

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 7.30pm on 24 MARCH 2015**

Present: Councillor E Godwin (Chairman)  
Councillors G Barker, P Davies, S Harris, S Howell and E Oliver.

Officers in attendance: R Auty (Assistant Director Corporate Services), J Mitchell (Chief Executive), A Rees (Democratic and Electoral Services), A Taylor (Assistant Director Planning and Building Control), V Taylor (Business Improvement and Performance Officer) and A Webb (Director of Finance and Corporate Services).

Also Present: Councillor H Rolfe (Leader), Adam Dodgson (Planning Advisory Service) and Caroline Searle (Amec Foster Wheeler).

**SC58 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Evans, Morson and Rich.

*The Committee agreed to move onto Item 8.*

**SC59 LOCAL PLAN REVIEW**

Mr Dodgson gave a presentation to Members on the review into the Local Plan that would be undertaken by the Planning Advisory Service (PAS).

He began by outlining the legal criteria an inspector had to satisfy before reaching their conclusion. The first of these was the test of soundness. This meant the plan had to be positively prepared and meet any objectively assessed requirements. The second was how the plan was justified by evidence. This included an evaluation of proposed developments against any alternatives.

Mr Dodgson outlined the third legal criteria which was deliverability. Sites had to be realistically deliverable. Under previous planning policy frameworks, some councils had included sites in their local plans which were not built on for the duration of the plan. These sites were then included in subsequent local plans. The deliverability criteria aimed to prevent this from happening.

The final criteria was compliance with national planning policy, which included the National Planning Policy Framework (NPPF), as well as published guidance.

Mr Dodgson moved onto the main point points raised in the Inspector's letter to the Council, which were split into two categories; main matters and other matters.

The first of the main matters raised by the Inspector was the Objectively Assessed Numbers (OAN). The Inspector had stated he felt the Local Plan had ignored market signals and had led to a housing target which he felt was too low. In response to Councillor Barker, Mr Dodgson said there was no definitive answer to the number of houses that would be needed and a different figure could legitimately be deemed the correct amount depending on how evidence was interpreted. The Inspector had suggested a 10% increase in the total housing allocation but this was not final.

Mr Dodgson said the second main matter in the Inspector's letter was the proposed development at Elsenham. The Inspector had not ruled out development at Elsenham, but believed there was not enough evidence to justify development. Much of the Inspector's concern was predicated on his belief that not enough evidence had been presented to make a case that highways infrastructure would be improved sufficiently to accommodate an increased population. This would be particularly prevalent around junction 8 of the M11 as other nearby authorities would also be proposing sites that would impact on junction 8. Whilst the infrastructure demands caused by one authority may not affect junction 8, there was not enough evidence that authorities had worked together to mitigate their joint impact on the junction.

Mr Dodgson began to outline the other matters raised in the Inspector's letter, the first of which was the duty to co-operate. The Inspector felt the Council had met this, albeit narrowly. The duty to co-operate was centred on setting out the key strategic issues faced by local authorities.

The next matter was the sustainability appraisal. Mr Dodgson said it was possible the Inspector could have had trouble following the audit trail as often the trail had to be pieced together making a clear thread through the process difficult to identify.

The Council's five year land supply had been deemed robust by the Inspector. It was worth noting many Councils had failed on this matter. Both allocations at Saffron Walden and Great Dunmow had been deemed generally sound. It was fairly commonplace for Inspector's to make minor modifications to a plan following a public inquiry. If this were to happen in the future it should not be considered an issue.

Mr Dodgson said the Inspector had found the Council's Employment Land Review (ELR) to be a "good example of its kind". Mr Dodgson informed Members this should be seen as a significant positive, especially given that many other authorities had struggled with their ELR's.

Mr Dodgson outlined the conclusion of the Inspector's report. Work needed to be carried out to ensure the next Strategic Housing Marketing Assessment (SHMA) was fully compliant with the NPPF and practice guidance. Further evidence was needed to demonstrate the Council's co-operation with other local authorities on strategic issues. Demonstrating compliance with the duty to co-operate was about demonstrating both the process and outcomes.

The Assistant Director Planning and Building Control informed Members the Council should soon be ready to publish its new SHMA.

Mr Dodgson said there were many other councils whose local plans had been rejected. There was also a considerable number that had not yet published their draft local plans. He added, in response to questions by Councillor Barker, the rejection of the Local Plan should not be seen as a failing. Often rejection of a plan was due to a difference in the interpretation of evidence.

Councillor Barker added he had been concerned that the integrity of both officers and members had been questioned following the rejection of the Plan. In response Mr Dodgson said planning was often a tough sell, especially given that development did not just need to consider existing residents, but the people who would live in future developments as well.

