



# Uttlesford District Council

Chief Executive: Dawn French

## Scrutiny

**Date:** Tuesday, 17 January 2017  
**Time:** 19:30  
**Venue:** Committee Room  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors H Asker, G Barker, R Chambers, P Davies, A Dean (Chairman), M Felton, S Harris, B Light, E Oliver, G Sell

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest**  
To receive any apologies for absence and declarations of interest.
- 2 Minutes of previous meeting** 5 - 10  
To consider the minutes of the meeting held on 22 November 2016.
- 3 Responses of the Executive to reports of the Committee (standing item)**  
To consider any responses of the Executive to reports of the Committee.

- 4 Consideration of any matter referred to the Committee in relation to call in of a decision**  
To consider any matter referred for call in.
- 5 Invited reports from the Executive**  
To consider any invited reports from the Executive.
- 6 Forward Plan** 11 - 16  
To consider the Cabinet Forward Plan.
- 7 Work Programme January 2017** 17 - 20  
To consider the Scrutiny Committee work programme and actions update for January 2017.
- 8 Planning Advisory Service Report on the emerging Uttlesford Local Plan** 21 - 34  
To consider a report on the Planning Advisory Service (PAS) report on the emerging Uttlesford Local Plan.
- 9 Any other items which the Chairman considers to be urgent**  
To consider any items which the Chairman considers to be urgent.

## **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). For background papers in relation to this meeting please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510430/433

Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

### **Facilities for people with disabilities**

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510430/433 as soon as possible prior to the meeting.

### **Fire/emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

#### **For information about this meeting please contact Democratic Services**

Telephone: 01799 510433, 510369 or 510548

Email: [Committee@uttlesford.gov.uk](mailto:Committee@uttlesford.gov.uk)

#### **General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)



**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 7.30pm on 22 NOVEMBER 2016**

Present: Councillor A Dean (Chairman)  
Councillors H Asker, G Barker, P Davies, M Felton, B Light, E  
Oliver and G Sell.

Officers in attendance: R Auty (Assistant Director Corporate Services), M Cox  
(Democratic Services Officer), A Knight (Assistant Director –  
Finance), B Tice (Principal Website Officer), V Taylor (Business  
Improvement and Performance Officer) and A Webb (Director of  
Finance and Corporate Services).

Also present: Councillor S Howell (Portfolio Holder for Finance and  
Administration).

**SC29 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors R Chambers and S  
Harris.

Councillor Asker declared a non-pecuniary interest in agenda items 9 and 10,  
budget overview and LCTS as a member of Saffron Walden Town Council.

**SC30 MINUTES**

The minutes of the meeting held on 6 September 2016 and of the extraordinary  
meetings held on 26 September and 4 October 2016 were received and signed  
by the Chairman as a correct record.

**SC31 MATTERS ARISING**

The committee received a list of the outstanding actions from the previous  
meetings. It was agreed that this status report would be presented to future  
meetings.

It was explained that following the call-in of the Saffron Walden AQAP decision,  
the Cabinet had agreed to defer the decision and would consider the revised  
version of the policy at a future Cabinet meeting.

Councillor Light queried the suggestion that the Youth Engagement Working  
Group might be asked to look at Member/public engagement once it had  
concluded its current work. She said the youth group would be taking an initial  
report to Council on 8 December but its work was still ongoing. Officers noted  
this point and said that discussions were continuing on how best to progress  
this matter.

SC32

## **CABINET FORWARD PLAN**

Members received the latest version of the Cabinet Forward Plan.

Members asked about progress with the Aspire initiative and were informed that there would be a discussion around possible investment opportunities at the Member workshop on 29 November. This item might be referred to the Council meeting on 8 December 2016.

Councillor Light questioned the Aspire governance arrangements and reiterated her view that the Board should include external members in order to provide speciality independent advice and commercial acumen.

Councillor Howell said this type of appointment would be premature, no investments had yet been made and he would not wish to overburden Aspire with expensive and excessive governance arrangements. He considered the existing arrangements to be appropriate but said it might be necessary to seek specialist external support in the future.

In relation to the devolution update for Council on 8 December, Councillor Sell asked if members could receive a written report. He was particularly interested in the Leader's discussions around this issue and whether the council should be giving a steer on relevant matters, for example the requirement for an elected mayor.

It was noted that the constitutional amendments and recommendations from the youth engagement group would be considered at the council meeting on 8 December 2016.

SC33

## **SCRUTINY WORK PROGRAMME**

The committee received its work programme to the end of the council year.

It was noted that the Planning Advisory Service (PAS) report on the preparation of the Local Plan was expected to be considered at the meeting on 17 January 2017, although the date was still to be confirmed by PAS. The meeting in April would include an introductory item about the Tenant Regulatory Panel. This was a scrutiny body within housing and it would be useful to look at possible links with the work of this committee.

Councillor Davies said he would be reporting back to a future meeting regarding public/Member reporting of maintenance issues with ECC Highways.

Councillor Barker suggested that the committee could benefit from follow up scrutiny training.

