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**LOCAL PLAN LEADERSHIP GROUP held at COUNCIL CHAMBER -
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on
THURSDAY, 10 NOVEMBER 2022 at 7.30 pm**

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

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

Also Present: Councillors N Gregory (Chair of Scrutiny Committee) and P Lees
(Leader of the Council)

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence and no declarations of interest.

Introductions were made by the Director of Planning on behalf of the officers present from the Local Plan Team.

2 **SCRUTINY UPDATE**

Councillor Gregory provided a summary on the discussions from the meeting of the Scrutiny Committee which had met before the Local Plan Leadership Group (LPLG).

A copy of the report received by the Scrutiny Committee has been appended to the minutes of the meeting.

3 **MINUTES OF THE PREVIOUS MEETING**

The following minutes were approved as a correct record:

- 9th March 2022
- 12th May 2022
- 10th October 2022 (Extraordinary Joint Session with Scrutiny Committee)

Councillor Caton said that during the extraordinary joint session with Scrutiny Committee, he may have implied that the Chief Executive had acted in a party-political manner. He did not regard this as his true view, and has since apologised to the Chief Executive.

He expressed his concerns with the oversight arrangement and felt that they needed to be debated and agreed by both the LPLG and Scrutiny Committee,

rather than delegating responsibility to the Chairs. The Chair responded that it was the responsibility of Scrutiny to agree the process, but requested that Democratic Services look into the constitution to provide clarity.

4

THE LOCAL PLAN CHALLENGE AND OVERVIEW OF DRAFT PLAN PREPARATION PROGRAMME

The Interim Local Plans and New Communities Manager gave a verbal presentation on the challenges of preparing a Local Plan in the district of Uttlesford. In addition, he provided an outline for the new programme for drafting the documentation for the emerging plan.

Members discussed the content of the verbal presentation, and the following was noted:

- The recent announcement by major developers to reduce build would affect the delivery of new Local Plan, but this was a common occurrence in Planning and the Plan would make assumptions that the economy would fluctuate. However, as a Local Planning Authority, the Council were not in a position to control the Planning Market, nor was it possible to mitigate, as there would always be upswings and downswings during the duration of the plan. They hoped that the downturn in the economy and subsequent slowdown in deliverable rates eased long before 2040.
- The Site Proformas previously produced were now outdated and the process would be rerun. During this time, comments made by stakeholders would be revisited.
- The Local Plan team were not intending to have ongoing consultation with Parish Councils, as this would be too resource heavy without a clear output. However, the publication of the Draft Local Plan in summer 2023 would be the appropriate opportunity for their further comments to contribute into the process, along with those from other key stakeholders.
- Whilst Uttlesford was a district rural in character, it was important to consider the challenges and opportunities from its position in the wider area within the South-East.
- Concerns around importance of preserving heritage within its sense of place were noted.
- A decision had not yet been made regarding the Hierarchy of Settlements and whether this would be amended, but this would be reviewed.
- There would be input from the Development Management team around reviewing the policies for the new Local Plan.
- Members requested further discussion of what is meant by evidence in planning terms; in particular where factual evidence ends, and planning judgement comes in. Officers clarified that most of planning was about judgement, based on the evidence obtained, but that evidence alone would not determine what decisions should be made.

During discussion, officers clarified that they were unable to publish the proposed site allocations before the 2023 Local Elections, in line with LGA and Cabinet Office advice not to publish or hold contentious consultations during the pre-election period. Due to timings, they were also not in a position to complete and publish their proposals in the period before the onset of pre-election period.

In addition, officers acknowledged the huge amount of work and effort contained so far but explained that it was not in a presentable form for consultation. Moving forward, the aim for the team was to sense check where they were, reassess the work and give clear justification for their recommended options.

The Local Plan Leadership Group noted the update.

5

WRITTEN METHODOLOGIES FOR SITE AVAILABILITY ASSESSMENT (SLAA) AND SITE SELECTION PROCESSES

The Interim Principal Local Plans and New Communities Officer gave a presentation on the written methodologies for the Site Availability Assessment and the Site Selection Processes.

