

Committee: Planning Policy Working Group

Agenda Item

Date: 29 June 2017

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Title: Draft Local Plan

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Summary

1. This report outlines the progress towards the publication of the draft Local Plan for consultation under Regulation 18 of the Town and Country Planning Regulations and seeks endorsement of PPWG for the content of the Plan before consideration by Cabinet and Council.

Recommendations

2. That Planning Policy Working Group recommend to Cabinet that the draft Local Plan be published in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Financial Implications

3. The preparation of the Plan will be met from the existing planning budget.

Background Papers

4. Inspector's Letter 19 December 2014
Withdrawn Local Plan
PPWG reports endorsing the evidence base
Council report agreeing the distribution strategy

Impact

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Communication/Consultation	There was consultation on the Local Plan Issues and Options. There were three public exhibitions held in September. Town and parish councils were consulted on potential allocations. A series of Member workshops have been held. There will be extensive statutory and non-statutory consultation on the draft Plan
Community Safety	This is an underlying theme of the Local Plan e.g. planning out crime by design.

Equalities	The Plan will be subject of an equalities impact assessment.
Health and Safety	N/A
Human Rights/Legal Implications	The Local Plan will need to comply with planning legislation. Once adopted it will form part of the statutory development plan.
Sustainability	This is an underlying theme of the Local Plan e.g. ensuring homes and jobs are provided near to each other and minimising reliance on the private car. The draft plan has been subject to sustainability appraisal/strategic environmental assessment.
Ward-specific impacts	Some wards may be affected by site specific proposals but the overall spatial strategy for the Plan is a matter for all wards.
Workforce/Workplace	This will involve Councillors, officers from the Planning Policy Team and others as necessary.

Situation

6. The previous Local Plan was withdrawn in January 2015 following the Inspector's findings in December 2014. The principal concerns of the Inspector related to objectively assessed housing need (OAN) for the District and proposals for a major extension to the village of Elsenham. Since then the Council has undertaken an exhaustive evidence gathering exercise to underpin the preparation of the new Plan. This has included a "call for sites" during spring and summer of 2015 which attracted over 300 submissions and the Issues and Options consultation during late autumn 2015 which elicited approximately 7,000 responses from nearly 700 bodies. The findings of both exercises were summarised and reported to PPWG early in 2016.
7. The Council adopted a revised Local Development Scheme (LDS) (effectively the plan making programme) in February 2016. Given the Government pronouncements in July 2015 about potential intervention if plans were not "produced" by March 2017, the Council approved an accelerated programme for the preparation of the Plan. It is proposed to revise the LDS to reflect the current programme which proposes two stages of consultation; the first, under Regulation 18 of the Town and Country Planning Regulations, commencing on 12 July; the second, the formal pre-submission consultation under Regulation 19 towards the end of the year.

8. A key issue facing the Council was whether to include the principle of a new settlement (or settlements) as part of the distribution strategy. A report to that effect was considered by PPWG, Cabinet and Full Council in March 2016. Council resolved “That a new settlement (or settlements) should continue to be investigated and analysed alongside all other possible options for housing and employment distribution and should not be dismissed at this stage from the potential options for inclusion in the Local Plan”.
9. In July 2016 the Council agreed a “hybrid” distribution strategy for the Plan. This spatial strategy was based on a combination of development in new settlement(s), the two principal towns of Saffron Walden and Great Dunmow and key villages. Since that decision was taken further sustainability appraisal (SA) work has been undertaken in respect of the potential new settlements and site allocations
10. Technical studies have been commissioned or undertaken in-house to cover the following areas:- Strategic Housing Market Assessment (SHMA), Strategic Land Availability Assessment,(SLAA), Sustainability Appraisal (SA). Strategic Flood Risk Assessment (SFRA), Green Belt Review, Transport, Employment Land, Retail and the Countryside Protection Zone. They have been reported to PPWG. This is not an exhaustive list – a full list is available on the website.
11. The Housing Market Area covers East Herts, Epping Forest and Harlow as well as Uttlesford and the SHMA sets out the overall Housing requirement between 2011- 2033. The SHMA commissioned by the four authorities recommended that Uttlesford’s objectively assessed need was 12,500 (586 dwellings per annum). However, the recent 2014 household projections have indicated higher Objectively Assessed Housing Need (OAN) for the SHMA and a requirement for Uttlesford of 14,100 homes (640) dwellings per annum during the Plan period.
12. Whilst the content of this report has a firm focus on housing provision it must be remembered that the Local Plan aims to realise sustainable development in Uttlesford and the three economic, social and environmental themes set out in the National Planning Policy Framework (NPPF).
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13. In addition to the statutory requirements, there are other strong and compelling reasons for producing a strong and proactive planning policy framework. New development within communities can bring many benefits (new homes, jobs, shops, community facilities etc) and a positive framework can act to enable and encourage this development. Similarly, some development proposals bring harmful impacts and planning policies can help bring about mitigation of these impacts or, where the impact cannot be mitigated, enable the Council to resist inappropriate development proposals.
14. Equally, the Local Plan will need to reflect the aspirations of the Co-op Board for Sustainable Development, comprising the four Strategic Housing Market Area Authorities of Epping Forest, East Herts, Harlow and Uttlesford.

Memoranda of understanding between the authorities relating to the geographical distribution of development across the overall Strategic Housing Market Area, transport and air quality have been signed. These memoranda will be submitted as evidence that the authorities have fulfilled their legal requirements under the Duty to Co-operate at submission stage.

15. The draft Plan includes proposals for three new settlements - at North Uttlesford, Easton Park and west of Braintree. These were considered the most sustainable proposals. Site allocations are proposed in the two towns together with a number of proposals in the villages. These were all subject to an SA.
16. It must be re-iterated, however, that the Plan is about much more than housing. It also includes proposed employment sites and policies for the protection of the natural and built environment as well as detailed policies for day to day development management.
17. The next stage is to consult on the draft Plan. This triggers the formal consultation process which the Council intends to undertake for a period of just over six weeks from 12 July until 29 August. Consultation will take place in a number of ways, online and directly to those on the Council's database. It is also planned to hold a number of exhibitions and publish a special edition of "Uttlesford Life"
18. Once the consultation period finishes the representations will be summarised and presented to PPWG, Cabinet and Full Council. It may be that the Council considers modifications need to be made in light of representations received. The next stage is to "publish" the Plan under Regulation 19 for submission to the Secretary of State. This is the final round of consultation before the examination stage and will take place towards the end of this year. Once the representations have been processed the Plan will be submitted formally to the Planning Inspectorate (PINS) in March 2018.
19. PINS will allocate an Inspector to conduct the Examination into the "soundness" of the Plan and it is anticipated that the Examination Hearings will take place in summer 2018. This is the forum where formal representations are made. The Inspector will then issue a report for the Council to consider; there may be need for further consultation on any modifications to the Plan but if not it is hoped that the Plan will be adopted by the end of 2018.
20. The Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:
 - Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

21. It is hoped that these requirements will be met through the draft Plan, supporting evidence base and collaborative working. It is recommended that PPWG endorse the Local Plan for further consideration by Cabinet and Council.

Risk Analysis

1)

Risk	Likelihood	Impact	Mitigating actions
The Council fails to adopt a “sound” Plan	2 – Unlikely..	3 – Will result in the Local Plan being found unsound. Significant impact on planning policy and planning applications.	The Council has an adopted SHMA, undertaken a review of the evidence base, appraised the development scenarios and has undertaken a sustainability appraisal of allocations. Duty to Co-operate discussions are productive.

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.