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Uttlesford District Council

Chief Executive: Peter Holt

Scrutiny Committee

Date: Tuesday, 17th January, 2023

Time: 6.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chairman: Councillor N Gregory

Members: Councillors C Criscione, G Driscoll, V Isham, R Jones, P Lavelle,
G LeCount (Vice-Chair), S Luck, G Sell and J De Vries

Substitutes: Councillors M Caton, P Fairhurst, R Pavitt and G Smith

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**AGENDA
PART 1**

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of the Previous Meeting

4 - 6

To consider the minutes of the previous meeting.

3 Local Plan Update

7 - 13

To note the Local Plan Update.

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Agenda Item 2

SCRUTINY COMMITTEE (LOCAL PLAN) held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 10 NOVEMBER 2022 at 6.10 pm

Present: Councillor N Gregory (Chair)
Councillors C Criscione and R Jones

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

Also Present: Councillors J Evans (Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan) and P Lees (Leader of the Council)

SC38 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

The Chair made apologies for the late start.

Apologies for absence were received by Councillors Driscoll, De Vries, Isham, Lavelle and Luck.

There were no declarations of interest.

The Committee expressed their best wishes to the Assistant Director (Corporate Services) for a speedy recovery, following his recent accident.

SC39 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 30 June 2022 were approved.

SC40 **LOCAL PLAN PROGRESS REPORT**

The Interim Local Plans and New Communities Manager provided an update on the current progress of preparing the Local Plan. He clarified that some parts of the report could have been interpreted as being critical of previous staff, however he emphasised that this was not the intention and that he wanted to convey the struggles which the team had experienced.

Officers confirmed that the Department for Levelling Up, Housing and Communities had been notified of the new timelines for the emerging Local Plan and senior officers were in the process of arranging a meeting with them to discuss their progress. The Chair requested that they reported back on this to either the Local Plan Leadership Group (LPLG) or the Scrutiny Committee.

Members highlighted that they were satisfied with the update on progress but expressed concerns around the lack of information on the revised reporting system to Scrutiny Committee. In response, officers explained that they were still developing their reporting documentations alongside their work programme. They were looking to find a method that enabled qualitative information to assess progress and identify potential obstacles, rather than solely measuring them through risk registers and percentages of the work complete.

The Chair also clarified that the newly implemented oversight arrangements consisted of fortnightly progress meetings between the Chair and Vice-Chair of the LPLG and the Leader of the Council, Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan and the Interim Local Plans and New Communities Manager. They were joined on a four-weekly basis by the Chair and Vice-Chair of the Scrutiny Committee. On conclusion of this meeting, the Chair of Scrutiny would circulate an email report to members of the Scrutiny Committee. In addition to these meetings, Scrutiny Committee would meet in the hour prior to the meeting of the LPLG. Councillor Criscione requested that a copy of the email reports were included on the agenda at the following Scrutiny Committee meetings.

Members further discussed the content of the progress report, and the following was noted:

- Members identified that there was a clear issue with staffing and resources and emphasised not to underestimate the power of external consultancy and outside advise where there was a lack of development management expertise. Officers clarified that there were experienced staff across the team, however the turnover was problematic. There was intermediate cover in every post, bar the Transport Planner, whilst recruitment was taking place for permanent staff. They expected advertising to start next Friday for 10 or 11 posts.
- Due to the recent postponement, there was a longer lead-in time for work, however the transport modelling work would be based on the Spatial Strategy so could not be conducted until this was developed. Officers hope that both would be completed before the publication of the draft Regulation 18 documentation.
- The Local Plan Leadership Group would act as the main vehicle for consultation with members, and those who were not part of the membership were encouraged to observe in order to stay updated with the process before the upcoming consultation.
- There was provision for members to meet, following the Local Elections, to discuss the recommended draft Regulation 18 documentation. It was emphasised that this Draft Local Plan, once agreed, would be the Council's provisional set of recommended sites and policies for consultation.
- Officers said that they were not in a position to know or judge whether the work of the LPLG was reflected in the previous draft Regulation 18 documentation.
- Based on officer observation, it was felt that links with neighbouring authorities haven't been strong; however this was something which all authorities struggle with due to their prioritisation for their own Local Plans and current lack of a formal strategic planning context for these.

