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Uttlesford District Council

Chief Executive: Peter Holt

Local Plan Leadership Group

Date: Monday, 13th March, 2023

Time: 7.30 pm

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

Chair: Councillor G Bagnall

Members: 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

Public Participation

At the start of the meeting there will be an opportunity for up to 10 members of the public to ask questions and make statements subject to having given notice by 2pm the working day before the meeting. Each speaker will have 4 minutes to make their statement. Please write to committee@uttlesford.gov.uk to register your intention to speak with Democratic Services.

Members of the public who would like to watch the meeting live can do so [here](#). The broadcast will be made available as soon as the meeting begins.

AGENDA

PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies and declarations of interest.

2 Minutes of the Previous Meeting

3 - 6

To consider the minutes of the previous meeting.

3 Local Plan Work Programme Update

7 - 24

To receive an update on the Local Plan Work Programme.

For information about this meeting please contact Democratic Services

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Agenda Item 2

**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 dispute.

The Local Plan Leadership Group noted the report.

Meeting ended 21 35

Committee: Local Plan Leadership Group (LPLG)

Date: 13 March
2023

Title: Local Plan Work Programme Update

Report Author: Dean Hermitage – Director of Planning; John Hoad – Interim Policy Planner

Summary

1. The purpose of this report is to:
 - Provide an update on the work underway to prepare a Local Plan Regulation 18 ‘Preferred Plan’ consultation
 - Refocus and agree Local Plan work priorities
 - Check implications for the Local Plan timetable (Local Development Scheme)
2. This report follows on from the Local Plan Scrutiny Committee (LPSC) and Local Plan Leadership Group’s (LPLG) consideration of more detailed reports assessing the position reached and resource issues presented in 2022. This suggested a need to significantly revise the approach being taken.

Recommendations

3. That LPLG,
 - a. Endorses the approach to plan preparation now being taken, as outlined in this report and,
 - b. Agrees a recommendation to Cabinet that the new Local Plan timetable be revised around a Regulation 18 consultation by 27 October 2023 (which will then be open until early December 2023).

Financial Implications

4. Within existing local plan budget.

Background Papers

5. All previously published New Local Plan papers are relevant.

Impact

Communication / Consultation	LPSC and LPLG documentation and consideration aids communication, including the ability of interested parties
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	to better appreciate the progress of the Local Plan's preparation.
Community safety	None
Equalities	None
Health & Safety	None
Human Rights / Legal	None
Sustainability	None
Ward-specific Impacts	Covers all wards
Workforce / Workplace	None

Situation

The Refocus of Work Priorities

6. In previous LPSC and LPLG discussions it became clear that there was a need to refocus the officer technical work underway on the Local Plan. To do this, the detailed officer work programme is being reset around the question:

“What are the essential components of the intended ‘Draft Preferred Plan’ consultation?”

7. This is not a matter that is prescribed in legislation and guidance. However, officers are now working to prepare / finalise the following work streams and documents:
- Sustainability Appraisal (SA) Initial Report, with illustrative ‘reasonable alternatives’ and clear linkage between plan objectives and the appraisal methodology
 - Development Strategy and Site Selection Methodology and Analysis explaining the choice of preferred Development Strategy and its constituent land allocations (sites). This will use Sustainability Appraisal factors / criteria
 - Draft Preferred Plan (including Policies Map)
 - Core Evidence (updates for the New Local Plan):
 - Government Standard Method housing (land) needs assessment note
 - Economic / business (land) needs assessment note / study

