

LOCAL PLAN LEADERSHIP GROUP: EXTRAORDINARY JOINT SESSION WITH THE SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on MONDAY, 10 OCTOBER 2022 at 7.00 pm

Present: Councillor G Bagnall (Chair)
Councillors M Caton, M Lemon, B Light, J Lodge, R Pavitt (Vice-Chair), N Reeve, M Sutton and M Tayler

Guests (Scrutiny Committee): Councillor N Gregory (Chair)
Councillors G Driscoll, V Isham, R Jones, G LeCount (Vice-Chair) and G Sell

Guests (non-voting): Councillors J Evans and P Lees

Officers in attendance: J Clements (Interim Local Plan and New Communities Manager), C Edwards (Democratic Services Officer), D Hermitage (Director of Planning), P Holt (Chief Executive) and C Shanley-Grozavu (Democratic Services Officer)

Public Speakers: P Bright, A Dodsley, Councillor M Foley, R Haynes

13 PUBLIC SPEAKERS

Councillor Martin Foley, Mr Richard Haynes, Mr Andy Dodsley and Mr Peter Bright addressed the meeting. Summaries of their statements have been appended to these minutes.

14 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Freeman, Criscione, Luck and Merifield.

There were no declarations of interest.

15 LOCAL DEVELOPMENT SCHEME (LOCAL PLAN REGULATION 18 CONSULTATION)

The Director of Planning introduced the report on the Local Development Scheme (LDS) which set out an amended draft timetable for the emerging Local Plan, following the recent announcement of a delay in the document's production.

The Director of Planning said it had been confirmed that the Council was due to consult on its Regulation 18 "Preferred Options" document in November 2022, however senior officers identified shortcomings in the draft in September, when it was due to be published for consideration in the governance process. The Chief

Executive added that he had been informed of the issues in the previous week and, once a decision was made to withdraw the document, Party Leaders were briefed on the following Tuesday morning and a press release was published on the Tuesday afternoon. During this period, there were no committees scheduled that an urgent decision could have been brought to.

The Director of Planning said that the delay was not due to the work not being done, but rather that the document was not robust enough for consultation. He said this was due to various reasons including a lack of integration between different workstreams, ineffective engagement with members, a significant loss of local knowledge from the high turnover of staff and a lack of clarity in thinking as a whole.

Members discussed their concerns regarding the announcement of a short postponement to the Local Plan and agreed that proper process needed to be put in place to consider the lessons learnt. The following was noted:

- Some members said that it was undemocratic of the Chief Executive to have made the decision to withdraw the papers without proper consultation. They also felt unhappy that the opposition leaders were given very little time to digest the brief and many members were informed of the decision at the same time as the public when the press release was published. In response, the Chair apologised and said that the timeframe between the shortcomings coming to his attention and the decision being announced to the public was extremely small.
- Members expressed concerns around the late discovery of the delay in the consultation document especially given the frequent, positive updates received by both committees, a review by an Independent Person and the LPLG being presented with half of the draft plan which members felt broadly made sense.
- There was a failure of accountability to the LPLG and Scrutiny Committees, as LPLG had not met for 6 months, and Scrutiny had not been provided with enough opportunity to identify problems in the evidence early on. Democratic accountability appeared to be through briefings with the LPLG Chair and relevant Portfolio Holder.
- The high staff turnover was particularly troubling, given that there remained the need for a stable team in order for the Local Plan process to work.

In response to further members questions about the new Local Development Scheme, officers clarified the following:

- The Local Plan team would not be restarting the process from scratch and their priority was to reevaluate the evidence base and proposals in order to identify anything deemed inadequate or unrobust. They explained that to increase the chances of the plan being successful, the documents needed to be as robust as possible.
- The Interim Local Plan and New Communities Manager would take on the responsibility of Project Manager and would be supported by an existing Project Officer. Under the new arrangements, there would be more extensive reporting to the new Director of Planning and committees to ensure members were informed of the up to date position of the plan's development.

- The Director of Planning would review the salaries and job descriptions of key posts in the Local Plan team with the hope that improvements would be made to encourage more permanent, long-term staffing arrangements.
- In order for the draft Regulation 18 documents to be put out for consultation before the pre-election period (known as purdah), it would have needed to be published by 9th February 2023 which in turn would require its approval through the governance cycle in December 2022. Officers felt that this was not enough time to conduct the work required to produce a robust consultation so decided to consult after the Local Elections in May 2023.
- The timeline within the LDS had factored in the impact which the 2023 Local Election may have on Council and committee membership. There would be 10 weeks between the election and the Regulation 18 consultation, during which time the LPLG would be briefed on the final draft and any new members brought up to speed before the formal governance process began.
- Officers highlighted that the consultation would last for 6 weeks and would run from late August into September. The exercise was to encourage feedback from interested parties such as the public and Parish Councils and no final decisions on the emerging Local Plan would have been made by that point.

