

**PLANNING POLICY WORKING GROUP held at COUNCIL CHAMBER -
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on
TUESDAY, 20 NOVEMBER 2018 at 5.30 pm**

Present: Councillor H Rolfe (Chairman)
Councillors S Barker, P Davies, A Dean, P Lees, J Lodge,
J Loughlin, E Oliver and V Ranger

Officers in attendance: A Bochel (Democratic Services Officer), G Glenday (Assistant
Director - Planning), R Harborough (Director - Public Services)
and S Miles (Planning Policy Team Leader)

Public speakers: D Hall, M Herbert, K McDonald and F Wilkinson

PP25 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillor Barker declared a personal interest as a County Councillor for Great Dunmow.

Councillor Dean declared a personal interest because his wife was a volunteer at, and a member of the trustees of, the Gardens of Easton Lodge.

PP26 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 October were received and signed by the Chairman as a correct record subject to the following amendment:

PP23: 'Councillor Ranger said it would be **irresponsible** to juggle with mathematics to equate figures for care home spaces with those for homes' to be changed to 'Councillor Ranger said it would be **immoral** to juggle with mathematics to equate figures for care home spaces with those for homes'

PP27 GARDEN COMMUNITY STRATEGIC GROWTH DEVELOPMENT PLAN DOCUMENTS

In response to a statement from M Herbert, the Planning Policy Team Leader said the housing trajectory was not a definitive plan of when building would happen, but an estimate of when it was most likely to happen. There was the potential for building to happen at a faster pace, and the Local Plan did not prevent this in the infrastructure and other requirements policy were met.

The Planning Policy Team Leader gave a summary of the report.

Councillor Barker noted that parking standards was a very important issue to areas such as Great Dunmow. Parking restrictions were an even more important

requirement. The Planning Policy Team Leader said many of these criteria were already covered in the Essex Design Guide.

Members noted they had been impressed with the waste system in Eddington. There were no wheelie bins, and instead waste was stored underground. While this sort of system could not be retrofitted, it could be introduced in new garden communities.

Councillor Dean said it was essential that the majority of the Council's dialogue with the community was face to face, and that all ideas that came about from this engagement were logged by officers.

Councillor Ranger said the Development Plan Documents (DPDs) should specify space standards for dwellings. Dwellings would need to be adaptable for those living in them.

Councillor Lees said the Essex Design Guide for parking standards had been followed in places such as Foresthall, Dunmow and Elsenham, and all still had problems with parking. It would be good if the Council could be more innovative here.

Councillor Lodge said landowners still stood to walk away with £2 billion from the Local Plan. The Council should look further into the idea of setting up development corporations.

The Chairman said development corporations were complicated. The delivery of the new communities was a matter for the Garden Communities Member Governance Board to consider. The Development Plan Documents were being started now as they were fundamental to the planning of these new communities.

M Herbert spoke on this item. A copy of his statement is appended to these minutes.

PP28 **LOCAL PLAN STATEMENT OF COMMUNITY INVOLVEMENT**

The Planning Policy Team Leader gave a summary of the report.

Members asked that the Statement of Community Involvement express the importance of the Development Plan Documents. The Planning Policy Team Leader said he would bring ideas about these changes to Cabinet.

Members said community engagement was very important. Interaction between Uttlesford District Council, the community and the developers was key.

Members asked for further elaboration on the need for engagement on s106 agreements with town and parish councils.

RESOLVED to recommend to Cabinet that the Local Plan Statement of Community Involvement is subject to a six week consultation between 7 January and 18 February.

PP29 **REVIEW OF REGULATION 19 SUSTAINABILITY APPRAISAL**

In response to statements from members of the public, the Chairman said reviewing the Council's sustainability appraisal had been the responsible thing to do, after the company that had completed the appraisal, Place Services, had an appraisal it completed on behalf of North Essex authorities criticised by an Inspector. The Chairman noted that the Regulation 19 local plan consultation was purely an opportunity to make representations. Comments submitted would not be responded to by the Council, but instead would be sent to the Inspector.