- Strategic Land Availability Assessment (SLAA) identifying all sites as 'potentially suitable' with full mapping. No sites are 'excluded' from consideration by the SLAA. Sites are simply rated by likely difficulty, of and timescales for, development (which can then be related to the period planned for)
 - Carry through of relevant parts of SLAA mapping to a land allocations mapping layer for Policies Map
 - Planning commitments monitoring updated to plan base date
8. A significant amount of evidence was prepared for the withdrawn Local Plan and remains available and useful. It is not crucial to the consultation and can be updated as necessary for submission. This is the most effective and economical way of supporting the plan the Council finally submits.
9. The production of a General 'audience' consultation paper is being considered. This would be a short paper for publish with the Reg18 Local Plan explaining the Draft Preferred Plan Development Strategy choice(s) and referencing above more detailed sources (previously this had been integrated in the plan drafting itself).
10. The above is a resource efficient consultation 'package' that covers all necessary information. It should all be published together at the point of consultation (proposed October 2023). This avoids partial consideration and the potential distractions that can arise and affect progress when information is provided in parts / 'drip-fed'.
11. Much of this material already exists in some form. The emphasis now is on essential refining and re-organising. Nevertheless, that task is substantial, especially in respect of the preparation of the draft plan itself.
12. The draft preferred Plan and general audience consultation paper will recommend to, and must be approved by, Members before consultation.
13. Effective progress depends on officers assuming that:
- We take a 'preferred plan' approach to build on the previous *open* issues and options consultation (i.e. a single preferred option, or as close as possible to it). A preferred plan is a necessary step in maximising the chances of moving efficiently to a Regulation 19 Submitted Plan. This is because there will be a well-developed draft plan to work from. Even if parts of it change (e.g., components of the Development Strategy), many aspects will remain relevant.
 - We have a reasonably well-settled view on the Development Strategy (taking account of previous withdrawn Plan history). There are some further suggestions on this below.

- We agree that we only carry out further engagement with interested parties including landowners and developers (this could develop around the SLAA, if not appropriately managed) once we reach Reg 18 consultation stage.
 - We are clear that Regulation 18 ‘Consultation’ is important and must be done – but it is not *the* fundamental stage. It is a draft. Regulation 19 ‘Submission’, where the Council must decide on the Plan it is promoting, is fundamental. Officers and Members must be clear that there remains plenty of scope to consider and finally decide the Council’s view on its Plan (taking account of the consultation responses). This gives emphasis to scope and build up and update detail and evidence later.
14. At a recent meeting of the Local Plan Working Group (LPWG), the Uttlesford Strategic Land Availability Assessment (SLAA) was discussed. This was not a public meeting and it is entirely normal and not contrary to the interests of transparency and natural justice, for some local plan meetings to be held ‘in camera’ in the course of producing a local plan. This was specifically recommended to UDC by its Local Government Association advisors when the governance arrangements for the new Local Plan were being set up. Almost all local planning authorities find such ‘in camera’ meetings a useful complement to public meetings in preparing development plans. Such meetings enable exploratory discussions to be held, enable Members and officers to discuss things frankly without the risk of being legally challenged for apparent prejudice, and avoid peoples’ property values being affected in either direction before proper consideration has been given to all the different possible options. These are exploratory meetings and not decision-making meetings.
15. A summary note on the SLAA has been produced following the meeting and is attached as *Appendix 2*.

Plan Vision and Objectives

16. This aspect of the Plan has been discussed previously by the LPLG following the Issues and Options consultation in 2021 and 2022.
17. For the work now underway it is advisable to simplify and clarify objectives and create an explicit linkage to Sustainability Appraisal factors. This will allow coherent Development Strategy options analysis and help justify the preferred plan.
18. The approach now being applied is outlined in *Appendix 1: Vision & Plan Objectives*. LPLG feedback and confirmation of this approach is sought. The document is currently in draft.
19. For the avoidance of doubt, previous decisions on objectives are not lost. They are carried through in this simplification. The essence of the changes is only that the objectives are centered on the main purpose of a Local Plan (to

accommodate development needs) and what can be achieved directly through planning powers.

Development Strategy / Spatial Strategy

20. The 'development strategy', also referred to as 'spatial strategy' on which the draft preferred plan is being built around is:

- Significant, but widely dispersed, medium / small scale development related to the settlement hierarchy, through most of plan period. In the longer term, a new major growth location giving time for supporting infrastructure to be improved -

21. This approach has been discussed extensively by the LPWG previously and aside from the difficult matter of choice of location for the major long-term growth, which remains difficult and controversial, the strategy is an inevitable consequence of the characteristics of Uttlesford and the Planning Inspectorate's strong views on the previous withdrawn plans.

22. In taking a decision on its preferred plan the Council will clearly need to finalize its view on the best major growth location(s) and mark it as a broad location or specific land allocation on the draft Policies Map. This will then form part of the Reg18 consultation and the views of all interested parties will be sought.