## BUDGET OVERVIEW

The Assistant Director Finance presented a report which gave an overview of the process for preparing the budget for 2017/18. The report explained the issues for each of the budget areas (HRA, Treasury Management, Capital Programme, MTFs, Robustness of Estimates and Adequacy of Reserves General Fund Budget and Council Tax) and suggested questions for the scrutiny committee to consider to ensure it was satisfied with the proposals. The committee would have the opportunity to comment on the detailed budget papers at its meeting on 7 February 2017, prior to the consideration of the budget by Cabinet and Full Council.

The report also included the results of the recent budget consultation. There had been 672 responses. The overall opinion was for council tax to remain the same, although there was a rise in support for an increase. The top 3 priority services were collecting bins, council and sheltered housing, planning how the district would develop in the coming decades, new housing and business locations.

A key concern was a lack of clarity around the council's funding streams for 2017/18. A lot of detail was still awaited, for example the outcome following the consultation on the NHB and business rate retention and the Autumn Statement was not expected to fully answer these questions. This left a period of uncertainty for future financial planning.

Members commented on the report.

In answer to a Member's question about inspections at Stansted Airport, it was confirmed that the council was now receiving income for the inspection of peas rather than green beans but there was no guarantee of the continuation of this type of income.

Members discussed the residents' budget consultation exercise and questioned the reliability of the statistics, particularly as the responses were 20% down on the previous year. There was no indication of the reasons behind the stated preferences, and as the questions did not seek public opinion of the service the Chairman said the information should be treated with care.

The Principal Website Officer explained the consultation process. The telephone survey had been undertaken by a professional marketing company. It had interviewed a representative sample of 500 people, considered to be an appropriate number for an authority the size of Uttlesford. The same questions were available on-line and as paper copies and the questions had been asked of the Citizens' Panel. The residents had been asked to rank the services that were most important to them, not to give an opinion of the service. More information could be obtained but it was important to strike a balance and keep the consultation short and easy to complete.

Members were disappointed with the 40% response from the Citizen's Panel. They also questioned the purpose of the consultation. It was explained that although the consultation was not a statutory requirement, it was accepted good

practise. It also gave context to the budget decisions, and because the same questions were asked each year, it gave an indication of the direction of travel.

The Assistant Director Corporate Services explained that under the Council's Constitution, consultation was a function delegated to officers; however officers would take on board the views of members when designing future schemes.

Members said they would like to review the budget consultation process and

RESOLVED to bring an item to a future meeting, to consider the purpose and management of the budget consultation, and give a steer on how it should be handled in the future.

The committee said the suggested questions for each of the budget reports were very helpful. However, it was difficult to address these issues at the present time when the funding situation was so uncertain.

RESOLVED to carry forward the questions to the budget pre-scrutiny meeting in February.

Councillor Howell replied to the points made during the discussion. He said there were many known unknowns, but in any case the numbers would be challenging and there would difficult choices and decisions to be made. He said the purpose of the survey was to guide the council by understanding the public's priorities and how they changed over time.

SC35

### **LOCAL COUNCIL TAX SUPPORT SCHEME 2017/18**

Councillor Howell reported that following the committee's consideration of the Local Council Tax Support Scheme (LCTS), the cabinet had set out its draft proposals for the 2017/18 scheme, and recommended it for consultation. The scheme included the retention of the contribution rate of 12.5%, and amendments to reduce the town and parish council subsidy by 50% and to align the LCTS with the housing benefit and universal credit reforms. The committee received the results of the consultation and were asked to comment on the detailed proposals before they were considered by cabinet and approved by full council.

The consultation had supported the retention of the collection rate at 12.5%. Those supporting a 100% grant to parish council's had reduced to 63% from 93% the previous year. The responses were largely in favour of alignment of housing benefit reforms with the scheme, with exception of the removal of the severe disability premium.

Councillor Dean said the consultation had included a number of useful comments, which should be considered for future discussion.

Councillor Asker mentioned the reduction in the grant to parish councils and the consequent effect on the larger councils. It was explained that the contribution



had been subsidised by the Government Revenue Support grant but this had now gone and as a result the contribution was being reduced accordingly.

The committee supported the continuation of the 12.5% collection rate. The council still maintained a high collection rate and Members were proud of the council's more generous scheme.

RESOLVED that the committee notes the consultation response and confirms that it does not wish to change its previous recommendations.

**SC36 NORTH ESSEX PARKING PARTNERSHIP**

Further to the meeting on 26 September 2016, the committee received the comments from Councillors Dean and Asker on the suggested improvements to the quality of service provided by the North Essex Parking Partnership (NEPP).

RESOLVED to agree the comments and forward them to Cllr Susan Barker as the council's representative on NEPP and the Assistant Director of Planning as the council's nominated officer.

**SC37 PLANNING ADVISORY SERVICE - REVIEW**

The committee noted the terms of reference for the PAS review of the Local Plan preparation process.

