

Committee: Scrutiny Committee

Agenda Item

Date: 20 June 2017

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Title: The Uttlesford Local Plan Process

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Summary

1. The Local Plan is a key corporate strategy for Uttlesford as it will be instrumental in shaping the future development of the District for decades to come. It is therefore important to ensure that it follows the correct statutory processes to be found sound by the independent Planning Inspector. The Scrutiny Committee has expressed its wish to play a leading role in monitoring the Local Plan process as it progresses towards its formal adoption. In order to do this effectively, the Scrutiny Committee will require clear Terms of Reference established so that it can undertake this important responsibility effectively. Appendix 1 of this report sets out suggested Terms of Reference for the Scrutiny Committee to undertake this important function.

Recommendations

2. To review and agree the Terms of Reference as identified in Appendix 1 for the Scrutiny Committee's role in monitoring the Local Plan process to satisfy itself that all statutory requirements are met before the Plan's formal adoption.

Financial Implications

3. None – any related expenses can be met from existing budgets.

Background Papers

4. There are no background papers.

Impact

- 5.

Communication/Consultation	The Local Plan must go through a number of statutory and non-statutory consultation stages before it can be adopted.
Community Safety	The Local Plan includes policies that will enhance community safety through sound planning – for example, requiring high quality design in all new development.
Equalities	The Local Plan encompasses policies on

	equality issues such as affordable housing and Gypsy and Travellers.
Health and Safety	N/A
Human Rights/Legal Implications	Policies relating to issues such as affordable housing and gypsy and Travellers are incorporated in the Local Plan.
Sustainability	The Local Plan process requires the preparation of a Sustainability Appraisal to inform the policies and site allocations in the Plan
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

6. 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. It was also decided that there should be an additional public consultation stage introduced to the process (known as the Regulation 18 preferred options stage) to test the soundness of its policies and proposals before determining how the Local Plan should move forward. A summary of the Local Plan programme incorporating the additional Regulation 18 stage is outlined in Appendix 2.
7. In order to make sure that the Local Plan meets all of its statutory requirements, the Scrutiny Committee needs to assess the processes followed in preparing the emerging Local Plan. To do this, Terms of Reference covering the Scrutiny Committee's role and responsibilities in this regard need to be agreed to make sure that all relevant issues are addressed in an effective and transparent manner.
8. The suggested Terms of Reference for the Scrutiny Committee in its role monitoring the Local Plan process are identified in Appendix 1.
9. To support the Committee, the Planning Advisory Service will again be commissioned to undertake a review of the processes followed in preparing the local plan, prior to the consideration of the Regulation 19 publication draft local plan; Scrutiny Committee will be asked to approve the terms of reference for this work, as previously.
10. The Planning Inspectorate has also offered a pre-examination discussion later in the year and the Council will be consulting its counsel, Mr. Michael Bedford QC. Feedback arising from these activities will also be provided to the committee to assist them with their considerations.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The plan maybe found unsound because the plan has not been prepared in accordance with national policy.	2. Low	3. Potential delays in adopting the Local Plan.	By following the terms of reference outlined in Appendix 1, the Scrutiny Committee will help to identify potential issues relating to non-compliance with statutory requirements.

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.

APPENDIX 1: TERMS OF REFERENCE FOR THE SCRUTINY COMMITTEE

In order to ensure that the Local Plan is found sound and is prepared in a timely manner in accordance with the appropriate legislation, the Scrutiny Committee has the following roles and responsibilities:

- 1) Consider the Local Plan project plan and assess whether the Local Development Scheme (LDS) needs adjustment to reflect emerging issues.
- 2) Assess whether there has been effective engagement with external bodies such as the Planning Advisory Service (PAS) and the Planning Inspectorate (PINS) to make sure the Local Plan meets all of its statutory requirements.
- 3) Assess whether the Duty to Cooperate responsibilities have been fulfilled. This needs to consider, in particular, cooperation with our SHMA partner authorities, Braintree District Council and its north Essex partners, Essex County Council, South Cambrdge/Cambridge City Council and Cambridgeshire County Council.
- 4) Focus on identifying and addressing any other procedural matters relating to the Local Plan which may pose significant risks to the plan being found sound.