The Chair proposed that the votes would be cast for both recommendations at the same time and invited members from the LPLG and Scrutiny to vote.

All members voted in favour of the recommendations, except for Councillors Caton and Sell who registered their abstention.

RESOLVED:

1. To recommend that Cabinet adopts the revised LDS of the Local Plan.
2. To agree a new, closer alignment of LPLG/Scrutiny Committee oversight of the Local Plan process, with details to be discussed between the chairs.

APPENDIX: PUBLIC SPEAKERS

Councillor Martin Foley, Member for Thaxted and the Eastons

“So, we have paused. The risks are far higher if we have another failed plan than there would be with a pause; that’s as I understand it. Together with 20 other Councils, we have paused the Local Plan and for a good reason.

Some of us knew that difficulties lay ahead and warned. We knew because answers from past officers were either delayed or even ignored. That, I’m happy to say, is not the case now and I’m very pleased with the more open approach.

What has clearly changed, I hope, is a more forensic view of evidence and how that could be moved forward onto the new plan. Of the 18 Parish Councils that I visit, it’s interesting that every week some Parish Council tells me about their concerns about losing their pub, or a post-office or local shop. So, I hope, as we move that can be taken into consideration too; in strengthening some communities, rather than putting everything all in the one place.”

Mr Richard Haynes

“My name is Richard Haynes. I am a Trustee of CPRE.

Since there had been no LPLG meeting, and hence no public scrutiny of the Plan development process for many months we submitted a Freedom of Information request to obtain some background on the work being carried out. Nothing has yet been received so I am working slightly in the dark but it is quite clear that things have definitely gone awry.

The process started well with the setting up of the Community Forum which I was a member of but it became apparent that things were going wrong when the landscape and heritage studies were published. Although comprehensive documents, they both had serious deficiencies. The Landscape study failed to provide any assessment of any key views within the District. The consultants apparently said that officers hadn’t asked for it but this is a critical element of any Landscape character assessment.

While the heritage study then provided a very comprehensive list of the statutorily designated heritage assets in the District (something which frankly, was always available elsewhere) it failed to provide any commentary on the extent of the setting of those assets, something which is essential when considering the likely impact of development and something which has warranted the publication of a considerable amount of guidance from Historic England.

A further concern then emerged when the preliminary assessment of the sites submitted as a part of the ‘Call for Sites’ process was sent to the parishes. Whilst the criteria used related to policies in the 2005 adopted Local Plan, no attempt had been made to judge each site against policies in, and evidence associated

with, Neighbourhood Plans, several of which were already adopted documents. As an illustration the Landscape study for the Thaxted NP had identified 45 key views within which development would cause serious harm – this offered far more guidance as to the appropriateness of development in a landscape context than the UDC commissioned study by LUC. Similarly, as a result of ignoring neighbourhood plans no specific local knowledge was ever considered in relation to local community aspirations, existing community facilities or critical constraints such as localised flood risk.

Anyway, it now appears that we are back where we started with a huge housing allocation entirely in the wrong place!

When the Community Forum looked at the subject of transport and the location of any new settlements, we all agreed that any major new housing development had to be in close proximity to railway stations and other transport hubs which clearly meant development in the west of the District. It seems now that this is being totally ignored on the basis that a new rapid transport link could be provided for Easton Park. You may recall that one of the key deficiencies of the previous plan identified by the inspectors was the uncertainty over the cost, viability and deliverability of a rapid transport link. So, what have officers and their consultants now magicked up that will get the approval of a different EIP inspector. If they are thinking of a bus service along the A120 what use will that be when it grinds to a halt at the M11 junction – hardly ‘rapid-transport’. In fact, LUC recognise in their infrastructure report that development at Ugley or Chesterford would be far more sensible because of proximity to railway stations, why therefore rely on a wholly uncertain new piece of infrastructure.

For my final point though, I would just like to pose as a question. Are we sure that we should still be working towards a target of 706 dwellings per annum? You may be aware that Ashfield Council (another council under independent control) have stalled their Local Plan specifically because of uncertainty over the housing requirement and the use of the ‘standard method’. Following Liz Truss’s reference to ‘Whitehall-inspired Stalinist housing targets’ the Department for Levelling up have now admitted that they no longer know whether 300,000 dwellings a year is a government target throwing the whole standard formula into doubt yet again.

I certainly welcome the proposal now for a delay to the Local Plan process but can we please make absolutely certain that the previously calculated housing target is still applicable. It would be very upsetting for local residents to find that Uttlesford was spending another £3 million planning for far more inappropriately located houses than are actually needed.”