The meeting ended at 9.35pm



## CABINET/COUNCIL FORWARD PLAN

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Local Plan	Cabinet/ Council	TBC	To approve the Local Plan consultation document	N	N	Cllr Barker	Roger Harborough – Director of Public Services
Receive report from working group for engagement with residents including young people	Council	TBC				Cllr Rolfe	Dawn French – Chief Executive
PAS report and action plan	Cabinet	12 January 2017	To consider the IPE report and an action plan to be prepared by officers	N	N	Cllr Barker	Roger Harborough – Director Public Services/Gordon Glenday – Assistant Director Planning
Report of Voluntary Support Grants Committee	Cabinet	12 January 2017	To report on outcomes of the Voluntary Support Grants Committee	N	N	Cllr Wells	Richard Auty – Assistant Director Corporate Services

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Removal of covenant at New Road, Elsenham	Cabinet	12 January 2017		Y	N	Cllr Redfern	Roz Millership – Assistant Director Housing and Environmental Services
Regulation of Investigatory Powers Act	Cabinet	12 January 2017	To ask Cabinet to adopt a policy and procedure for use of RIPA and to provide an update on exercise of powers	N	N	Cllr Howell	Simon Pugh – Interim Head of Legal Services
Enforcement	Cabinet	12 January 2017	To consider the Cabinet's response to the recommendations from the Scrutiny review	N	N	Cllr Howell	Roger Harborough – Director of Public Services
Equalities Scheme	Cabinet	12 January 2017	To adopt the Equalities Scheme and demonstrate how the council will meet the general equality duty	Y	N	Cllr Rolfe	Roger Harborough – Director of Public Services
Articles of Association and Governance arrangements	Cabinet	TBC		N	Y	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
CPO Thaxted	Cabinet	12 January	To give authority to make a compulsory purchase in order to bring a house the land back into occupation.	Y	Y	Cllr Redfern	Roz Millership – Assistant Director Housing and Environmental Services
			Page 12				

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Budget Covering report	Cabinet	16 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
Robustness of estimates (including reserves strategy)	Cabinet	16 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
Medium Tern Financial Strategy	Cabinet	16 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
Treasury Management Strategy	Cabinet	16 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
Capital programme 2017/18 – 2022/23	Cabinet	16 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
HRA 2017/18 –	Cabinet	16 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
General Fund and Council Tax 2017/18	Cabinet	16 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
Private Sector Housing Renewal Strategy	Cabinet	30 March or 25 May		N	N	Cllr Redfern	Roz Millership – Assistant Director Housing and Environmental Services
Corporate Plan	Council	23 February		N	N	Cllr Rolfe	Dawn French – Chief Executive
Budget approval	Council	23 February	2017/18 budget process	N	N	Cllr Howell	Adrian Webb – Director of Finance and Corporate Services
LGA Peer Review	Council	23 February		N	N	Cllr Rolfe	Dawn French – Chief Executive
Gambling Act Policy	Council	23 February		N	N	Cllr Howell	Simon Pugh – interim Head of Legal Services

Item	Meeting	Date	Brief information about the item and details of documents submitted for consideration	Key Decision?	Part 2?	Portfolio Holder	Contact officer from where the documents can be obtained
Member public Engagement	Council,	4 April	Report from the CWG on the proposals for Member public engagement			Cllr Redfern	
Code of Conduct and Procedures	Council,	4 April	To receive recommendations from the Standards Committee on a revised Code of Conduct and Procedures for dealing with complaints regarding a breach of the Code of Conduct	N	N	Cllr Rolfe	Simon Pugh – Interim Head of Legal Services
2016/17 Community Governance Reviews	Council	TBC	To receive recommendations from the Electoral Working Group for community governance reviews	Y	N	Cllr Howell	Dawn French- Chief Executive
Local Plan	Cabinet/ Council	TBC	Further decisions will be required regarding the local plan but the timing may not align to existing meetings and may therefore necessitate additional meetings of Cabinet and Council			Cllr Barker	Roger Harborough – Director of Public Services





**Work Programme 2016/17**

Date	17 January	7 February	11 April
<b>Standard agenda items</b>	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee	Responses of the Executive to reports of the Committee
	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision	Consideration of any matter referred to the Committee in relation to call in of a decision
	Invited reports from the Executive	Invited reports from the Executive	Invited reports from the Executive
	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan
	Scrutiny Work Programme	Scrutiny Work Programme	Scrutiny Work Programme
<b>Agenda items</b>	<b>PAS report on the emerging Uttlesford Local Plan process</b>	<b>Corporate Plan and Delivery Plan</b>	<b>Tenant Regulatory Panel – Introduction to the panel and update on its work</b>
		<b>Budget 2017/18</b>	<b>2016/17 Scrutiny Review</b>
			<b>ECC Highways – reporting of maintenance issues – Cllr Davies</b>