Work Programme / Timetable

23. Having undertaken a reassessment of the work required to get to the Regulation Consultation, it is suggested that the timetable be revised as follows:

- Governance and decisions on the consultation 'package' taken in September 2023
- Regulation 18 'Preferred Plan' consultation by 27 October 2023.

24. The Council's Local Development Scheme (LDS) can be revised to include more detail on this. The moving of the consultation date a further two months was not previously anticipated and is the result of the rapid turnover of staff and loss of experienced staff at the beginning of this year.

25. Officers note that some 40 English councils have recently announced delays, changes and pauses to their local plan timetables, many as a result of emerging government reforms. Our Local Plan is not being delayed as a result of government reforms, and LPWG has recently indicated it supports a continuation providing officers keep one eye on the emerging reforms in order that we can respond to them quickly if they provide benefits to Uttlesford. In this vein, at its last meeting the group also reached an agreed position on the council's response to the government's recent consultation on planning reforms.

The response has been submitted and is appended to this report for information – *Appendix 3.*

26. It may still be necessary to revisit the LDS in the future, depending on progress in making the difficult decisions needed for the consultation package and also taking account of how current uncertainties on the Government’s approach to Local Plans are resolved (impending National Planning Policy Framework revisions and Levelling-up and Regeneration Bill / Act outcomes) – the council is not operating a vacuum in this respect.

Staff Resources

27. LPLG Members are already aware of the planning policy staffing issues the Council has faced. Further detail is provided in the report to Local Plan Scrutiny Committee of 13 March 2023.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to successfully Project Manage the Local Plan will result in an unsound Plan.	2 – Recruitment and retention of planning staff remains a national issue.	4 - Lack of an adopted (or advanced emerging local plan) leading to potentially unacceptable development.	3- Staffing mitigations in place and further mitigations being developed. Project management system in place.

- 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.

Appendices

Appendix 1 – Plan Objectives (with links to Sustainability Appraisal Factors)

Appendix 2 - USLAA Summary Note

Appendix 3 – UDC’s response to the government’s planning reforms consultation

Planning Vision for Uttlesford:

Uttlesford will be ‘the best place to live, work and play’.

The district will be known for its beautiful rolling countryside, its market towns and villages with a rich heritage, and a strong cultural offer.

The housing needs of local people will be met and the people of the district will be healthier, happier and able to meet most of their day-to-day needs locally within a community that is good for their health and wellbeing.

Uttlesford will have a thriving, diverse, resilient economy that operates at a local, national and international scale. As the East of England’s largest employment site, Stansted Airport will be supported but with great emphasis on ensuring its environmental impacts are managed. The north of the district will benefit from appropriate improved links into the high-skilled ‘Cambridge phenomenon’, supporting economic growth at Chesterford Research Park and elsewhere.

Development will be managed to ensure climate change is addressed and sustainable development is achieved. Development will be located in ways to optimise opportunities for delivery of new infrastructure and use of public and active transport. New development will link homes with jobs, be of high-quality design and focus on sustainable construction and materials.

High quality design will help protect and enhance the intrinsic character and built heritage of Uttlesford’s towns, villages, and the wider environment.

Uttlesford will embrace the changes required to be *net zero carbon*, enabling us to live, work and play within the limits of the environment. This will include new build to be net zero ready by 2030.

Uttlesford’s rich natural and historical heritage will be protected and enhanced, for the health and enjoyment of people now and in the future. There will be greater biodiversity and increased woodland. The rivers of Uttlesford will be protected and enhanced, and together with green infrastructure, contribute to a network of blue and green corridors for the benefit of wildlife and people. Hatfield Forest will be part of this network, however it will also be protected from overuse.

