

APPENDIX 1: REPRESENTATIONS, OFFICER COMMENTS & RECOMMENDATIONS

Introduction

The Statement of Community Involvement (SCI) sets out the Council's approach to public consultation and involvement in the preparation of the Local Plan, other development plan documents and in the determination of planning applications.

The Statement of Community Involvement went out on public consultation from the 14th January 2019 until 25th February 2019. This report sets out the representations received, Officer Comment and recommendations.

Consultation Responses

In total six representations were received from the following organisations:

- Historic England
- Natural England
- Elsenham Parish Council
- TfL Planning (Transport for London)
- CLH Pipeline Systems Ltd
- Pegasus Group

And three representations received from individuals:

- Dr Graham Mott
- Cllr Chris Hindley
- Joanna Francis

General Comments

Historic England

- Thank Uttlesford for consulting them
- Unable to comment specifically at this time due to consultations workload

- Recommend seeking advice of local authority conservation and archaeological staff as best placed to advise on local historic environment issues and priorities

Natural England

- Thank Uttlesford for consulting them.
- They are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining applications. They are unable to comment, in detail, on individual Statement of Community Involvement.

TfL Planning (Transport for London)

- Thank Uttlesford for consulting them.
- No comments to make on the revised Statement of Community Involvement

CLH Pipeline Systems Ltd

- Attached a plan of their clients' apparatus and asked to be contacted if any works are in the vicinity of the CLH-PS pipeline or to use the online enquiry service.

Officer comment and recommendation

These organisations are thanked for their support.

General Comments (continued)

Councillor Chris Hindley

1. Little Easton has been subject to poor provision of information and consequently poor consultation e.g. February 2018, Easton Park publicity leaflets delivered to 27 properties in Park Road and none to the rest of the village;

2. The document lacks genuine details on how the process of engaging communities, businesses and organisations in terms of providing information, consultation and participation will be conducted;
3. Robust procedures to communicate with the community and allow consultation and participation need to be put in place if the SCI is to succeed
4. Need to see a more detailed document setting out the procedures and timescales

Officer comment and recommendations

1. Noted. Consultation undertaken by UDC includes use of the UDC website, mailing, publicity in local newspapers; articles in parish magazines, Uttlesford life etc. and are never limited to leaflet delivery only.
2. This document clearly sets out how and when communities, businesses and organisations will be provided with opportunities to both meaningfully participate and engage in the planning process.
3. Robust procedures are currently in place and statutory requirements ensure that these procedures are adhered to.
4. This SCI sets out the principles and methods of engagement to be undertaken on consultation. Timescales cannot be provided as each consultation will have a different period of consultation.

Joanna Francis

1. The website Consultation page and the SCI document do not mention data protection or where to find more information on the Council's Privacy Notice.
2. No point in having a SCI if instructions provided in guidelines for responding to consultations are unclear and inconsistent;
3. Concerns on clarity of information provided on methods to respond and documents they are allowed to comment on for example:

4. UDC does not make it obvious on the web page for the specific consultation that people can respond by letter;
5. Complicated and unfamiliar nature of the portal is a barrier to providing responses;
6. Cutting out chunks from letters to fit on the portal disrupts the flow of the entirety of the letter;
7. Query on why full responses from organisations/ land agents/developers etc. are attached in full and not those of residents. Why are residents not considered to have “equal” standing/treated the same way?
8. Whilst UDC was not dishonest with residents when they were consulted on the Addendum of Focussed Changes, you were not truthful. The AECOM report had been commissioned in June and a draft issued by the end of September 2018. The SCI document merely states how the Council will engage with their communities, what measures will be taken to ensure we are engaged with in a truthful manner?
9. Social Media – Why were the SCI and recent Sustainability Appraisal consultations not posted on Twitter or Facebook?
10. Reg 18 & Reg 19 Sustainability Appraisals were not presented at PPWG, Cabinet or Council Meetings. Councillors were not consulted and the public did not have an opportunity to ask questions at a Council meeting. No information provided about SA at Reg 18 stage and no place to comment on portal except on the hardcopy Representation form.

Officer comment and recommendation

1. Noted. A website link will be provided in the SCI document and on future Consultation web pages. Information on GDPR/ Privacy Notice will be included in Section 5.16 by directing the public to the website below: <https://www.uttlesford.gov.uk/article/5156/Privacy-notice-and-cookies>

2. The instructions and guidelines provided in the current SCI document are both clear and consistent.
3. Noted. Every effort is made to ensure clarity on methods of responding and documents to be commented on.
4. Consultation instructions include an invitation to representation by portal, letter or email and provide UDC physical and email addresses respectively. We also receive a significant number of representations by letter.
5. Noted. UDC is aware that the portal and any form of technology poses a barrier for some respondents. In acknowledgement of this fact, other forms options for responding are provided and available should respondents feel uncomfortable using the portal. A physical address is always provided on the consultation web page. However, a large proportion of respondents do use the portal, and officers are able to assist those who need help.
6. Noted. Attempts are made to summarise long letters and include all the key and salient points. The Inspector focusses on key issues, but is provided the full representations as well.
7. Responses from organisations/land agents/developers are usually summarised and full representations appended depending on their length. This treatment is applied to representations from residents where long letters are appended. Everyone is treated equally and the same way. Furthermore, the Inspector is provided the representations in full.
8. The statement is not clear on the untruthfulness aspect. The Consultation on the Addendum of Focussed Changes was duly accompanied by a Sustainability Appraisal and so was the Consultation undertaken on the updated Sustainability Appraisal. Consultation in these cases was undertaken as and when the relevant documents were available and relevant decisions had been

undertaken. UDC will continue in being transparent when undertaking consultations in line with the SCI.