## Scrutiny Items – January 2017 Status Report

Item	Status with Scrutiny	Latest note
Call-in procedure	Report discussed at 6 September Scrutiny Committee	Full Council considered a report by Interim Head of Legal Services in December and resolved to change the constitution by inserting the following new paragraph 9.13 in the Overview and Scrutiny Procedure Rules: <i>“A call-in request under para 9.3 may be withdrawn at any time up until the Scrutiny Committee meets to consider the decision called in. If a request for call-in is withdrawn by all members who made it, then subject to the agreement of the Chairman, a Scrutiny Committee to consider the decision shall either not be summoned or shall be cancelled. For the avoidance of doubt, the meeting shall go ahead if the Chairman of the Scrutiny Committee decides that this is in the public interest. Information about any call-in requests that are withdrawn under this provision shall be included on the agenda for a future meeting of the Scrutiny Committee.”</i>
Air Quality Action Plan (AQAP)	Subject of Scrutiny call-in meeting on 4 October	Officers made contact with DEFRA following the recommendations by the Scrutiny Committee and are waiting for a response. Officers will consider the response from DEFRA in light of the Scrutiny recommendations. The matter will then be referred back to Cabinet for approval.
Member/Public Engagement	This has arisen during Scrutiny meetings through the Cabinet Forward Plan	It has been agreed with the group leaders that the working group on youth engagement will be allowed to complete its work for the Constitution Working Group and following that, the group could then be asked to look at this matter. A report from the Youth Engagement Working Group went to Council on 8 December, where it was agreed to form an Uttlesford Youth Council with a view to considering more detailed recommendations after an initial period of three months.
Street Naming and Numbering Policy	Subject of the Scrutiny call-in meeting on 16 June	Responsibility for drafting the policy has been given to the Interim Head of Legal Services, who is currently looking at best practice elsewhere and expects to be able to submit a revised policy to Cabinet in the first part of 2017.
Enforcement	Committee’s recommendations were presented to Cabinet on 26 October	Cabinet resolved that a report on the Council’s enforcement service in response to Scrutiny’s recommendations be considered at a future meeting, That report was due to be considered at the Cabinet meeting of 12 January.
Devolution	Discussed at 22 Nov Scrutiny Committee	The Leader updated Full Council on 8 December.
North Essex Parking Partnership (NEPP)	Subject of the Scrutiny call-in meeting on 26 September	Councillor Dean and Asker’s comments following the September Scrutiny Committee meeting were forwarded to Cllr S Barker as the Council’s representative on NEPP, and the Assistant Director of Planning and Building Control, to be raised as part of the ongoing partnership negotiations.





**Committee:** Scrutiny Committee

**Agenda Item**

**Date:** 17 January 2017

**8**

**Title:** Planning Advisory Service Report on the emerging Uttlesford Local Plan

**Lead Officer:** Richard Auty, Assistant Director – Corporate Services

## Summary

1. The Scrutiny Committee commissioned the Planning Advisory Service (PAS) to review progress on the emerging local plan to date. The full report is attached (Appendix A) while a summary is given below. A Draft Action Plan (Appendix B) has been prepared in response and is to be considered at PPWG on the 10<sup>th</sup> January and by Cabinet on the 12<sup>th</sup> January. A verbal update of the outcome of considerations by PPWG and Cabinet will be given at the meeting.

## Recommendations

2. It is recommended that Scrutiny Committee
  - a. Considers the main issues raised in the PAS report and provides feedback to Cabinet as appropriate.
  - b. Considers the draft action plan arising from the report and provides feedback to Cabinet as appropriate.

## Financial Implications

3. None – The costs of the report have been met from existing budgets.

## Background Papers

4. There are no background papers.

## Impact

Communication/Consultation	Further consultation is proposed by the PAS report.
Community Safety	N/A
Equalities	Further work on affordable housing and Travellers is proposed by the PAS report
Health and Safety	N/A
Human Rights/Legal Implications	Further work on affordable housing and Travellers is proposed by the PAS report

Sustainability	Further work on the Sustainability Appraisal is proposed by the PAS report
Ward-specific impacts	All
Workforce/Workplace	N/A

## Situation

5. The Local Plan decision making process was put on pause at the end of October 2016 in order to reflect upon and consider feedback from neighbouring authorities and give Members time to digest the evidence base. This was in the context of a challenging Local Plan (LP) timetable resulting from the Council's concern about announcements from DCLG about the need to produce plans by early 2017 or risk the threat of government intervention and potential withdrawal of the New Homes Bonus.
6. Prior to the decision to pause, the Scrutiny Committee had commissioned the Planning Advisory Service (PAS) to review progress on the emerging local plan to date. Following the decision to pause, the terms of reference of the review were broadened to include that decision. The PAS report with the extended scope (Appendix A) has been compiled by Geoff Salter, a former senior planning inspector now employed by consultants IPE. PAS subcontracted the commission to IPE.
7. The report begins by acknowledging that Council Officers are working on a number of evidence base studies that should address the issues identified in the report.
8. The PAS/ IPE report made the following main findings:

### Regarding the existing LP timetable:

- Acknowledges timetable was driven by concerns about government announcements to produce plans early or risk interventions
- Notes inspector's concerns on withdrawn plan regarding Objectively Assessed Housing Needs and proposals for a major extension to Elsenham village
- Acknowledges since this time the council has continued to gather evidence in support of a new plan, carried out consultation on an Issues and Options document, completed further evidence, and discussed above with a number of bodies including adjacent LPAs with a view to submission in January 2017
- The issues and options consultation is relatively generalised and formal proposals may take residents by surprise
- Proceeding directly to submission carries risk especially given uncertainty over the scale of housing (latest housing data discussed below) and its distribution, location and timing
- Many of these issues may well benefit from the further comments of stakeholders before submission