Plan Objectives (with link to Sustainability Appraisal Factors in italics)

1. Minimise the environmental impact of development

- Mitigate climate change impacts from development, including reducing energy usage of new buildings (*SA Climate change – To reduce the contribution to climate change made by activities in the district. Increase the resilience of the district to the potential effects of climate change, including flooding*)

- Protect high-quality and locally valued landscapes (which must first be defined) (*SA Landscape - To protect and enhance the character and quality of the immediate and surrounding landscape, including the river corridor and strategic green infrastructure links*)

- Protect natural environment (*SA Biodiversity and geodiversity - To maintain and enhance the extent and quality of biodiversity and geodiversity sites and networks within and surrounding the district*)

- Protect water resources (*SA Land and water resources - To protect and enhance water quality, and use and manage water resources in a sustainable manner*)

- Protect the highest quality agricultural land, however be mindful of needs for rural diversification (*Land and water resources - To ensure the efficient and effective use of land*)

- Protect heritage features, including historic buildings and settlement cores (*SA Historic environment - To protect, conserve and enhance heritage assets, including their setting and significance, and contribute to the maintenance and enhancement of historic character through the design, layout and setting of new development*) (link to Uttlesford design coding work).

2. Allocate sufficient land to accommodate development needs

- Meet full projected housing need as assessed by Government (*SA Equalities, diversity, and social inclusion - To create inclusive environments which foster good relations between people and support high quality living environments with good access to housing and services*)

- Maintain economic development opportunities (*SA Economy and employment - To grow a sustainable and inclusive economy, building upon strengths and opportunities and increasing long-term economic resilience*)

3. Provide adequate and timely infrastructure to support development

- Help sustain local community facilities and services through development (*SA Health and wellbeing - To support healthy lifestyles for all community groups by reducing health inequalities and delivering positive health outcomes, including through increased access to healthcare facilities, recreational facilities, open space, and green infrastructure*)

- Prioritise opportunities for greater travel by public transport and active travel in new development (*SA - Transport, air quality and noise – To promote sustainable transport use and reduce the need to travel, whilst protecting residents from the impacts of congestion, air pollution and noise pollution and preserving areas of rural tranquility*).

USLAA Summary Note 1.3.23

Introduction

The Uttlesford Strategic Land Availability Assessment (USLAA) consists of a review of the sites submitted as part of the Call for Sites exercise held in 2021. **The USLAA does not determine which sites are allocated in the Local Plan.**

Number of Sites to assess

A total of 299 (70%) sites were submitted as part of the Call Sites. As part of the PPG we are required to examine other sites sources as follows, with the percentage number of total number of sites:

- Active Engagement – 2 (0.5%)
- Brownfield Land Register – 7 (1.63%)
- Employment Land Monitoring (Approved Employment Land Applications) – 20 (4.68%)
- Housing Land Monitoring (Approved Residential Applications) – 73 (17.09%)
- Housing Team Proposals – 5 (1.17%)
- Neighbourhood Plan Allocation – 8 (1.87%)
- Refused Applications – 13 (3.04%)

The USLAA will therefore assess **427** sites.

Number of Units

The total number of units submitted by developers is **65,110**. Applying the density assumptions gives a figure of **156, 016**. In regards to employment space, a total of 8.72million square metres has been submitted.

Methodology

The USLAA Methodology will be published alongside the USLAA setting out the how the sites has been assessed. The USLAA classifies the sites under three classifications as follows:

- **A:** Considered deliverable within 0-5 years;
- **B:** Have potential to demonstrate suitability, availability, and achievability within 5-15 years;
- **C:** Not considered developable 15+ years

Breakdown of Classifications

As of 1st March 2023, the sites are broken down as follows.

'A' Class Sites – 101 (23.65%)

'B' Class Sites – 250 (58.54%)

'C' Class Sites – 76 (17.79%)

Please note that the SLAA sites are currently being reviewed under the 'new methodology and are subject to change.

Timeframes

The review of the sites is programmed to be completed by the end of March. The USLAA will be published with the Reg18.

UDC response to the government's consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy which runs from 22 December to 2 March 2023.

The consultation and UDC responses were discussed with the Local Plan Leadership Group at a working group meeting on Monday 20 February 2023, agreed with the Cabinet Member for Planning and submitted on 2 March 2023 following authorisation from the Leader of the Council on 1 March 2023.

The consultation asks a number of questions relating to proposed planning reforms. UDC has not sought to answer every question but focussed on those relevant to the council. In the main these are the areas pertaining to local plan-making.