The Planning Policy Team Leader gave a summary of the report. He said the updated sustainability appraisal would not require the Council to relook at the homes and jobs forecast or to produce a new evidence base. The appraisal would examine the existing evidence. If the appraisal did identify that the Council's current strategy was appropriate, it would be able to be sent out for representations without another consultation on the local plan before it was submitted to the Planning Inspectorate by 24 January. AECOM, which was working on the Council's updated sustainability appraisal, had said the appraisal could be completed before the plan was programmed for submission.. In response to a member question, the Planning Policy Team Leader said he would request a project plan from AECOM.

In response to a Member question, the Director – Public Services said it was part of the Council's processes for officers to undertake testing and strengthening of the evidence base to support its examination once Council had passed the resolution to approve the submission of the local plan.

The Chairman said that he had been informed of the update to the sustainability appraisal about a week before other members. Officers had asked for a more fundamental, rather than light-touch, update of the sustainability appraisal. This was identified as option 3 in the report.

In response to a Member question, the Director – Public Services said officers would seek legal advice as to whether it would be appropriate to release counsel's opinion on approaches to strengthening of the sustainability appraisal.

Members noted that the Council did not start off with an overall vision of how the local plan would look, and instead took an approach of seeking out various ideas for where development would take place. This was something that the North Essex Garden Communities group had received criticism from the Inspector for.

The Director – Public Services said his interpretation of the AECOM report was that it said that the regulation 19 sustainability appraisal report had been considered separately from the quantum of development and the distribution of development. However, while the report gave that impression, in each iteration of the plan, the quantum of development changed and alongside this the

development strategy was reviewed each time. His view was that the problem lay in the adequacy of the explanation.

Councillor Ranger noted that 'consultation' had been wrongly used in the paragraph on option 3 of AECOM's report, on page 86 of the agenda document. The Director – Public Services confirmed this should instead say 'representation'.

In response to a member question, the Director – Public Services said that now the Stansted Airport planning application had been approved by the Planning Committee, the Inspector examining the submitted plan would need to decide whether the plan should be modified to reflect the council's new position on the limits to airport activity.

The Chairman confirmed the working group would see the updated sustainability appraisal.

K McDonald, F Wilkinson and D Hall spoke on this item. Copies of their statements are appended to these minutes.

The meeting finished 18.45.

PP30 **ACTION POINTS**

PP27	Remove the question mark next to parking standards on Page 16 of the agenda pack.
PP27	Consider not using the Essex Design Guide in relation to parking standards in the DPDs.
PP27	Ensure much of the engagement with the community takes place face to face, with a means of logging all ideas raised.
PP27	Include space standards for dwellings in the Development Plan Documents.
PP28	Include within the SCI more information on DPDs and their important role in the consultation on garden communities.
PP28	Include within the SCI a point about the need for engagement with town and parish councils on s106 agreements before a decision has been made.
PP29	Request a project plan from AECOM regarding their work on the updated sustainability appraisal.
PP29	Subject to legal advice, circulate counsel's opinion relating the update of the sustainability appraisal.

PP29	Circulate the updated appraisal to PPWG.
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Martin Herbert Speech Uttlesford PPWG 20/11/2018

Agenda Items 3 & 5

My name is Martin Herbert. I represent Galliard Homes which is one of the principal promoters of the West of Braintree Garden Community. I would just like to make some comments on Item 3 of the agenda, which concerns the Strategic Growth Development Plan Documents.

We have expressed the view before that the delivery of homes in the Garden Communities is being held back by an unnecessarily lengthy sequence of planning procedures. This is demonstrated in paragraph 13 of the Report where it is stated that the process has been made to fit the trajectory. In the case of West of Braintree, that trajectory has not been discussed with Galliard.

We believe homes can be delivered more quickly than the Council's trajectory suggests. In paragraph 15, reference is still being made to the first homes anticipated in 2025/6, when we have suggested this could be 2 years earlier. It isn't Galliard that is putting less emphasis on early delivery. There is no reason for the timing to be different just because the Community is being planned with Braintree. With effective co-operation between the 2 authorities this shouldn't be an obstacle. Galliard is certainly working in co-operation with the other principal landowner and has been for several years.