### Regarding evidence:

- The Sustainability Appraisal/Strategic Environmental Assessment is relatively broad brush, although sufficient to draw out key constraints and benefits
- The SA conclusions reached the strategy selected with some proportionate expansion of the main towns and larger villages to meet needs in the early years of the plan, supplemented by new settlements based on garden city principles. This strategy is “unsurprising and reasonable”
- The need for further work on detailed constraints affecting new settlements/Areas of Search is already clearly signposted
- The Options appear to have been assessed in an impartial way
- A standard traffic light system used with no preference expressed or weighting process applied. Further sieving and iteration needed to refine down to fewer options
- A more comprehensive SA for the final sites/new settlements options is essential
- Some significant gaps in the published evidence base for the Plan, although acknowledgement that further work was published soon after pause including on viability and infrastructure
- Most significant gap is lack of evidence on the increased objectively assessed housing need identified in latest government household projections (2014 based) and its potential impacts including transport, infrastructure, and viability
- Need greater level of detail on allocations especially new settlements to inform delivery e.g. preliminary development briefs
- Further viability/Infrastructure and transport work needed especially to take account of greater housing needs along with affordable housing viability, employment and habitats assessment

### Regarding Duty to Cooperate

- It is crucial that the Council can show at the beginning of the Examination that the duty to co-operate has been satisfied
- A schedule on going co-operation has been produced based on chronology but a topic based approach would be more helpful
- A further housing narrative is essential explaining the evolution of the final strategy in the HMA and how this applies to UDC
- No details of emerging Memoranda of Understanding, although some have reached draft stage

- Further information on the situation with Braintree is desirable

### Regarding soundness

- Acknowledges Local Plan timetable resulted from Council's concern about DCLG announcements about need to produce plans by early 2017 or risk of government intervention and potential withdrawal of the New Homes Bonus.
- The existing timetable/proceeding directly from the Issues and Options straight to Regulation 19 carries risk, in particular if submission is based on current housing numbers/without testing of greater numbers
- If the Examination inspector considered critical elements of the plan i.e. scale of housing provision, are not sound, then there could be severe delays
- More detail on delivery generally for the new settlements/larger sites would be helpful
- LP strategy for housing/employment evolved in a reasonable way and publishing a preferred option for consultation under Regulation 18 with more supporting information would assist soundness
- A considerable amount of work needed before the Council can submit a plan that has a good chance of passing examination
- Acknowledges that officers are working on a number of evidence base studies that should address the issues identified in the report

9. A table of the recommended actions and the Council's response as proposed by the Assistant Director - Planning is attached as Appendix B.

### **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
The plan maybe found unsound because the plan has not been prepared with sufficient evidence or has not been adequately led by that evidence, or is contrary to national policy.	2. Low	3. Delays in adopting the Local Plan.	Regulation 18 Preferred Options consultation to help flush out soundness issues.

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.





**Final Report to Uttlesford District Council about the  
emerging Uttlesford Local Plan, including a review of  
progress to date (December 2016)**

**Report by Intelligent Plans and Examinations (IPE) Ltd**

**Author: Geoff Salter BA MRTPI**

**28 December 2016**

## **1. Introduction**

1.1 Intelligent Plans and Examinations (IPE) are instructed to prepare a report about progress on the emerging Uttlesford Local Plan. The main part of this report sets out my comments in response to the questions posed in the terms of reference for the review, as agreed in final form on 4 November 2016.

1.2 In the time available, I have taken into account some of the information published on line as the Local Plan evidence base at [www.uttlesford.gov.uk/planning](http://www.uttlesford.gov.uk/planning) policy/background studies. I have also considered some of the information contained in a draft Duty to Cooperate Statement sent to me on 13 December 2016.

1.3 In addition, I held a series of meetings and a telephone call with Council officers and members on 21 December to clarify certain factual matters and discuss the issues raised in my draft report. I have taken into account the feedback from these meetings in this final report and acknowledge that the Council Officers are working on a number of evidence base studies that should address the issues identified in my report below.

## **2. Question A - Is the present Local Plan timetable suitable for completing a sound Local Plan?**

2.1 My understanding is that the Local Plan (LP) timetable resulted from the Council's concern about announcements from DCLG about the need to produce plans by early 2017 or risk the threat of government intervention and potential withdrawal of the New Homes Bonus. My understanding is that the publication of the LP for comment was paused at the end of October 2016 to reflect upon and consider feedback from neighbouring authorities and give members time to digest the evidence base, pending the findings in my review of the plan process so far. I have not been supplied with a full chronology to date, nor any commentary from the Council or its plan-making consultants, but I am aware of the following key events. The previous 2014 Local Plan was withdrawn in January 2015 after initial consideration by the Planning Inspectorate. The Inspector's main concerns were related to the provision of new housing to meet the Objectively Assessed Housing Need (OAHN) for the District and with the proposals for a major extension to the village of Elsenham. Since then the Council has undertaken more work to gather evidence to support a new Local Plan and carried out a consultation on an 'Issues and Options' document in late autumn 2015.