Members indicated that the key to the Local Plan's success would be how effectively it could be communicated to those who elect them. They had residents to please in their wards and needed the tools in which to allay any concerns which may arise from the proposals. In response, officers explained that part of members' quest for evidence wasn't for evidence itself, but rather clarity and justification. They said that they would do their best to provide this through documenting why decisions were made and justifying why alternative options were rejected.

The report was noted.

The meeting ended at 18:50

Agenda Item 3

Committee: Scrutiny Committee (Local Plan)

Date:

Title: Local Plan Update

17 January 2023

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

jclements@uttlesford.gov.uk

Summary

1. Progress on the Local Plan is at severe risk as a result of resignations of key members of staff. This is likely to set back the delivery of the publication of The Draft Local Plan for consultation from the agreed date of August 2023, with consequent knock-on effects for later stages of plan preparation.
2. Strenuous efforts are being made to mitigate the situation, as outlined below, and a verbal update on this will be given at the Scrutiny Committee meeting.
3. Up until January, good progress had been made on preparing the plan, albeit the programme is running a little behind where it was anticipated to be by this date.

Recommendations

4. That the current staffing situation, and the severe risk to timely progress on the preparation of the new Local Plan is noted.
5. That the success of mitigation of the staffing situation is kept under review.
6. That continuing progress on the plan's preparation, albeit currently at risk, is noted.

Financial Implications

7. It is hoped that the situation can be recovered within the current Local Plan budget, through recruitment. Some longer-term potential courses of action should recruitment not be fully successful could add significantly to the cost of the plan's preparation, but no decisions will be made on these imminently, nor without other options first being exhausted and appropriate governance of such changes being put in place.

Background Papers

8. Appendix A: Local Plan Risk Register – January 2023

Impact

9. See table:

Communication/Consultation	In the event that a significant delay to the agreed plan timetable does arise as a result of the current situation, this will need to be appropriately communicated.
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a
Human Rights/Legal Implications	n/a
Sustainability	Any resulting delay to the Plan timetable will increase the time in which the Council's ability to resist unwelcome development proposals is limited.
Ward-specific impacts	n/a
Workforce/Workplace	The current situation adds significantly to the already great pressure under which the Local Plans team and Planning Directorate management is operating. The stress that team staff are already experiencing is very likely to be exacerbated.

Situation

10. Two key members of the Local Plans team have, coincidentally, resigned since the New Year. These are the Interim Local Plans and New Communities Manager and an Interim Principal Planner.
11. This severely escalates the already very challenging situation with ongoing rapid turnover of staff in the team (turnover is at 58% in the past 12 months), where another team member is already leaving this month, and a further post is currently vacant.
12. A third of the total complement of 9 staff in the team, half of those who are development planners, will have left by the end of the month (unfortunately, another is already on sick leave, possibly long-term.) The latest vacancies, crucially, are among the most experienced in the team, and who have had key roles in managing the programme, dealing with the most complex issues, and leading other team members.
13. The impacts of these staff losses are not solely in the number of staff hours available to be devoted to the plan's production at its different levels, but perhaps more crucially in the loss of knowledge of detail, and understanding of

the broader context of the plan's preparation and the intended programme to achieve this.