Just two principal landowners shouldn't be any sort of barrier to delivery either. What is being consistently ignored is that Galliard is the one company involved in promoting the garden communities that actually builds homes. It can operate very effectively as master developer. Possibly this could be in partnership with other builders to ensure a wide range of housing is provided, and certainly this can be in partnership with the North Essex Garden Community Company, or other public sector organisation, as is being suggested.

We recognise the programme is dependent on the NEA examination timetable, but this is no reason for there being less emphasis on early delivery or imposing the Council's trajectory. Nor the purely theoretical capacity of 970 homes in the plan period. It's disappointing that all the representations made on the West of Braintree DPD Issues and Options, including our own, made a year ago, have not even been looked at yet.

Galliard has said before it is fully committed to creating a new place that reflects the Town and Country Planning Association's garden city principles. There is no need for public sector involvement beyond the planning system to ensure these standards are met. However, there may be an important role for the public sector as infrastructure provider; that is



where the partnership comes in. Leave the promoter to do what it knows best; building homes.

We do find there appears to be disproportionate emphasis on the process and not enough on outcome or delivery.

Having said this, it's our view that it's an extremely ambitious timetable for revising the Sustainability Appraisal and should be reviewed. It's surely better to take a bit longer addressing the extensive recommendations from AECOM and increase the certainty that this important aspect of the Plan is sufficiently robust, rather than risk the outcome experienced by Braintree and its neighbours earlier this year.

Minute Item 5

PPWG - 20 November, 2018

Comments on behalf of Great Chesterford Parish Council

In April 2016 Great Chesterford Parish Council, following publication by UDC of its assessment of responses to the Call for Sites, sent detailed criticisms of the site at Great Chesterford now selected for the new NUGC settlement. Today, at the point at which UDC is about to submit its draft Local Plan to the Planning Inspector, we learn that the obligatory Sustainability Assessment, legally required prior to adoption of a Local Plan, is non-compliant with the Regulations, and as drafted is significantly unclear; we further have confirmation that there has been failure to consult on working documents relied on as evidence. AECOM goes so far as to describe the SA process as having a “fundamental flaw” (paras 3.79 and 3.99).

As regards the Garden Communities, the Report states: **“It is not clear why there is a need for three new GCs in light of the alternatives. There are also concerns around the objectivity of the appraisal of these GC options, which relies heavily on what was being proposed by the promoters of the sites in 2016/2017”** (para 4.5).

In order to reduce the risk of legal challenge, as regards the Garden Communities UDC is advised (I quote): **“to undertake a fresh, objective and comparative appraisal of GC options based on a range of different sizes as well as the merits of the sites, not what is being promoted by developers... the same process should be carried out for any strategic urban extensions that came forward through the SLAA process.”** (para 5.10(6)). This last criticism goes to the heart of UDC’s proposals regarding NUGC.

AECOM has advised that in order to achieve least risk of legal challenge, UDC should address the identified issues regarding its appraisal and the development of reasonable alternatives. UDC is also advised by its QC that if the updated SA indicates that the Local Plan as proposed is “not the most appropriate strategy to deliver its objectives”, further representations (known to the outside world as “consultation”) should be sought on what will be inevitably be a markedly different set of proposals.

The stated intention of UDC being to submit the Local Plan to the Inspector by 24 January, 2019, it is self-evident that any Plan submitted in its present form, being based on a highly flawed SA, will be defective. It is equally evident that there is no way in which there can be proper consultation in the time available on any Plan reflecting changes required by the revised SA. Either way, the way forward proposed by UDC will expose it

to legal challenge. The situation is in no way resolved by the amended SA produced by Place Services in October 2018 in relation to the current Addendum of Focussed Changes review.

