

**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.