In response to questions, officers clarified the following:

- The amended methodologies would create an audit trail for how officers came to their decisions. Whilst the justifications were clear in previous work, this was not reflected within the accompanying paperwork. This included a need to show great clarity around the classifications of sites and whether they were deliverable.
- The sustainability appraisals, provided by external consultants, would assist officers in making their judgements by allowing them to weigh up the positive and negative attributes of each potentially developable site.
- Work on Stage One of the Strategic Land Availability Assessment (SLAA) had already commenced, and officers were intending to revisit the work done within the previous proformas.
- The Transport Assessments would examine both the current pinch points within the district and the cumulative impact of anticipated traffic growth to 2040, alongside the effect which sites for potential development would have. The Infrastructure Delivery Plan would address any possible transport-related issues which may have arisen within the emerging Local Plan, including the scale of infrastructure improvements needed to accommodate new development.
- The current stage of the site methodology intended to consider and assess possible sites that were developable. The later stages would then apply judgements on possible settlements and whether they complied with the visions and principles of the emerging Local Plan.
- To ensure consistency in the approach to site assessments, the Local Plan team were working collaboratively to refine the methodology as well as following the parameters of national guidance, which did not give a great level of flexibility to deviate from definitions.
- The current evidence from the road transport studies suggested that there were no easy solutions to addressing the road network which was already near or at capacity.
- The processes involved work which was driven both by the team and through computer systems.

Members raised concerns about possible infrastructure projects being unrealistic and unfeasible, particularly due to funding. Officers responded that the emerging

Local Plan needed to be both deliverable and viable, and that the feasibility studies in train would provide evidence in this regard.

The Local Plan Leadership Group noted the report.

6 **UPCOMING LOCAL PLAN TEAM PUBLICATIONS**

The Interim Local Plans and New Communities Manager provided an update on the upcoming documents which the Local Plan Team intended to publish in the near future.

The Chair requested that any comments or suggestions be sent by email to the Interim Local Plan and New Communities Manager.

Any questions about factual inaccuracies would be recorded, but the information within the published documentation was not up for ongoing debate.

The Local Plan Leadership Group noted the report.

Meeting ended 21 35

Committee: Scrutiny Committee

Date:

Title: Local Plan Progress Report

10 November 2022

Report Author: John Clements, Interim Local Plans & New Communities Manager

JClements@uttlesford.gov.uk

Summary

1. This Report provides an update to current progress on Local Plan preparation, together with a proposal to strengthen the documentation and presentation of future reporting.

Recommendations

2. That the Committee
 - a. notes the current situation outlined in the Report; and
 - b. provides any guidance it may wish to give on improving the effectiveness of reporting and documentation of Local Plan progress.

Financial Implications

3. None.

Background Papers

4. Uttlesford Local Plan Project Initiation Document (PID)

Impact

5. As per table:

Communication/Consultation	More effective Local Plan Scrutiny documentation should aid communication, including the ability of interested parties to better appreciate the progress of the Local Plan's preparation.
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a

Human Rights/Legal Implications	n/a
Sustainability	n/a
Ward-specific impacts	n/a
Workforce/Workplace	n/a