A final comment. It has been suggested that UDC should seek recovery from Place Services of all or part of the £48,000 UDC has paid for a clearly defective work-product. By parity of reasoning, my Parish Council will be looking for reimbursement from UDC of the £20,000 plus it has had to pay its own consultants to challenge a clearly deficient, and inadequately prepared, draft Local Plan.

November, 2018

Cllr D F Hall

Fiona Wilkinson on Behalf of Little Chesterford Parish Council

Thank you for the opportunity to speak. I have several questions about the fundamental update that the council is undertaking on the Sustainability Appraisal (the SA) as a result of the AECOM report and legal advice, and also how this relates to other agenda items.

An old programming maxim is GIGO – garbage in, garbage out. If you have bad evidence, you will get bad decisions. The AECOM report has pages and pages of flaws in the evidence that they have uncovered. More generally, they have said that UDC has heavily relied on evidence from promoters. This is not the first or only time that this observation has been made – for example, one of the statutory responders to Regulation 19 said that “ the site selection process seems to be somewhat retrofitting the evidence to justify a decision that has already been taken”. Will the evidence base be reviewed as part of this fundamental update of the SA to ensure it is robust and can be seen to be impartial and objective?

The AECOM report is also very critical of the way that this evidence is then combined and used to make decisions, and so one would expect that changes to this process to be part of the fundamental update. If what’s going into the decision making process has been changed, and the process itself has been changed, I find it very surprising that UDC considers that the probability of a different decision being reached is low. They also say that the probability of being unable to achieve all this by a deadline that just a couple of weeks away is very low. How then can we be confident that this fundamental update is truly objective and robust and does not repeat past mistakes?

Also on today’s agenda, Section 5.7 of the Statement of Community Involvement says that the SA must be published for comment at the same time as the Local Plan. However it appears that consultation on the revised SA will done separately after the Local Plan is submitted. Can the Council please state how they will ensure that consultation will be timely, open and transparent?

My final question is about applying the lessons from the SA review. It would appear that it will be promoters who will be doing the work to prepare DPDs, and also to pay for the evidence that goes into them. Can the council update this process to ensure that DPDs will not be found to “rely heavily on what was being proposed by the promoters” like the SA has been?

Thank you for considering these questions about how an objectively assessed and transparent local plan can be achieved. I look forward to your responses.

Good evening. My name is Ken McDonald.

In my response to the Regulation 19 consultation I stated that the Local Plan has not been properly prepared because UDC failed to properly consider responses to its so-called consultations.

Now, this incredibly damning report by AECOM seems to support my conclusions: that UDC has, far too readily, taken at face value, and almost without question, the reports of developers and consultants. This aspect of the AECOM report mirrors the conclusions expressed last week by Stop Stansted Expansion in respect of the recent airport planning application.

I recognise that this Council has a relatively small budget with which to tackle complex issues, but the principles of sound management should still be applied. By all means delegate to subordinates and consultants, but such delegation does not remove responsibility.

The work of officers and consultants, the forecasts by employers and developers with vested interests, all must be reviewed, especially in the light of challenges by those who have taken the trouble to put together a considered, albeit inconvenient, point of view.

I have long been saying that this Local Plan is based on population and job forecasts that are highly questionable. An aspect that I failed to appreciate is what I think AECOM have now said: that the location of planned development should respond to the location of need.

This latest commissioning of consultants offers an opportunity to work from the ground upward, evidence-based and founded on sustainability. At last, there seems to be an opportunity to review the housing and employment forecasts, taking into account the issues that I and Mike Young, and others, have been raising persistently for more than three years.

This new piece of commissioned work must not be yet another sticking plaster to paper over the cracks, another exercise to find evidence to support a predetermined conclusion. We have had too much sticking plaster.

The officer's recommendation is that the PPWG "notes the findings of the Sustainability Assessment review and the actions taken by officers to address these findings." There has been far too much Noting. I hope you will do much more.

I urge you to bring about a change in the culture that regards delegation of a task as delegation of responsibility.

This committee is responsible – and must take responsibility - for what has been happening and for what is to come.