

**Committee: Scrutiny**

**Agenda Item**

**Date: 10 February 2015**

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**Title: Local Plan Review**

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Item for decision

**Director of Finance and Corporate Services**

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### **Summary**

1. Following the closure of the Local Plan Examination in December the Chief Executive received a request from representatives of Elsenham and Henham residents for an inquiry into the local plan process to date. This report follows from that request and recommends that the Scrutiny Committee considers the establishment of a review into the Local Plan process from 2006 to 19 December 2014.
2. The report also recommends that should Members agree to the review that it is undertaken by the Planning Advisory Service (PAS).
3. The final recommendation in the report is that if the review is agreed the PAS should also be asked to identify the key steps moving forward so as to provide assurance to the new Uttlesford Planning Policy Working Group. In addition the PAS should be asked to scope out training around the Local Plan process to be delivered to the new council following the May election.

### **Recommendations**

4. The Scrutiny Committee is recommended to:
  - a) Decide whether to undertake a review into the Local Plan process from 2006 to 19 December 2014.
  - b) Should the Committee decide to undertake a review:
    - I. That the Director of Finance and Corporate Services, in conjunction with the Chairman and Vice-Chairman of the Scrutiny Committee, is requested to engage the PAS to undertake the review with the terms of reference as set out in paragraph 10 subject to amendment at this meeting.
    - II. That the PAS is requested to attend the next meeting of this Committee to provide an update and timetable for the final written report.

### **Financial Implications**

5. No direct implications arise from the recommendations as the Council is a member of the Local Government Association (LGA) and the PAS is part of this organisation and its services are offered at no cost to the Council.

## Background Papers

None.

## Impact

Communication/Consultation	No specific implications
Community Safety	No specific implications
Equalities	No specific implications
Health and Safety	No specific implications
Human Rights	No specific implications
Legal implications	No specific implications
Sustainability	No specific implications
Ward-specific impacts	No specific implications
Workforce/Workplace	No specific implications

6. As Members will recall the Inspector suspended the Local Plan hearing on 3 December 2014 and issued a preliminary letter outlining his reasons. This was followed up on the 19 December 2014 when he issued his full letter. On 20 January 2015 the Council formally withdrew the Plan.
7. There is a general consensus that a review of the process between 2006 and 19 December 2014 is required.
8. In addition Officers are of the opinion that as well as a review there should be advice on the way forward so as to provide assurance to the new Uttlesford Planning Policy Working Group that the Council is moving in the right direction.
9. Officers are of the view that it would not be possible for anyone directly associated with the Council to carry out this review. Accordingly an approach has been made to the Local Government Association (LGA) and through them to the PAS to enquire of their availability to undertake the review. The purpose of PAS is to support local planning authorities to provide effective and efficient planning services, to drive improvement in those services and to respond to and deliver changes in the planning system.
10. Officers are of the opinion that the following specific areas need to be addressed and should form the terms of reference for the PAS:
  - a) That PAS starts by looking at the Inspectors Examination Conclusions in his letter to the Council dated 19<sup>th</sup> December 2014 and that the PAS will:
    - I. summarise the issues the Inspector raised, to ensure there is a common understanding;

- II. provide a high level review of the work carried out on the plan to date, including technical work, engagement with stakeholders and governance arrangements;
  - III. highlight, by way of examples from elsewhere in the country, where the issues raised have commonality with current practices;
  - IV. consider how the council can move forward, making recommendations as appropriate.
- b) In addition, PAS should be asked, following the conclusion of the review, to prepare a specification for a Member briefing for the new Council to set out what the next steps could be for the Council as they look to progress the local plan. This should be seen as providing assurance to the new Uttlesford Planning Policy Working Group that the direction of travel is as recommended.
- c) This briefing session to also include a general piece on how planning of local areas relates to National Policy, as well as how to identify and deal with strategic issues, and look at the decision making and appeals process.
11. PAS works with several suppliers, who represent both local government and the private sector. They do this in order to ensure they have the expertise to cover the wide range of topics that planning covers. There may be the need for a supplier to be called upon to assist in some of the more technical aspects of this work. The suppliers on the framework have all passed an OJEU procurement process in order to be on the 'PAS Supplier Framework'. When carrying out work on behalf of PAS, these suppliers act solely for PAS, and are directed by PAS. They are therefore independent.
12. There are five suppliers on the framework and the Council can exclude any that have a direct relationship with the Council.
13. PAS is funded to provide support to local authorities so there would be no cost to the Council for any part of this work.
14. This review would assist the Council in learning from the process to date, and also in setting out how work can move forward positively. However, it is important to note that this review is not:
- a) Any kind of inspection at the end of which there would be some kind of assessment or grading, either of individuals or the council as a whole
  - b) A substitute for legal advice on any particular issue raised. It is advice from independent professionals, but cannot be seen to form, or supersede any legal advice, and would therefore be provided without prejudice to any future examinations, challenges or appeals

**Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
The volume of work required means the final report will not be available until after the May elections	4 (a significant amount of investigative work will be required)	1 (the final report will lead to a briefing session which will be for the new Council Members)	Regular monitoring of progress against target dates will be undertaken