14. Urgent efforts are being made to recruit replacement staff to resolve the immediate situation, and to develop contingency plans in case recruitment is unsuccessful or only partly so. At the time of writing, interviews were already under way for interim replacements for the latest, most senior, resignations, and the closing date for applications for permanent appointments to these posts is imminent. Interviews are being held within 24 hours of writing for a permanent replacement for the Career Grade post about to become vacant, and an appointment has been made (subject to references, etc.) for the current vacancy for a transport planner.
15. It should be recognised that it is currently an extremely difficult recruitment environment for all planning authorities nationally, especially at the more senior/experienced levels. There is a shortage of qualified planners, and public sector permanent staff pay scales are significantly exceeded by those offered by the private sector and temporary public sector contracts. That challenge occurs in a context where plan preparation has become ever more complex, for a variety of reasons.
16. The wider service recruitment campaign is live (at time of writing). This covers ten vacant and new posts across Development Management, Planning Policy and Planning Enforcement. Vacancies were placed on the Planning Magazine (Haymarket) website (Heritage and Ecologist jobs were also posted on the IHBC-Jobs and Green Jobs sites respectively), email bulletins sent to 19,000 subscribers to Planning Resource (an online resource for development professionals) and an article published on working for Uttlesford on Planning Resource on 15 November 2022. The posts have also been widely shared on Linked-in and appear on the UDC website. Planning staff also attended Uttlesford Careers Fair in November 2022 to promote entry-level planning vacancies.
17. The Director of Planning is formulating more radical options should the current recruitment drive not be successful. Some of these could have financial implications for the longer term, in which case the appropriate procedures for any change will be undertaken, but for the moment the current Local Plan budget should be adequate to address the immediate situation.
18. Notwithstanding the current staffing crisis, and the longstanding ongoing staffing challenges, progress has been made on plan preparation.
19. Among the most obvious examples, the revised plan programme has now been set up in MS Project to aid monitoring of progress, although it remains subject to further detailing, additions and refinement. A new, improved assessment of potentially available sites (n.b. 'screening/triage', not allocation decisions) is well under way, with the methodology and tools used completely overhauled, the 'strategic/new community' scale sites completed, and a good start made on the large number of smaller sites. (Note this progress is highly likely to slow as two of the three officers who worked on this to date are leaving imminently.) A review of the strategic/new community scale potential

sites has been progressed, involving re-assessment of previous assumptions, a series of meetings with some of the developers/promoters, and the procurement or re-focusing of transport consultant's work to inform the deliverability and other issues associated with the different sites/areas proffered. Design coding work has continued with very well received consultation events.

20. Alongside these a variety of work has been undertaken on a range of fronts, including to refine and develop methods and shared team understanding of other areas of work, including further developing the forward plan preparation programme, settlement assessments, policy and chapter writing, etc. The 5 Year Housing Land Supply Statement has been published, a Draft Developer Contributions Supplementary Planning Document (SPD) published for consultation, and Parish/Town Councils consulted on the latest availability of local facilities in their settlements. One Neighbourhood Plan has been brought into force, while another is scheduled to achieve this at the next Council meeting. The team continues to deal with a host of other matters, including queries and Freedom of Information requests.

Risk Analysis

21. It is highly likely that the current situation will cause some delay to the anticipated publication of the Draft Local Plan for consultation in August 2023 and subsequent stages, but the extent of that delay – whether minor or major - will be highly dependent on the results of the current recruitment drive, or the nature of alternative arrangements put in place should that drive be unsuccessful. The latter could have impacts on the Local Plan budget, which will be addressed should the necessity arise.

Risk	Likelihood	Impact	Mitigating actions
Inadequate staffing resources to satisfactorily progress local plan preparation.	4	4	Urgent recruitment drive already underway. Potential for other measures already being scoped.

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.