Mrs Searle outlined the next steps of the review, which was comprised of two main strands. She said the first strand was the technical side of the review which would involve looking at the evidence in support of the proposed Local Plan, the sustainability assessment, the SHMA, the engagement strategy and how the Council complied with the duty to co-operate. The aim of the review would be to build on the Plan in order to improve it.

Mr Dodgson explained the political strand of the review would compare the Council's Local Plan with other councils' local plans. The PAS' experience working with other authorities meant it could provide useful insight into the processes behind the development of other local plans.

Councillor Howell noted one of the points made by the Inspector was that Elsenham was part of a rural road network. The Inspector seemed unconvinced that road infrastructure improvements would be sufficient, particularly around junction 8 of the M11. Councillor Howell said everywhere in Uttlesford could be deemed to be part of a rural road network so it could be considered impossible to build enough houses to meet the OAN. What would happen if the Council felt it could not meet the OAN?

In response Mr Dodgson explained the OAN and the amount of houses proposed in a local plan did not need to be equal. The OAN was an objective number: it did not factor in infrastructure constraints. If every option had been explored and the OAN could not be met, the local plan would have to demonstrate why this was the case when it was submitted for inspection.

Mr Dodgson said the PAS was aiming to give a further presentation to the Committee at its meeting in September. Before that, it would be holding a Member briefing to give Members an insight into the wider issues of planning. In response to Councillor Rolfe, Mr Dodgson said the training offered would cover both policy and decision making.

Councillor Rolfe added he felt it would be useful for the PAS and an Inspector to work together in order to ensure the Council's next local plan was deemed sound. Mr Dodgson informed Members that the PAS did work with Inspectors to try and ensure the PAS gave local authorities sound advice.

The next step would be the technical review. Interim meetings could be organised to update Members on the progress of the review, until it was presented to the Committee.

**SC60 MINUTES OF THE PREVIOUS MEETING**

The Chairman signed the minutes as a correct record.

**SC61 CABINET FORWARD PLAN**

The Forward Plan was noted.

**SC62 SCRUTINY WORK PROGRAMME**

The Work Programme was noted.

**SC63 SCRUTINY COMMITTEE 2014/15 REVIEW**

Members received a report from the Assistant Director Corporate Services which reviewed the work undertaken by the Committee over the past year.

The Assistant Director Corporate Services said he had booked Tim Young, who had given training to the current committee, to give training to the new committee at their first meeting following the elections on 7 May. Mr Young had said it would be useful to him if Members could say what they felt had worked and what hadn't. It would also be helpful if current Members made themselves available to the new committee.

Councillor Howell said he believed the Committee had taken a constructive approach, especially when it began to focus more on internal reviews. The Committee had benefitted greatly from the input of officers. It had been pleasing that Cabinet had taken suggestions from the Committee seriously. Despite the many positives he felt that often agendas were too heavy, meaning items could not be explored as fully as he would have liked. Furthermore, he felt the Committee should have looked at housing repairs as well as revenues and benefits.

Councillor Rolfe agreed those were important issues, but wanted to make sure it was established whether such a review fell within the remit of Scrutiny or Performance and Audit. It could be useful for the Chairman of each committee to co-ordinate their work programmes and potentially hold joint meetings of both committees.

Councillor Barker said he felt the Committee needed to ensure that reviews answered the questions which were asked when the review first started. Citing the day centres review as an example, he suggested that the aim of the report

was to determine whether day centres were a statutory function of the Council, not whether or not people benefited from using them.

Councillor Davies agreed reviews which focussed on the internal operations of the Council were more effective. Reviews of external functions were usually ineffectual as the Council had no power to change the way other bodies operated.

Councillor Godwin invited the Director of Finance and Corporate Services to suggest how he felt the Committee had performed during the last four years. He replied that as the Committee had shifted from focussing on external bodies, as it had done at the beginning, to focussing on reviewing internal functions of the Council, the Committee had become more effective. The Committee should continue reviewing statutory and non-statutory functions of the Council.

Councillor Godwin thanked officers for their support and in particular the Business Improvement and Performance Officer for her work on the car parking, day centres and Cranwellian reports.

Councillor Rolfe said reviews by the Committee had impacted on Cabinet decisions, particularly the Committee's reviews on car parking and day centres. He felt the Committee could, in addition to reviewing existing services, ask Cabinet to find solutions to potential problems the Committee had identified.

The Chief Executive thanked Councillor Godwin on behalf of the Council's staff and said it had been a privilege working with her throughout her time as a Member.

The meeting ended at 9.05pm.