9. Noted. UDC is not required to promote all consultations on Facebook or Twitter but will review the way it coordinates its use of social media to publicise future consultations.
10. The Reg 18 SA was published alongside the Local Plan at that time and representations were received on the SA. The UDC Regulation 18 Local Plan Consultation web page invited respondents to, "Please visit www.uttlesford.gov.uk/draftplan2017 to find links to key evidence and supporting documents including the Sustainability Appraisal. You may comment on any aspect of the Sustainability Appraisal in your consultation response. You will also find details of other ways to make your comments." Representations on the relevant Sustainability Appraisal were submitted via letter, email and the portal based on the above web page notification.

The updated Reg 19 Sustainability Appraisal was presented at a PPWG meeting held on 10 January 2019. The Reg 19 form, Q4 provided a space to comment on the Sustainability Appraisal. Comments on the Sustainability Appraisal were entered on the portal.

SPECIFIC COMMENTS

Glossary

Joanna Francis

1. ***Local Development Scheme (LDS)*** *The LDS sets out the timetable for preparing the Local Plan.*

Suggest something more like 'A public statement identifying which local plan documents and supplementary planning documents will be produced by the Council and when.'

2. ***Local Plan*** *The term used to describe various Development Plan Documents*

Suggest 'the plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community'.

3. **Supplementary Planning Document (SPD)** *SPDs do not have 'development plan' status, but are intended to elaborate upon the policies and proposals in DPDs.*

Suggest mentioning that it is a local plan document that has not been subject to independent testing.

4. **Sustainability Appraisal (SA)** *An SA is an assessment of the social, economic and environmental effects of policies and proposals within Local Development Documents.*

Suggest 'An SA is a systematic and iterative appraisal of the social, economic and environmental effects of policies and proposals within Local Development Documents from the outset of the preparation process.

5. **Uttlesford Futures** – states 'Uttlesford Futures' work is guided by the priorities that are set out in the district's Sustainable Community Strategy 2008-2018. This is out of date, what are they/UDC using now?

Officer comment and recommendation

1. Noted. The current definition is appropriate. No amendment to text.
2. Agreed. Replace the current definition with, "The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community".
3. Noted. Amend text as follows: ***SPDs are not subject to an independent examination and do not have 'development plan' status, but are intended to elaborate upon the policies and proposals in DPDs.***
4. Noted. The current definition is easy to understand. No change to text required.
5. Uttlesford Futures is now referred to as the Local Strategic Partnership and the work is currently being updated. Also the Council is developing a number of strategies that overlap with areas covered in the SCS. These include the Uttlesford Health and Wellbeing Strategy

2017-2022, Uttlesford Economic Development Strategy and Action Plan 2018 – 21 and the Uttlesford Corporate Plan 2018-2022.

Replace Uttlesford Futures with Local Strategic Partnership

Section 1: Introduction (No Representations)

Section 2: Overview of the area (No Representations)

Section 3: Uttlesford’s Community (No Representations)

Section 4: Principles of Engagement

Elsenham Parish Council

Principles of Engagement, paragraph 4.3 second bullet point – As written this is intended to mean discussion of proposals with UDC but both Parish and Town Councils should be involved on both large and small projects. In a recent initiative Elsenham Parish Council was approached to discuss a major proposal whilst in another case the Parish Council had no early involvement and fundamental errors could not be avoided.

Officer comment and recommendation

Noted. Add the following text to paragraph 4.3, second bullet point:
“This should include discussion with the local community on significant proposals.”

Dr Graham Mott

Paragraph 4.3 – 4th Bullet Point:

1. How exactly is it proposed to meet this objective? This objective will not be met by promoting housing on an epic scale without explanation or justification in a settlement lacking adequate road transport links, other facilities and infrastructure. In addition more development is being promoted in Elsenham under the emerging Local Plan expanding the

village by about 60% already exceeding that of many other “Key Villages.”

2. Have you any idea on the impact of UDC plans on the local community?
3. The recent revised Sustainability Appraisal attached to the Local Plan included, as Options 2a and 3, proposals for further vastly expanded housing at Elsenham, with nothing done to make known these options among the local community, much less to justify them.
4. If no particular action is proposed to achieve this objective then it is meaningless and should be deleted.

Paragraph 4.3 – 5th Bullet Point:

5. Query on how this objective is to be achieved? Considerable impact on residents of Stansted Road from recent promoted and agreed proposals for approximately 380 dwellings. Despite consultations at both outline and detailed application stages there have been only two respondents.