Mr Andy Dodsley

“The proposal to delay the production of Regulation 18 until 2023 is a sensible decision to anyone who has been closely following the progress of the local plan. It has been clear for a while that the evidence base was not in a fit and proper state with the startling revelation by officers at the May LPLG that the now aborted draft plan had been drawn up without key Heritage and Landscape reports being available for scrutiny by the public or the LPLG. The decision-

makers should be applauded for their courage in taking a difficult decision that they knew would not be well received.

We welcome the fact that the site selection process will be re-run to more rigorous standards. The agenda pack report highlights the concerns and issues with the previous site selection process - particularly the lack of transparency around the outcome of the issues and options stage, the spatial strategy and the development of site options.

Little Easton Parish Council still have multiple unanswered questions and issues with the site technical consultations from last year as officers at the time were unwilling to discuss them with the council. We look forward to the opportunity for some engagement with current officers to resolve these issues.

We can only hope that the next iteration of the draft plan is truly a fresh approach and not another re-hash of previous failed proposals. It is the district's worst kept secret that this is what was going to be proposed.

We also welcome the fact that UDC wish to have more effective engagement with the public. This engagement has been sadly lacking over the last 12 months with just a minimal number of local plan meetings this year accessible to the public, making it difficult for the community to follow the progress of the plan and particularly the development of the evidence base. It is also difficult to see where the community input obtained from the much-lauded Community Stakeholder Forums during the issues and options stage was fed into the draft plan. One hopes it wasn't just window dressing.

In terms of sustainable options, we would encourage you all to read the Chartered Institute of Highways and Transportation's excellent 2019 paper and their advice that "Development needs to be focused on where transport infrastructure and services already exist rather than on new infrastructure to support remote locations". Any spatial strategy that does not make maximum use of the railway line running the length of the district to the west is clearly a nonsense.

Given the Council Leader's recent statement that the local plan needs to "protect the unique local character of our beautiful and historic district", we will also expect the draft plan to have a robust evidence base that truly and honestly responds to any constraints detailed in Heritage, Landscape and Biodiversity assessments rather than attempting to ignore or play down any impacts. It is in all our interests for the council to produce an effective local plan and end the burden of speculative applications and appeals currently afflicting the district. We look forward to being able to support a plan that is truly objective, sustainable and equitable across the district and that can be justified to both the community and the planning inspectors."

Mr Peter Bright

"My name is Peter Bright. I have been a resident of Little Easton for 16 years and founder member of Stop Easton Park. However, tonight I speak solely as a resident.

I retired nine years ago after working in the City for over thirty years as a technology projects manager.

I live-viewed the Scrutiny meeting of 22nd September and noted the comments of those present. What transpired (issues in communication, lack of insight, surprise and uncertainty) didn't shock me as an ex-project manager BUT, as a resident, the comments were alarming inasmuch that they displayed a disconnect between Officers working on the Local Plan and Councillors who were overseeing it. Following the failure to get Inspector approval for the two preceding Local Plans, the residents I know that take an interest in the Local Plan are frustrated that this third iteration is headed the same way with the same ideas. Additionally, costs are mounting with a distant but looming threat of central government ultimately taking control of the process.

Now, I don't criticise without knowing the facts. I'm not at the coalface, so I don't know the day-to-day difficulties encountered. Nor can any criticism be made of new management recently assigned to the Local Plan. They can only report on what they have found. Repeated criticism without specifics doesn't help. It only demotivates. I note the candour displayed by Messrs Hermitage and Clements in tonight's Reports Pack. The recommended Changes in Approach gives me confidence that they know what needs to be done. Therefore, I fully support both of their recommendations.

But I'd also keep in mind two points:

First - I hope what was said at the last Scrutiny meeting and at tonight's meeting will exorcise any lingering concerns Members and Officers have about communicating progress. Being honest about progress should result in difficult issues identified, shared and solutions promptly found. There MUST be a NO SURPRISES culture.

Second - I request frequent communication goes further than the council chamber. There have been too many long periods of silence where Parish Councils, action groups like Stop Easton Park and the public have no idea whether the Local Plan is on target or not. Perfectly valid requests and questions from those bodies have also been left unanswered and, ostensibly, ignored. You need to get the community on-side as part of the process and not as an irritant cast to one side if you don't like what is being mooted.

This is not the time for game-playing or points-scoring between local political parties. We can feel mad at central government dictating an absurdly high number of houses built in one of the smallest districts in the country. But short of fighting central government I'd like to see ALL Councillors of ALL parties pull together, not making the same mistakes so glaringly obvious in previous local plans, and get the new plan over the line.

I will continue to take a keen interest. Thank you for listening to my comments and I look forward to improved communication from all sides."