Situation

6. The Local Plan preparation work programme is currently being reorganised and detailed to meet the revised timetable recently agreed by Cabinet, and guidance received from the Portfolio Holder and Local Plan Leadership Group Chair.
7. In the light of the recent events and concern about the effectiveness of past oversight of the Local Plan process, the Local Plans and New Communities Manager is looking to develop improved documentation for the routine reports to Scrutiny Committee. This will aim to increase transparency and insight and add qualitative emphasis alongside the continued use of the more quantitative focus of the traditional task and risk register and associated documents. The format for these is proposed to be discussed and agreed with the Scrutiny Committee Chair in advance of presentation to the next Scrutiny Committee.
8. It is recognised that the effectiveness of progress reporting is as much about openness and honesty in reporting as in the structure of the documentation. The Interim Local Plans Manager is fully committed to that. For this to be sustained in the longer term this will require the Scrutiny Committee to be maintained as a 'safe' environment for such openness, and to recognise the challenging complexity, inherent uncertainty and non-linear nature of local plan-making.
9. In advance of the task and risk documentation being updated to reflect the revised work programme the following *informal* update (adapted from that previously provided to the Corporate Oversight Board) is provided.
10. REVISED LOCAL PLAN PREPARATION TIMETABLE
 - a. Revised timetable and Local Development Scheme (LDS) has been agreed by Cabinet
 - b. A revised Local Development Scheme reflecting the agreed timetable will be published shortly.
11. REVISION OF SCRUTINY AND LOCAL PLAN LEADERSHIP GROUP ARRANGEMENTS
 - a. The Director of Planning and Interim Local Plans Manager have met informally with the Leader, Cabinet Member and LPLG Chair to discuss issues around this. In response to their seeking advice on some of the

relevant issues, their attention was drawn to (and copies provided) the Report to UDC by East of England Local Government Association (EELGA) about local plan preparation oversight and governance arrangement.

- b. The Director and Local Plans Manager met with lead Members on 28th October where the Leader, Cabinet Member, and Chairs and Vice-Chairs of the Scrutiny Committee and LPLG agreed proposed revisions to arrangements.

12. PROJECT PROGRAMMING

- a. Leading Members and officers agree that publishing officer recommendations on Draft Plan proposals such as site allocations in advance of the elections – the pre-election period - would risk elements (e.g. particular sites) becoming campaign issues, whether for or against, more than they would perhaps inevitably be. It would also conflict with LGA and Cabinet Office advice. It should be for whatever administration is formed following the elections to consider the plan as a whole and make its decisions accordingly.
- b. The result of this is that the officer recommendations of specific site allocations (both existing settlements and new growth areas) in the proposed Consultation Draft Local Plan will be being presented effectively for the first time in June 2023. As such it is quite likely that the new administration will be unable to agree the officer recommendations, and any variations from these, at a single sitting, and this may delay the consultation on the plan beyond the August launch recently agreed. (This would, however, have the benefit of avoiding consulting almost wholly in the summer holiday period, which various Members have raised concerns about.)
- c. The above arrangements do pose some challenges and constraints to the sequencing and focuses of Local Plan team work that officers had previously envisaged;
 - i. Officers are now reconfiguring the developing work programme, and indications of agenda items for the planned LPLGs and Working Group meetings over the November to March period, in the light of this, and hope to have this substantially further evolved over the coming days.
 - ii. Officers are awaiting advice on whether we would be obliged to release politically sensitive information, and especially partial/incomplete information without its full context, under Fol etc. in the run up to and during the election, which may further constrain the work programme.

13. SITE ASSESSMENTS

- a. Officers are effectively re-running the site assessment process, in the light of serious concerns from Members, parishes and officers about the reliability and comprehensiveness of the work in that area to date.
 - i. A number of factors have led to this, including (a) an apparent previous lack of written methodology; (b) exacerbated by staffing changes resulting in successive staff working on these complex tasks with different understandings and interpretations of how it should be handled; and (c) past team leadership reportedly prioritising 'completing' site assessments over team members' concerns about the soundness of the data against they were being assessed.
 - ii. Officers have established a small 'sub-team' of three to focus on this work, to bring very substantial relevant experience to bear on the challenge, and provide relief and assistance to the relatively inexperienced planner who was most recently tackling parts of this alone, but who does have hands-on awareness of existing shortcomings and challenges.
 - iii. A written methodology for the Strategic Land Availability Assessment (SLAA) part of the process has been completed and will be presented to the next LPWG (10 November), likely with a couple of 'worked examples' so that Members can better understand the process. The leader of this work group advises me this stage of the task should be completed by Christmas.
 - iv. A written site selection methodology is in preparation, and a draft of this is planned to be presented to the LPLG on Feb 10th. This is a complex and iterative task: the choice of 'available' sites from the previous process, with their various merits, demerits, challenges and opportunities, have to be considered within each existing settlement, between existing settlements, and the overall potential quantum from existing settlements against the available (or otherwise) strategic growth 'new communities' sites. It is now envisaged that this stage will not be completed to the point of a set of officer recommendations until May.

