the recommendation would go to Cabinet, as the matter was not for the Working Group but for Cabinet to decide. Even if additional resources were to be put in place, incorporating an extra stage would still add five months to the timetable. This was therefore not so much a resource issue but a timeframe one.

Councillor Barker suggested keeping the recommendation but agreeing in addition to bring back a detailed timetable. The Chairman said this suggestion had already been agreed and asked members to vote on the recommendation.

In response to queries regarding the status of the proposal which had been made, officers explained the working group was not subject to formal procedures rules. The recommendation was put to the Group, and agreed by a majority.

AGREED that the working group notes the revised LDS and recommends its approval to Cabinet.

PP47

STATEMENT OF COMMUNITY INVOLVEMENT

The Working Group considered a report seeking members' comments on a refreshed Statement of Community Involvement prior to officers carrying

out a formal public consultation. Members were invited to suggest amendments. Subject to suggested changes, and also to the correction of a reference to the Area Forums which no longer existed, the document would then be recommended to Cabinet.

Members made a number of comments.

Members questioned how people could be involved if a stage of consultation had been omitted. The Assistant Director Planning and Building Control said a consultation had just been carried out and this was a key means of getting involved. The document covered the entire process and reflected the requirements with which local authorities had to comply within the timescale.

Members commented on the absence of any area forums which now left no appropriate body which would consider the consultation; and considered there should be references to ward members rather than simply to members of this working group. It was noted the Local Strategic Partnership (LSP) Board had also been dissolved.

The Chairman agreed ward members would be consulted and that whilst the LSP Board no longer existed, its sub groups were very much alive and relevant to this process. The possibility of holding area forum meetings in the autumn would be discussed with officers as that initiative would involve a significant resource in terms of officer time.

Councillor Dean said officers should also go out to those people who were hard to reach, such as going to community clubs.

Councillor Loughlin asked whether Stansted Airport would be included in the list of "specific consultation bodies" referred to in the report. Officers explained the Airport was not a statutory consultee.

Members felt a marked up version of the document would be helpful, and questioned whether area forums would provide sufficient engagement with people, as in the past the forums had not been well attended.

The Chairman said area forums had involved good levels of feedback, that the consultation in November and December would be a full one, and that there would be press coverage and a good range of involvement via meetings of Town and Parish Councils.

Councillor Barker said information would also be included in *Uttlesford Life*.

Action: the Statement of Community Involvement to be amended to correct references to the Forums and to the LSP.

AGREED to approve the Statement of Community Involvement subject to the corrections noted above.

LOCAL PLAN RISK ASSESSMENT

The Working Group considered a report on the risk assessment for production of the Local Plan. This was an update of the previous risk assessment, as it was important to keep the process under review in respect of the three main types of risk, resource, operational and political risks.

Once the Cabinet had approved the LDS then a work plan could be produced for the next meeting.

Officers drew members' attention to the Table setting out the risk assessment in respect of various risks to the Local Plan timeline, and the mitigation options.

Councillor Loughlin objected to Risk 6, regarding risk from councillors seeking more time or information before reaching a decision.

The group agreed this risk should be omitted from the risk register, as it was reasonable for councillors to require resources in coming to decisions.

Councillor Davies said there was a real risk as set out at Risk 1 arising from third party delays or missed opportunities for input to their decision-making process. Highways was an example of such a body. The Chairman said he had raised these points with county councillors.

Officers agreed with Members' comments, and said a meeting had taken place with Highways England to express the Council's concern that progress must not be only at the pace at which Highways provided information. Officers would use the meeting tomorrow with the DCLG to raise the issue of Highways England and to feed back to them about such delays. This meeting would also enable officers to make points regarding connection of public transport and Highways England, as it was important to take every opportunity to raise this matter.

Councillor Lodge said he would propose further risk mitigation, such as keeping an audit trail on slippages to counter any perception on the part of the Inspector that the Council had not consulted properly. The Chairman agreed this matter would be further discussed at the Group Leaders' meeting.

Action: to delete Risk No.6 from the risk register (Council needing more time to consider the implications of the emerging plan or require more information before they feel comfortable reaching a decision.)

AGREED to note the Risk Assessment subject to the above amendment and to future modification as circumstances change.

CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY

Members considered a report on the proposed changes to the National Planning Policy Framework (NPPF). Officers explained the intention was to generate discussion and to capture the views of the Working Group on suggested initial responses.

In relation to the proposed changed affordable housing provisions, the Chairman said whilst the new definition of starter homes represented a good deal for the first-time buyer, the Council's comments should emphasise that this provision did not help subsequent buyers.

He said there was insufficient control of the rate of development, as although councils were approving planning applications, building was not necessarily taking place. There should be provision for planning applicants to "use it or lose it", and this could be achieved in part by Council Tax becoming payable if building failed to take place within a set time.

Councillor Dean said his main concern related to supporting delivery of starter homes. This type of building was too expensive for someone on a minimum wage, and there needed to be increased numbers of homes for rent, better subsidised with a better balance between the drive for home ownership and people who would never own their own place. The provisions put the Planning Committee in an invidious position.

The Chairman agreed affordable housing was needed, and whilst officers were doing excellent work, the policies as they stood would take affordable homes out of the market. It was necessary to continue to supply homes to rent.

AGREED to note the comments of members as minuted.

PP50

DUTY TO COOPERATE – SOUTH CAMBRIDGESHIRE AND CAMBRIDGE CITY COUNCIL LOCAL PLANS – PROPOSED MODIFICATIONS

Members received a report on the proposed modifications to the respective Local Plans of South Cambridgeshire and Cambridge City Councils. The Planning Policy Team Leader said in his view there were no implications for this council, but members' views were sought.

In relation to a reference to provision of flexibility in the start date of delivery at new settlements, Councillor Dean asked the reason for this modification. Officers said this was due to the wording of the previous policy, which had restricted the amount of development that could be provided – the policy had stipulated that only a certain number of dwellings could be built during a certain timescale. Therefore South Cambridgeshire was now providing for a change to that policy to give flexibility.

AGREED to note the report.

PP51 UTTLESFORD STRATEGIC FLOOD RISK ASSESSMENT

Members considered the final report of external consultants who had undertaken a Level 1 Strategic Flood Risk Assessment. Officers said the report confirmed there were no overriding issues in relation to the areas of search.

AGREED to note the published report and its inclusion as part of the Local Plan evidence base.

PP52 DUTY TO COOPERATE

Members received an update on the Duty to Cooperate under section 110 of the Localism Act 2011. The Duty required local planning authorities, public bodies and others to engage constructively, actively and on an ongoing basis in relation to the planning of sustainable development.

Officers said this document had been prepared following the request made by Members at the last meeting for a detailed report. Officers highlighted the key partners which the Council needed to ensure it was engaging with in relation to cross boundary matters, and where it would be necessary to achieve substantive outcomes. Meetings with these bodies were taking place to address key strategic issues that crossed the authority's administrative boundaries. Officers were working with groups such as the A120 Economic Corridor Group to improve the link between Braintree and Chelmsford, and West Anglia Rail Routes Group, which was chaired by the MP, with the aim of identifying what needed to be done and how.

Members confirmed their approval of the report, and highlighted the importance of the need to progress work along the A120 corridor to confirm a preferred route for the A1290 from Braintree to Marks Tey as this was a popular route and commercially necessary. In reply to a question, officers confirmed Braintree District Council had not asked this council to take any housing.

AGREED to note the report.

PP53 ANY OTHER BUSINESS

At the request of the Chairman, officers summarised the items which members had requested be on the agenda for the next meeting.

Members noted the issues and options consultation would involve considering the principle of whether or not the Council supported the concept of a single settlement, and that decisions had to be evidence-based. Councillor Dean said the report should also set out the pros and cons in scale and situation, and how any consideration of a single settlement could fit in with the housing numbers required. Members could potentially find the process to be very messy and would not want to make premature decisions.

Councillor Barker asked whether members could expect by the next meeting to know the outcomes of certain appeals. Officers responded that this question had been put to the DCLG yesterday, and the appeals were awaiting ministerial sign-off.

Councillor Lodge asked that the next agenda also include a schedule of 2016 meetings.

Action: officers to include the following items on the next agenda:

- Issues and options consultation
- Update on evidence base
- Forward Plan work programme
- Duty to Cooperate
- Possibly a report on the SLAA – depending on progress
- Schedule of 2016 meetings
- Potential New Settlement

The meeting ended at 8.55pm.