



Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee Working Group

Date: Wednesday, 16th November, 2022

Time: 2.00 pm

Venue: Teams

Chair: Councillor S Merifield

Members: Councillors P Fairhurst, R Freeman, M Lemon, J Loughlin and R Pavitt

AGENDA PART 1

1 Apologies for absence and declarations of interest

To receive any apologies and declarations of interest.

2 Minutes of the previous meeting

3 - 5

To consider the minutes of the previous meeting.

3 Appeal Training Safe Space

To discuss the Appeal Training safe space.

4 S62a Procedure

To discuss the S62a procedure.

For information about this meeting please contact Democratic Services

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Agenda Item 2

PLANNING COMMITTEE WORKING GROUP held at ZOOM on WEDNESDAY 5 OCTOBER 2022 at 2.00 pm

Present: Councillor S Merifield (Chair)
Councillors R Freeman, M Lemon, J Loughlin and R Pavitt

Officers in attendance: N Brown (Development Manager), D Hermitage (Director of Planning), A Lindsell (Democratic Services Officer) and P Swarn (Lawyer)

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Fairhurst.

There were no apologies for absence or declarations of interest.

2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 24 August 2022 were approved as an accurate record.

3 COMMUNITY INVOLVEMENT PROTOCOL

The Development Manager said that the Community Involvement Protocol had been drafted in April 2021 and predated the pathway work undertaken following the East of England Local Government Association report.

He said that:

- At the time a small group of parishes had been consulted
- Work on the document had been paused while the pathway work was undertaken
- This work now needed to be completed to ensure that developers signed up to engage with parishes in an appropriate manner
- It was vital that parishes also actively engaged with the protocol moving forward
- The S106 issues would be resolved early in the process
- The protocol was uncontroversial

Councillor Pavitt said that developers having dialogues with parishes made sense.

He said that:

- There had been a lack of dialogue between the District Council and the Parishes which needed to be improved and a formal mechanism introduced to ensure the delivery of promises
- There had been occasions where parishes had been told they would receive responses to questions from Officers, but did not and had been unable to influence the S106 before it was signed off as a result

The Development Manager said that in the context of a new application coming forward the protocol would implement a pre-application with a S106 rolling along side it. He said on occasion developers engaged strongly with the Parish Council but not with the District Council and that all stakeholders needed to remain in clear communication.

Following comments from Councillor Loughlin the Development Manager said that the wording within the protocol would be reconsidered to more accurately reflect the consequences for developers that did not sign up to the protocol and how that could impact the success of their application when it reached the Planning Committee.

Councillor Freeman said that:

- The protocol was a good document to have, albeit difficult to implement and expensive in Officer time
- It included a number of items that would rarely require consideration
- He was concerned that ward councillors could be accused of being in bed with a developer or indeed the District Council
- Once in place the protocol would rapidly identify what worked and what needed adapting

The Chair said that knowledge was power and that the protocol would enable a Parish Council's voice to be heard to.

The Director of Planning confirmed that this draft protocol was the most bespoke document that he had seen in his experience.

The Development Manager said that:

- The Planning Performance Agreement process could be labour intensive
- The pure Pre-Application process would cease and would save some time in upfront work
- The process would be more predictable to control, expectations would be clearer for developers and the rush that currently exists at the start of the planning process would be mitigated

Councillor Lemon said that some but not all Parish Councils had planning sub-committees and that Parish Councils needed to be encouraged to engage.

The Chair said that:

- Parish Councils needed to understand that being involved and talking to a developer would not make the development happen, but that if it was going to happen then their engagement would give the Parish Council the opportunity to help shape the development and the S106 requirements
- Parish Councils needed to understand that they could object to applications when they have engaged with the developer
- Some of the Parish Councils that do engage with developers could be encouraged to speak to Parish Councils that don't engage to explain the benefits and process

The Development Manager said that some additional work was required for the draft protocol, which would go to Planning Committee for noting.

The Director of Planning said that authority would be required to take the draft protocol to public consultation.

In response to a question from Councillor Pavitt, the Development Manager said that the draft protocol had not currently been reviewed by developers. He said that:

- It was the Officer's responsibility to ensure that developers were on board with the principles of the draft protocol
- Failure to sign up to the draft protocol would not result in automatic refusal of an application, but the developers actions could still result in a refusal
- Members would have to work hard to persuade Parish Councils to get involved
- He would schedule an additional Developers Forum before the new year, to ensure developers views were considered as part of this community led process
- He would tell developers that the draft protocol was coming forward in the meetings currently being undertaken

Councillor Freeman said that:

- He thought that the draft protocol could be too ambitious.
- Some elements of the S106 had often been inadequate and required resolution. Officer time spent ironing out ambiguity in S106 was complex and it was absurd that funds got returned after ten years if they had not been spent.
- The involvement of Parish, Town Council, Ward members and the design panel were vital to secure important design improvements
- Both the S106 and party involvement remained within Members gift to achieve

The Director of Planning said that the draft S106 Supplementary Planning Documents should be considered in November.

The Development Manager proposed reviewing the draft protocol again at PCWG, to recommend to Planning Committee with the intention of going out to consultation in January 2023.

Councillor Loughlin said that small parishes often reacted negatively to any proposed development. She asked how small parishes would be persuaded to engage with developers and whether the protocol covered solar farms.

The Development Manager said that small developments were all proportionate to small parishes. He said that there was a need to ensure that proportionality was covered within the protocol. He said that solar farms would be covered by the protocol and would require community engagement.

The meeting ended at 14:44.