14. STRATEGIC 'NEW COMMUNITIES'

- a. In the light of the apparent severe challenges to delivery of each of these, and some doubt about the remaining validity of some of the previous assumptions and 'scoring' of aspects of these sites, the Local Plans Manager is seeking to do a somewhat fast-paced sense check of how realistic and feasible/desirable each is. Officers are seeking to move beyond the 'issues and options' stage previous work seemed to be stuck in and identify a working assumption that will enable more

effective progress, inform evidence gathering, and development of strategy, without closing off the potential to change course later in the light of further evidence or political choices.

- b. Our principal planner, who is very experienced in large scale development planning (but who has only been at Uttlesford 4 months) will lead on this area of strategic work.
- c. She and the Local Plans Manager are meeting with the promoters, agents or landowners of each of the leading contenders, to clarify their seriousness and any further work they have done to bring their proposals towards fruition. Of the three main 'contenders' we have met one, are meeting another next week, and have one further of these to organise.

15. SPATIAL STRATEGY

- a. This is the heart of a plan. It is both the result of, and the cause of, the choices in the plan, especially those in relation to site and area policies and allocations. It therefore cannot be decided at the outset, nor left to the last minute, but must be continuously developed and refined in an iterative process with the emerging results of work, and more particularly thinking, in the various more detailed aspects of the plan. Unless the spatial strategy can be confidently and succinctly explained, it is most unlikely that a district local plan is sound.
- b. It was not at all clear, previously, as to what the spatial strategy was within the now aborted 'Preferred Options' consultation document'. This may be the result of being unclear about which choices of development etc. options/locations were being actively pursued (and why), and a hesitance to express recommendations that might not find political favour.

16. DUTY TO COOPERATE

- a. In the past few weeks officers have held meetings, mainly but not exclusively focused on transport issues, with Essex, South Cambridgeshire, Braintree, Chelmsford, East Herts, Stansted Airport (MAG), National Highways, and (only arguably DtC related) Homes England.
- b. These meetings have been sobering, highlighting both the scale of the challenge UDC faces in solving its severe transport infrastructure challenges to the scale of growth needed, and the apparent general relative disinclination of many of the other authorities with whom we have important 'strategic' connections with to actively engage with UDC's challenges.

- c. The lack of capacity of Junction 8, M11, along with other factors, could be a significant inhibitor for any strategic growth in the south of the District, and hence any possibility of having a means of meeting the Local Plan housing target. The local plans team will need to take a leading role in encouraging affected authorities (and perhaps other organisations) to contribute to the likely circa £250k cost of an options study of potential long term solutions to improve capacity at M11 Junction 8. National Highways have indicated they are likely to make some contribution to this. UDC will likely need to commit early to a significant contribution if it is to have any hope of persuading others to do so. It is suggested that any solution will cost upwards of £100 million. Stansted Airport is committed to a £60 million upgrade of the junction when they reach their airport passenger number trigger (likely in a few years). That upgrade would purely deal with the airport's additional demand on Junction 8, and not accommodate any traffic from substantial housing growth. The airport has, though, I informally indicated that they are willing, in principle, to contribute that £60m towards a more fundamental re-modelling of the Junction which could accommodate both the airport's and housing growth. Clearly this is a significant opportunity, not just for itself but the likelihood this would greatly help pulling in additional funding towards the remaining £40m+, but will need timing alignment and delivery certainty if it is to be realised. Hence there is additional pressure to try to secure the option study with the minimum of delay.