2.2 The Council has continued to gather evidence and to discuss draft proposals with a number of bodies, including other neighbouring Councils, with a view to publishing a draft submission plan (Regulation 19) for full statutory public consultation in January 2017. The very generalised consultation exercise earlier last year include two possible levels of housing provision and referred only to areas of search for new housing allocations. Moving straight to a Regulation 19 Plan without consulting on a preferred option may take many residents by surprise, given statements in the Issues and Options Plan that clearly indicate that an additional round of consultation would occur before the Regulation 19 pre-submission consultation. Proceeding directly from that Issues and Options document straight to Regulation 19 undoubtedly carries some risk, particularly in the light of the current evidence, as I discuss below. For example, there is uncertainty about the number and

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NB

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

distribution of new homes required (again I discuss in more detail below); the location, timing, viability and transport implications of new settlements; and there are gaps in the evidence base regarding new infrastructure provision. Many of these issues may well benefit from preliminary comments from developers, other public bodies, local residents and businesses before the Regulation 19 plan is published.

### **3. 2. Question B - Is evidence adequate and robust to ensure that decisions on site allocations would be sufficiently informed?**

3.1 From my reading of material published so far, there are two key documents which form the basis of evidence justifying the overall strategy for housing provision in particular. These are the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) for the Areas of Search and Strategic Scenarios Consultation, published by place services (ps) in September 2015 and the Interim Appraisal of New Settlement Options published by ps in October 2016. The non-technical summary of the first document summarises the 'issues to be overcome' and 'likely benefits' of the 14 Areas of Search for new growth set against 15 SA Objectives. Nine of the Areas of Search relate to sites for new settlements, although the assessment is very broad in nature, given that site specific boundaries and the exact amount of development, particularly new housing numbers, were not identified at the time. The narrative about each area gives a broad brush appraisal for the areas identifying key points but does not include any weighted scoring system to give any comparative analysis. Having said that, the comments appear sufficient to draw out the key constraints and major benefits of each area. The remaining five scenarios for growth comprise potential urban extensions to the main towns of Saffron Walden, Bishop's Stortford (immediately adjoining the district in East Herts) and Great Dunmow, together with assessments for small sites in key villages and a group of smaller 'Type A' villages.

3.2 The SA then examines a range of scenarios under the assumptions of two levels of growth: the 580 dwellings per year (dpa) put forward in the withdrawn LP and a higher growth figure of 750 dpa. Again, there is no comparative table to indicate any preferred scenario. The Conclusions and Recommendations section highlights that no single scenario can be guaranteed to meet the current and future needs of the district in a wholly sustainable manner. However, while acknowledging that any level of proposed growth is likely to have adverse environmental impact, the Plan strategy should seek to minimise these impacts and maximise the benefits of growth. Without being definitive, the SA conclusions lead towards a strategy of some proportionate expansion of the main towns and larger villages in the district to meet needs in the early years, supplemented by a new settlement(s) based on garden city principles to meet needs in the latter stages of the Plan period. On balance, this is an unsurprising and reasonable conclusion; the need for further work on detailed constraints affecting existing settlements and the main areas of search for the new settlements is clearly signposted.

3.3 My understanding is that the call for sites was undertaken in spring 2015 and a draft assessment for each site, forming part of the Strategic Land Availability Assessment (SLAA) published in February 2016, brought forward seven possibilities for new settlements which were the subject of an interim

SA published in October 2016. This provides a commentary on how each potential site performs in relation to 15 planning objectives, in a standard 'traffic light' system of assessment, with written summaries of key points. It does not indicate a preference between the sites nor does it give any weighting to each of the appraisal objectives. The sieving and refining of decisions on site allocations is a complex iterative process which requires further work at this stage, as I discuss below.

**4. Question C - Are there gaps in the necessary evidence to make decisions on site allocations? What are the gaps? Question D - Is the evidence impartial and even-handed?**

4.1 From the material available to me, it appears that the SA documents I have considered generally appear to have assessed each option in an impartial way. However, it must be borne in mind that town planning is not a purely scientific discipline based on mathematical formulae with certain outcomes. A significant element of subjective judgement is also part of the process, for example, in landscape quality appraisals and most importantly in the weighting between different impacts on different objectives. Beyond saying that, it is not possible at this juncture, given that the necessary evidence is not all in place, for me to make definitive judgements, particularly given the limited time available to consider the evidence base and processes carried out so far.

4.2 Nevertheless, it appears to me that there are some significant gaps in the published evidence base for the Plan. I note that a Strategic Housing Market Assessment (SHMA) was prepared for the West Essex/East Herts area by ORS, published in September 2015. This appears to be a thoroughly researched document which analyses the information available at the time in a logical way, in accordance with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The identification of the housing market area across four districts takes into account the difficulties of assessing such boundaries in areas where a number of complex interrelationships between employment and housing demand and consequent travel patterns exist, and is justified. The study looks at population data and 2012 household projections published by the Department for Communities and Local Government (CLG), which are used as baseline for an Objectively Assessed Housing Need (OAHN) for housing, adjusted to take into account factors such as affordable housing need, consistency with employment projections and market signals. The 2015 SHMA projects an OAHN of 46,100 for the whole SHMA, of which Uttlesford's share is set at 12,500, although the method of apportionment between the authorities is not clear.