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- 1. Q.1: Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?**
 - 2. UDC agrees that LPAs should not have to demonstrate a 5YHLS, but disagrees that this should be dependent on strategic policies being less than 5 years old. This is unrealistic in some LPA's circumstances, and is contrary to plan-making guidance paragraph 33, which requires only that policies are assessed at least every five years for any need to update, and that strategic policies will need updating every five years if their local housing need figure has changed significantly.*
 - 3. The implied requirement for new strategic policies at least every five years less is not realistic for authorities such as Uttlesford which have extremely challenging geographies, and lack the infrastructure for the scale of growth the 'standard method' indicates is required.*
 - 4. Identifying possible solutions; negotiating with all infrastructure providers, other affected authorities and landowners, and obtaining the funding to deliver such solutions is extremely resource hungry and time consuming. Much as frequent updates of strategic policies are desirable, this is almost impossible to achieve in challenging locations such as Uttlesford, especially in the context of severe public-sector planner recruitment difficulties.*
 - 5. The inflexibilities of national policy on plan-making, such as the expectation of district-wide strategic policies before all else, and the requirement for these to be updated at unrealistic intervals, result in much unplanned development happening before appropriate policies can be put in place. This undermines other ambitions of national policy such as design, sustainability and community buy-in).*

6. *Over the years plan-making has become freighted with ever more demands, constraints and resource requirements, even as local authority resources have reduced, to the detriment of sound and effective forward planning.*

7. Q.2: Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

8. Yes

9. Q.3: Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on, or is there an alternative approach that is preferable?

10. Yes

11. Q.4: What should any planning guidance dealing with oversupply and undersupply say?

12. *Planning authorities should be required to state how they are planning to address any oversupply or undersupply in the light of the particular circumstances of the time and in that place.*

13. *National policy should emphasise the importance of doing so, and the adverse potential effects which may result from oversupply or undersupply, and suggest potential responses, but avoid being over-prescriptive as to how this a best addressed in the particular local circumstances.*

14. Q.5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

15. *UDC is strongly supportive of these changes, but also considers the same criteria should be applied to Local Plans.*

16. Q.6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

17. *UDC agrees the specific changes proposed on these matters. It would not necessarily agree different changes which might be said to be aimed at achieving the rather vague objective stated in the question.*

18. *The aspiration in the indicated revision to Paragraph 7 for 'homes and other forms of development, including supporting infrastructure in a sustainable manner' would be more likely to be realised if there were once again a formal system for planning at a strategic (i.e. larger than district) scale. The current Duty to Cooperate and the proposed replacement proposed in the Levelling Up Bill are not an adequate substitute for such a system.*

19.Q.7: What are your views on the implications these changes may have on plan-making and housing supply?

20.UDC welcomes the potential for a more reasoned approach to meeting need than simply applying the numerical result of a highly debatable algorithm without regard to the geography and circumstances of the local planning authority area.

It understands and accepts that local planning authorities' preferences must be balanced with the wider need for increased housing delivery. The current arrangements, however, too inflexible, resulting in delays to getting plans in place, less sustainable and beautiful development than could be the case, and undermines public faith in the planning.

21.A more nuanced approach to the results of 'standard method' would reduce the quantum planned development in some instances and locations, but could potentially achieve more in numbers and quality in the longer run.

This aspect of national policy should not be considered in isolation, but alongside other factors which could improve delivery, including

- a review of the 'standard method' itself;*
- the adequacy of state funding for social rented housing;*
- the adequacy of state funding for infrastructure in advance of development and land acquisition, and the uncertainties and complexities in its distribution and availability generated by competition and centralisation;*
- the adequacy of existing infrastructure, given that perhaps the most common objection to planned new development is that existing infrastructure (whether health, transport, water, sewerage, transport, education, etc.) is inadequate, and further development will make this worse;*
- the continuing poor standards of quality, beauty and availability to local people of most new development must be addressed if the scale of development required is to be achieved, and people are to believe that the planned future could be an improvement on the present in terms of quality of life.*

22.Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

23.UDC strongly supports clarification that the standard method is just the starting point, and that alternatives to the standard may be appropriate in particular circumstances where demonstrated.