17. DM (and other) POLICIES

- a. These require a review and significant refining, which will be (a) a time-consuming task, and (b) quite how the task might be tackled is a conundrum officers will be applying themselves to (the reasons for these two challenges are outlined below). This, we had envisaged taking place during the pre—election and election period, after the work on site selection had been largely concluded, this policy revision work, and identifying a means by which it can be done, must now be brought forward.
- b. There are currently far too many proposed policies, and it is not at all clear which are the priorities. There is a lack of integration and cross-referencing across different policy areas. The almost 100 policies alone, without supporting text, run to 80 plus pages, (the same as the whole of the 2005 local plan, including explanatory text). The policies tend to be too long, unfocused on their intended use by DM staff (and members of the Planning Committee) and developers and the public.
- c. The intention to engage, as far as possible, the experience and perspective of our DM colleagues in refining these. It is difficult to achieve much of this in practice, given the constant immediate pressures DM staff face. The Local Plans Manager has shared the

compendium of policies (without supporting text) with Nigel Brown, DM Manager, seeking his advice on how we could break down the task, and at what stage, to maximise the chance of any meaningful amount and quality of input from them.

- d. There is little direct experience of DM among the Local Plan team staff apart from the Manager (and that mainly long ago), though several have some 'policy user' experience gained through submitting planning application in, e.g. previous consultancy work.

18. TOPIC CHAPTERS

- a. As with the DM etc. Policies (above) this work needs to commence soon as a result of the changed expectations of the sequencing of the site allocations work.
- b. The 'Preferred Options' consultation document ran to 338 pages of text (i.e. without the maps and appendices etc.), and over 113,000 words in total (444 of which were repetitions of the word 'transport'). No DM officer, householder developer, even SME builder/developer, is going to be able to read a plan of that length. As a result of that a plan in that form would be much less influential than it might otherwise be.
- c. At that length it would also be of limited use to parish councils and the lay public as an adopted plan to identify what could or should get planning permission, let alone the basis for a consultation as intended.
- d. That said, there is a lot of specialist knowledge and useful information in those chapters. They, or some adaption of them, might usefully be repurposed in future as Supplementary Planning Guidance, Background Papers for the Local Plan examination.
- e. The immediate task is to edit or rewrite them to make useful content for the Draft Local Plan, for which it is salutary to return to the definition of a plan as comprising (a) policies, and (b) written justification (and (c) a policies map). The policies (see previous section) should stand on their own. The chapters are the writing that should justify those policies.
- f. Achieving this should be a less challenging task than be a less detailed challenge than the Policies, but is nonetheless a lot of work simply as a result of the sheer volume of material which will need to be reviewed, condensed and reformulated. In practice this is likely to need to incorporate extraneous material that may currently be included in the draft policies, and reassign policy intentions that have inadvertently been included in the non-policy text.

19. RELATED 'NON-LOCAL PLAN' WORK

- a. Recent activity and achievements include
 - i. Two successful Neighbourhood Plan Referendums, one plan 'made' (brought into force).
 - ii. A Design Code consultation workshop/tour last weekend received praise from attendees.
 - iii. A Draft Developer Contributions (Section 106) SPD is being finalized, following Cabinet approval in February, and will be published for consultation very shortly.

20. STAFFING

- a. We managed to appoint at short notice a very experienced Interim replacement for a Career Grade Planner who left UDC last month.
- b. Our transport planner left UDC two weeks ago. We will sorely miss his expertise and deep understanding of the transport and other strategic challenges we are facing, and his contacts and familiarity with our duty to cooperate partners and transport consultants, etc. A non-transport planner in the team has been assigned responsibility for keeping a watching brief on transport matters and attend relevant meetings until a replacement is appointed (which may take some time due to the arrangement with Essex CC to host this post and second to UDC). We have also managed to secure our former transport planner temporarily for a half day a week on a consultancy basis to provide us with transport advice, which is likely to be invaluable in this period where a lot of transport modelling is being undertaken for us to test and/or develop strategic growth options. He can then provide a handover to the replacement, likely Feb 2023.

Risk Analysis

21. This risk analysis relates to the current Local Plan progress situation, and reflects the severe challenges of both the planning situation in Uttlesford, and the scale and complexity of tasks and demanding timescale facing a small team with vacancies and recent rapid staff turnover.

Risk	Likelihood	Impact	Mitigating actions
3	3	3	3

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.