4.3 The evidence base on the Council's website does not include a revised SHMA, updated to take into account the latest 2014 CLG household projections published in July 2016. I understand that some re-modelling has been done by the SHMA authorities which has resulted in an agreed OAHN figure of 54,600 for the whole area, of which Uttlesford's component is 14,100. Again, I have seen no explanation as to how the OAHN figure has been apportioned. I understand that the four authorities intend to plan for only 51,000 dwellings, based on an updated SA by AECOM which I have not seen. I agree with the Planning Inspector who made an advisory visit to Uttlesford that the Council should take the OAHN figure of 14,100 as a starting point and that any housing requirement

set at a lower figure would need very robust justification. From what I have seen, staying with the 12,500 figure would be a serious risk to the soundness of the Plan.

4.4 The overall housing requirement will have implications for the detailed site allocations, including the possibilities for new settlements and their programme of development. What appears to be missing in the published evidence base is an explanation of the selection process for reducing nine or seven areas of search to the final proposed options. A more comprehensive SA for the chosen sites, including the new settlement options, is essential. A viability assessment of seven potential sites for new settlements did appear on the Council's website at the end of November, under the Planning Policy Working Group (PPWG) committee page, after the decision to pause the plan process was made. This study did include information about the infrastructure requirements for the sites.

4.5 On a related point, the Infrastructure Development Plan dates back to 2014 and must clearly be out of date. More recent information about district-wide infrastructure needs, costing and programming is required. This applies in particular to the new settlement proposals, as for developments of this magnitude, one would normally expect to have a preliminary masterplan in place. Any Inspector will be concerned to establish the viability of the schemes and the transport implications, including the costs of new highways or improvements to existing roads, especially the strategic road network. I understand that an update to an earlier transportation study has been carried out, but it is not publicly available. Further essential work on the transport implications of implementing the various scenarios and the position in Saffron Walden has yet to be completed.

4.6 A report to the Council's PPWG committee on 28 November 2016 identified the most up to date position regarding the evidence base for the Plan. Several LP studies were published for this meeting. Clearly, much work is continuing on a range of topics and some recently completed studies need to be publicised. Apart from the topics I have already mentioned, updates of the affordable housing viability study and the employment land study will also need to be completed. As the Council's officers say, a revised Habitats Regulations Assessment (HRA) screening will be needed when the Plan proposals have been firmed up.

## **5. Question E - Has the Duty to Cooperate (DtC) requirement been met?**

5.1 The Council is right to recognise the importance of the duty to co-operate. At the Examination, the Inspector will seek to establish whether or not the duty has been complied with before his/her Examination of the plan's provisions begins. If he/she concludes that the duty has not been complied with, the Examination will proceed no further as there would be little point in assessing the contents of a plan when the process by which it has been produced is inherently flawed. There would be no opportunity at that stage to remedy any shortcomings in the co-operative process. It is crucially important, therefore, that the Council can show, at the beginning of the Examination, that the duty has been satisfied.

5.2 The Council has submitted a spread sheet which shows that a number of meetings and discussions have been held with various bodies, including neighbouring Councils, others from

Cambridgeshire and further afield, and statutory agencies such as Highways England etc. The schedules within the spreadsheet appear in chronological order, rather than addressing key topics such as housing, employment, environment, transport which would be a more focussed and useful approach. There is no commentary accompanying the schedule. Clearly there are some gaps, as I have already indicated in my discussion of the evidence base, particularly regarding housing provision, where a narrative explaining the evolution of the final strategy in the context of constructive engagement with relevant bodies will be essential. The third section of the spreadsheet containing details of memoranda of understanding between various authorities and/or consultees is very sparse at this stage, even though some have been drafted.

5.3 Another issue where a specific section in a DtC statement would be desirable concerns the new settlement to the west of Braintree, which straddles the Braintree DC and Uttlesford DC boundary. I note that the DtC spreadsheet indicates that there has been a significant change in the size of the proposed settlement west of Braintree, with a much-reduced element in Uttlesford, from 1400 to 600 dwellings. This has been explored through ongoing DtC work between the Districts. However, the implications for the viability of the new settlement, any necessary infrastructure and the overall housing provision in the SHMA and Uttlesford district still need to be considered.

**6. Question F - What would be the risks in extending the timetable for the work programme, and delaying the submission date for the Plan's examination? What would be the risks in not extending the timetable if the Plan is not ready for examination in public?**

6.1 As UDC officers have identified, the government has indicated that it may intervene if plans are not 'produced' by early 2017. It seems that some further changes to planning policy may be announced for consultation in the new year. The Council can show that work on the preparation of the Plan has been continuing steadily since the withdrawal of the 2014 version and intervention at a relatively late stage may seem unlikely. But I have no more knowledge than anyone else not in government about its intentions and proposals. One of the main risks of delay concerns the five year housing supply; if this cannot be demonstrated there is a considerable potential for unplanned development following appeals.

6.2 However, matters would not necessarily be improved by the early submission of an incomplete Plan with an inadequate evidence base and insufficient justification. As the Council should know, assuming the first critical test of meeting the DtC is met, there could well be severe delays, including a possible suspension of the examination, if the Inspector considers that critical elements of the Plan such as housing provision are not sound unless shortcomings are addressed. In any event, it would be unusual if main modifications to a Plan of this type were not required, which would of course have to be advertised for further comment.