- 24. Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?**
25. *UDC welcomes the recognition that the need to meet the nation's housing needs must be done in a way that takes into account the capacity, desirability and sustainability of development in particular localities.*
26. *The Council considers inadequate, though, the specific wording changes and proposed categories of justification for departures from the standard method's results.*
27. *Density, green belt and oversupply is an inadequate range of factors to take into account in judging the capacity of an area's capacity. Deliverability (within the plan timeframe) should be admitted as an additional factor as should infrastructure out of the control of the council (strategic road capacity and water scarcity are key examples and significant constraints in Uttlesford).*
28. *That said, it is unlikely that an NPPF checklist of specific factors which could warrant a departure from delivering housing need (however defined) could adequately cover all the relevant local circumstances. It would therefore be preferable for the test to be applied at examination to be framed in more qualitative terms, e.g. does the plan deliver in the long term, and in the wider geographical context, the most sustainable and beautiful results achievable, taking into consideration interests of acknowledged importance.*
29. *The current local planning system is ill-equipped to deliver in Uttlesford the indicated scale of growth, and the road, sustainable transport and other infrastructure necessary to support it. Much of the area has high environmental quality, a dispersed settlement pattern, and poor transport infrastructure. Even those limited areas proximate to relatively high level and quality transport infrastructure (and which also have their own environmental constraints) cannot accommodate strategic scale development without infrastructure costing more than the funding that can be extracted from such development.*
30. *A major new community or communities of a size that might be one potential solution that could both warrant the major infrastructure required and produce a sustainable and attractive outcome is extraordinarily difficult to achieve through a local plan alone.*
31. *The District's boundaries do not reflect functional relationships with the surrounding areas, and the District's position at the junction of three Counties adds further substantial challenges. The Duty to Cooperate does not provide an effective means of addressing these challenges, depending as it does on the willingness of neighbouring authorities to devote scarce resources and compromise their aspirations. The absence of a strategic planning system militate against successful resolution of such issues, and is*

something the Government needs to address if the nation's housing and other needs are to be effectively and sustainably met.

32. *In the absence of such changes the NPPF needs to recognise that a range of factors may prevent timely delivery of the quantum of housing or other development, either at all or at a pace which allows early resolution of the strategic scale challenges, and the time required for the latter should not preclude the local planning authority putting in place planning policies that help deliver the sustainability, design and other ambitions of national policy.*
33. *The reference to increased density should be refined from that proposed if it is not to result in poor planning. It is important that the definition of what constitutes an acceptable reason for moving away from delivering the housing and other development required (however defined) does not suggest that an increase in density per se is a reason for such a variation. This could be achieved through, for instance, reference to where this causes harm to interests of acknowledged importance.*
34. *An increase in density is often the most sustainable way to accommodate additional growth. Some of the country's (and the world's) finest townscapes are the result of development that increased densities. In many towns there are extensive areas of low density development relatively close to town centres and of little or no conservation or community value, and where an increase in densities could accommodate more people in close proximity to facilities and public transport without sacrificing quality of life. If the result, over time, of an insufficiently nuanced approach to densities resulted in new development generally being at higher densities further from facilities this would have adverse social and environmental effects, as well as being costly in terms of delivering infrastructure and public transport, and reduce opportunities for sustainable movement.*
35. *In the longer term, high levels of housing (and other development) delivery will only be achieved and sustained, if people believe that change can deliver improvements to their lives and their local environments. The changes to the wording of NPPF should focus on ensuring that planning judgements focus on achieving this, and take into account all relevant factors.*

36.Q.10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?

37. *Planning authorities should be required to demonstrate only a prima facie case that the change in character of an area, whether through density or other change, is contrary to the achievement of the NPPF's objectives as set out in its Paragraph 8.*

38.Q.11: Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

39.UDC disagrees with the proposed deletion of the requirement for plans to be justified, but strongly supports the ambition of the revisions to deliver a more proportionate approach to examinations.

40.It is the definition of what constitutes adequate justification that needs attention, rather than the need for justification itself. The lack of an explicit ‘justification’ for a plan is likely to undermine the already shaky legitimacy of plans in the minds of some of the public and relevant professions.

41.The current version of the NPPF already states that the soundness test justification should be ‘based on proportionate evidence’. What is required is a clearer and more detailed definition of what ‘proportionate evidence’ is and isn’t, and also of what ‘an appropriate strategy’ could mean.

42.The NPPF itself demands justification of policies (and also decisions on planning applications) in over a dozen places even were the ‘Justification’ soundness test to be deleted as proposed. (See for example footnote 22 relating to the ‘Positively Prepared’ test of soundness.)