LOCAL PLAN RISK REGISTER
DATE OF LATEST REVISION - 09.01.23

ID REF.	DATE RAISED	RISK DESCRIPTION	RISK SCORE			MITIGATION MEASURES	AFTER RISK MITIGATION			ASSIGNED OFFICER	STATUS	UPDATES & COMMENTS	COMPLETE DATE
			LIKELIHOOD	IMPACT	TOTAL SCORE		LIKELIHOOD	IMPACT	TOTAL SCORE				
1	24.08.20, description amended 20.12.22	Insufficient non-staff resources to complete the plan in timely fashion	3	4	12	Effective project plan, approved budget and successful bids for external funding.	1	4	4	DH/JC		Resources required for e.g. evidence work and staffing not completely predictable.	
2	24.08.20, descr. amended 20.12.22	Staffing risks. Insufficient capacity, skills, knowledge and effective working to complete the plan in timely fashion.	5	5	25	Recruitment of replacement/additional staff. Skills audit, team management, training programme etc.	5	5	25	DH/JC		The situation has reached crisis point, despite strident endeavours to mitigate the situation, following the resignation since Christmas of the Interim Team Manager and an Interim Principal Planner. A (permanent) Senior Planner has also gone on sick leave for an indeterminate period. A total of three staff will be leaving within the next few weeks, when there is already one vacancy (provisionally filled from mid-March). This continues an ongoing pattern of rapid staff turnover, and consequent loss of local knowledge and plan evolution continuity. Public sector recruitment in this field is very challenging nationally. Recent need to re-advertise posts due to very few or no applications. Remaining team are under great pressure, causing stress and leading to tensions within the team.	
3	24.08.20	Evidence base flawed, incomplete or not up to date	2	4	8	Effective project management and governance	1	4	4	JC		A review of the evidence work to date is being undertaken to ensure it is up to date to an appropriate standard for the Draft Plan and that we are progressing appropriately towards the more demanding and crucial needs in advance of the later examination of the submission plan. This work is due to be completed by the end of December. Not all evidence requirements can be anticipated, and this is borne in mind on an ongoing basis (e.g. several strands of additional transport work are needed in connection with the current review/testing of the 'new settlement' options) with potential implications for budget and timescale.	
4	24.08.20	Failure to address corporate vision and objectives	2	3	6	Effective governance and project management	1	3	3	DM/JC		Note that there can be tensions between corporate vision & objectives and those of national policy & legislation.	
5	07.09.20, descr. & mitig. amended 20.12.22	Lack of political consensus, e.g. unable to agree a plan meeting national requirements	5	5	25	Establish LPLG with regular briefing	2	5	10			(a) The general consensus of the Council membership on growth, development and protection of amenities is somewhat at odds with national requirements. (b) Upcoming elections may exacerbate this and divisions in the Council membership, and increase the risks. (c) If the Council does not accept the majority of the officer recommendations (post-elections), as they are fully entitled to do, then there will be some delay to the publication of the Draft Plan. (d) If the Council is unable to agree a plan that meets the requirements (e.g. housing growth target) then there will be a major delay.	
6	19.11.21	Plan is found to be unsound because choice of proposed sites not supported by the evidence base	2	5	10	Robust evidence base driving the selection of proposed sites.	1	5	5			The Site Assessment (SLAA) Methodology has been revised and a new Site Selection Methodology established. These were presented to LPLG & Scrutiny in November 2022. Given the complexities and balancing judgements required, and inevitable challenges to them, and inevitable challenges to them at examination, only degrees of confidence, not certainty, can be achieved in this matter.	
7	10.10.22	The proposed changes to the timetable extend the period for which the district is at risk of speculative development.	4	4	16	The pressure of time is in tension with robustness and quality (see evidence etc. risks), requiring astute judgment in balancing these concerns and managing and how	3	4	12				
8	10.10.22	The timetable proposed in the LDS slips. There are always unknown factors/issues arising in the production of a Local Plan that require consideration and may result in slippage. Government intervention would	4	4	16	The Local Plan preparation's project plan is actively managed, and reported to COB and Scrutiny Ctte.	3	4	12	JC		A new Project Plan has been prepared, and is still evolving and being detailed, following the change of timetable and direction. Significant progress has been made. There has been some slippage against the originally envisaged timetables, but not yet irrecoverable.	

9	10.10.22, descr. amended 20.12.22	Major changes in national policy or legislation may require (or enable) a radically different plan. The Levelling Up and Regeneration Bill, for example, includes some significant proposed changes.	4	4	16	The Council will monitor upcoming consultation and anticipated changes.	2	4	8			Likelihood of change, potentially highly significant to the project, but impact and detail of this remain uncertain. Very recent announcements of policy change (e.g. re housing targets), but whether such changes are significant for UDC will likely not be known for months.
10	20.12.22	There are insufficient feasible sites to deliver the scale of housing growth required.growth reqble way of delivering the scale of housing growth	3	5	15	Prioritise re-assessment of strategic growth area proposals to identify which, if any, are realistic 'options'.	2	5	10			There is currently doubt that some of the previously assumed 'preferred options' are realistic, or can be demonstrated to be so. The team is working at pace to re-examine and sense check the strategic 'options'. All these have now been run through the new enhanced site assessment process, we are part-way through meeting again the promoters of the more promising ones, and are about to commision additional transport modelling and assessments to inform on this crucial factor.

Risk Matrix

Impact	5	10	15	20	25	15 - 25 Stop and take immediate action
	4	8	12	16	20	8 -14 urgent action - take immediate action and stop
	3	6	9	12	15	5 - 7 Monitor - look to improve at the next review
	2	4	6	8	10	1 - 4 no action required, ensure controls are maintained and reviewed
	1	2	3	4	5	
	Likelihood					