**7. Has UDC followed a sound process that is leading towards a sound Local Plan that has a low risk of rejection at Examination in Public?**

7.2 This question is not especially easy to answer in the light of some acknowledged gaps in the evidence base provided so far. At the present time, there is more work to be done on the main topics as I have discussed above. I would need to see a revised DtC statement and more SA analysis before saying definitively that the work to date was soundly based. However, the basic strategy for housing and employment seems to have evolved in a reasonable way and publishing a Regulation 18 preferred option for consultation with more supporting information would provide more confidence that the examination of the Regulation 19 publication plan would not throw up any unforeseen or insurmountable obstacles to the approval of a sound Plan.

**8.Question H - Are there any issues to be advised which may pose significant risks to the Plan being found sound at examination?**

8.1 I understand that an update to the Gypsies and Travellers Accommodation Assessment (GTAA) has been carried out which indicates that there are no Gypsy and Traveller households in Uttlesford which meet the new definition of such persons for planning policy purposes. However, the updated GTAA identifies a maximum 'unknown' need of 12 households and a non-travelling need of 10 households over the Plan period. National guidance indicates that for those households that do not meet the new definition, a criteria based policy should be included within the LP to meet these needs.

8.2 I have read the comments on the draft Plan prepared by the Council's consultants, Troy Planning. In general I agree with most of the points raised. Of particular importance are the following:

- the need to set out the spatial policy more clearly
- the housing issues already raised, including a review of affordable housing viability and the related policy context
- the need to clarify the relationship of the Plan to forthcoming Neighbourhood Plans
- the need to review employment policy in relation to an updated employment study, referring back to ensure consistency with housing policy
- the need to revise policies for the historic environment to ensure consistency with the NPPF

8.3 I would like to think that many of these points have already been taken on board and acknowledge that my own reading of the material available to me has been constrained by limited time. There may therefore be other matters to be reconsidered but I have endeavoured to set out the key concerns with the process so far as I see them. Nonetheless, it is apparent that there is still a considerable amount of work to be undertaken before the Council is in a position to submit a plan that has a good chance of passing examination.

Geoff Salter December 2016

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NB

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84





## Scrutiny Committee

### Appendix B - Draft Action Plan

#### PAS proposed action/UDC response

#### Introduction

It is clear from the PAS report that the decision to pause the Local Plan was the correct one.

It is also important to note that the report acknowledges that any perceived gaps in the evidence base are being addressed and so this will generate more confidence in the Council moving forward with a sound evidence base led Plan.

As a result an action plan has been produced to capture this on-going work.

Number	Report finding/action	Proposed response by UDC
1	An additional Preferred Options (Draft Plan) stage and supporting evidence for consultation would reduce risk/inform plan.	The Council will give consideration to a Preferred Options (Regulation 18) document as part of programme for consultation. Updated Local Plan project plan for the above to Feb PPWG. A formal revised LDS for March PPWG/Cabinet.
2	The Sustainability Appraisal (SA) needs to include preferred scenarios or weighting process.	A further scoping exercise to be completed mid January on reasonable scenarios. Member workshop to consider outcome of draft scoping work on SA 1 February. Apply a weighting system to SA (assuming preferred options) to PPWG Summer 2017.
3	Uncertainty exists regards the scale of housing and consequently its location, timing, viability, transport, and infrastructure impacts. Staying with 12500 homes is a serious risk to soundness. It is suggested that UDC use 14100 homes from latest government projections as a starting point. Method of apportionment in the SHMA that results in UDC provision needs to be clearly explained.	Accept that limiting provision to 12,500 homes is a serious risk to soundness therefore we need to consider proceeding on the basis of testing 14,100 homes. Updated topic papers to be put to PPWG/Cabinet on location, timing, viability, transport, and infrastructure impacts by first quarter 2017. HMA consultants to produce a clear explanation of apportionment.

Number	Report finding/action	Proposed response by UDC
4	Further government announcement on changes to planning policy in the Housing White Paper expected although outcome unknown. The Council needs to reflect on this when moving forward with the Plan.	To be closely monitored and reviewed as soon as available.
5	2014 IDP out of date/requires more recent information. Transport study including Saffron Walden needs to be completed.	While the published Local Plan Viability Study October 2016 included infrastructure requirements of new settlements, the 2014 IDP needs to be updated with timeframe as above eg to reflect new evidence and planning considerations coming from the White Paper. Transport study reports will need to be published once complete as above. Both studies will be tested at Examination.
6	Updates of the Habitats Regulation Assessment, housing viability and employment studies to be done	The housing viability and employment study updates are underway. The target for completion will be dependent on a revised LDS. The HRA will be completed at draft plan stage.
7	Suggests that a topic approach to duty to co-operate would be more helpful than chronology.	To be collated by Troy Planning by March 2017.
8	Desirable to have specific section on Braintree duty-to-co-operate.	Memorandum of Understanding needs to be in place by Submission stage.
9	Will need further criterion policy on traveller provision for those considered travellers who do not meet the government definition.	This is currently being considered.