43.Examinations, and the preparations and evidence required to successfully pass, have become far too time and resource hungry, without a concomitant increase or improvement in the sustainability, beauty and delivery of development. The adverse effects of unplanned, or poorly planned, development that occurs as a result of the inordinate time it now takes to get a new plan in place needs to be considered alongside the merits of a particular plan.

44.Lengthy and overly detailed scrutiny of plans, and unrealistic expectations of the degree of certainty of delivery and outcomes that could and should be achieved, do not achieve either the best planning outcomes, nor general acceptance of the process and the resulting plans. Sometimes it is better to make a decision – i.e. get a broadly reasonable and up-to-date plan in place – than to make no decision at all.

45.Q.16: Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?

46. Yes.

47.Q.18: Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

48. *Yes. Most definitely. The current system is not fair to councils approving sufficient homes which developers do then not build out. Councils should not be penalised for that.*

49.Q.19: Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

50. *Yes. Definitely.*

51. Q. 21: What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

52. *As the Government has recognised the inadequacies of the 2022 Housing Delivery test it would be somewhat perverse to pursue the intended consequences. They should be suspended and amended in the light of the 2023 Test.*

53. Q.22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

54. *Yes. If adequate social rent homes are to be delivered, however, it will require concerted Government action - and funding - beyond reliance on planning policy.*

55.Q.23. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?

56. *Yes*

57.Q.24: Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

58. *Yes. The effectiveness of small sites should further be explored in the context of Neighbourhood Plan making.*

59.Q.25: How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

60. *Greater emphasis might be given to “local housing needs assessments” rather than excessive reliance upon the Housing Delivery Test in order better to identify actual local needs*

61. Q.26: Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

62. *Yes. Where such organisations can provide legally robust mechanisms to ensure that the properties remain genuinely affordable in perpetuity. Developers could be encouraged to offer and work with councils to directly deliver social housing.*
- 63.Q.30: Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?**
64. *Yes. Consider past enforcement breaches, particularly serious breaches and those that affect heritage assets and non-compliance with previously approved designs. “Land banking” (obtaining permission and not building out) should be actively discouraged and taken into account as an element of such past behaviour, as should previous poor construction practice and disruption.*
- 65.Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?**
66. *Yes.*
- 67.Q.34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word ‘beautiful’ when referring to ‘well-designed places’ to further encourage well-designed and beautiful development?**
68. *Yes.*
- 69.Q.35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?**
70. *Yes*
- 71. Q.38 Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?**
72. *The wording of the proposed amendment to the Footnote does not do what is proposed above, i.e. provide further detail on the consideration that should be given to the relative value of agricultural land for food production. Unless the new sentence is qualified by reference to higher grade agricultural land, or in some other way, it is likely to be understood and used as weighing against any development involving agricultural land. In Uttlesford agricultural land is under pressure, not just from housing, but a significant increase in solar farm development.*
- 73. Q.39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that**

would incorporate all measurable carbon demand created from plan-making and planning decisions?

74. This should be incorporated into the process of Strategic Environmental Assessment and Sustainability Appraisal of plans and planning decisions.

75. Q.40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

76. Planning policy has a key role to play in enabling climate change adaption and flood-risk management, and the NPPF should encourage nature based solutions and multi-function benefits. Uttlesford's emerging Local Plan will be climate-led. The processes for judging and justifying the measures incorporated in plans should be integrated with the Strategic Environmental Assessment and Sustainability Appraisal of those plans.

77. Q.49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

78. National Development Management Policies should not be introduced without a mechanism by which local planning and authorities and others dealing with their implementation can feed back issues with their wording and implementation, and this feedback is used to refine and supplement where appropriate the first iteration of those policies.

79. Q.56: Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

80. Addressing these issues as soon as possible is necessary, but unlikely to be achieved by simplistic policy (as demonstrated over numerous decades by previous government safety/security prescriptions poor results). Design for safety is a complex issue, requiring balancing judgements and careful consideration of the specific local context. The NPPF could usefully highlight the importance of local planning authorities considering the safety of women and girls, and other vulnerable groups, when setting policies or making decisions, but should avoid being prescriptive about how this is implemented.