The lack of response to sending letters, putting up notices etc. should be queried because some people would not consider a written response or are reluctant to attend a public exhibition. UDC has never “reached out” to any of “those whose voices are seldom heard”.

Unless there is a strategy for achieving implementing this objective then this bullet point should be deleted.

Paragraph 4.3 – 7th Bullet Point:

6. Bullet point is misleading as it would be interesting to know how many times UDC has made a change following a representation from a member of the public.
7. Officer reports quote at length from agencies and Parish Councils and summarises representations from members of the public. Sometimes impossible or difficult to find one’s points in the summaries. Officer’s report says that points will be dealt with in the appraisal later but this not the case. Often searched in vain for evidence that my points, or others’, have been considered or answered.
8. Generation of confidence in the consultation process can be achieved through setting up a register of representations from Parish Councils and members of the public, to include particular instances where representations have made a difference - starting with this consultation.
9. If UDC is serious about community involvement a completely different set of culture and assumptions is required. Consultation with members of the public should not be about paying lip service but an opportunity for genuine involvement and improvements.

Officer comment and recommendations

1. Local Plan Consultations, planning application notifications, neighbourhood plans together with Planning Policies provide opportunities for the public to participate and shape proposals.
2. The impacts of plans on local communities are a serious consideration in all planning matters undertaken by UDC. The planning policies proposed in the emerging Local Plan have been developed with a view to minimising adverse impacts on local communities.
3. The Sustainability Appraisal was taken to consultation thus providing an opportunity for residents to make their views known. These Options are explained in all the SA documents which are on the following website:
<https://www.uttlesford.gov.uk/article/4946/Sustainability-appraisal>
4. Noted
5. As shown in Table 5: Engagement Methods, UDC employs different means and ways to reach out to all residents. Officers offer assistance to those who are reluctant to, or find it difficult to, provide written responses. The Council is engaging with the Youth Council, recognising that young people are a group that find it difficult to respond to planning consultations.
6. Representations received at the Regulation 18 resulted in changes being made to some policies and supporting text in response to representations. The updated Sustainability Appraisal (December 2018) was a result of inter alia in response to public representations.
7. The Council receives thousands of representations and in some cases the same point is raised by several people and this point will be included in the summary. Also only key and relevant issues are shown in the responses. The Statement of Consultation on the following link shows how representations have been handled:
<https://www.uttlesford.gov.uk/article/6014/SOC-Regulation-22->

Statement-of-Consultation - Nevertheless, the Local Plan Inspectors have received the full representations of all respondents.

8. The Statement of Consultation provided on above website shows the responses made to representations.
9. UDC is serious about meaningful consultation/engagement and every effort is made to ensure that representations are processed to provide meaningful input into the planning process.

Joanna Francis

1. Reaching out to those whose voices are seldom heard, being inclusive, fair and representative in the plan-making process.
 - I can understand why this statement is vague but there should be an Appendix listing so that residents have the confidence that UDC know who these ‘voices’ are. Looking at Table 5 it is unclear how, for example, members of the Gypsy & Traveller community (not their councils) are/have been consulted/engaged.
2. Continued engagement with community and stakeholders after a decision has been made on a planning application including S106 issues.
 - The final version of the Sec106 (not the version when an application is approved ‘subject to an agreed Sec 106’!) can be a surprise to residents when it finally appears on the website many months later!! UDC needs to improve engagement in this area.

Officer comment and recommendations

1. The Council recognises that a strategy, policy, project, contract or decision may affect a specific client group and depending on what is being proposed it is difficult to provide an exhaustive list of “voices seldom heard”. Table 2 provides overall approaches that are adopted in attempts to reach everybody.

2. It is not the case that matters change between a resolution to approve and the final S106. However, it is accepted that Heads of Terms agreed at Committee must be clear.

5. Plan Making

Pegasus Group

1. Paragraph 5.7 is welcome but significant concern still remains that the current Local Plan was submitted before consultation on the SA had closed. It is important that future Development Plan production avoids this situation.
2. Paragraph 5.8 explains that where an SEA/SA is published to an update Local Plan it will be open for comments. It should be made clear that any such consultation will be to the same standard as a formal Local Plan consultation in terms of publicity, timescales and procedure and that comments will be provided to the Examining Inspector in due course. Concern raised on that the SCI does not require that the Local Plan is re-opened for comments even if an SEA/SA may not point towards differing conclusions because judgements made within the SA should be open to comment as will inevitably influence the direction of the Local Plan.
3. Amendments to Table 2 indicate that the LPA has no requirement to take account of representations received at Regulation 19 stage prior to the submission of the Plan. Disagree to this approach as it is prudent to approach plan preparation to consider substantive points made in respect of the soundness of the Plan prior to its submission. Failure to do so may result in issues of soundness and legal compliance emerging during the Plan's examination.
4. Considered that Table 2 should include a requirement that Council takes into account representations received to SEA/SA documents and that these will be taken into account by the LPA before passing onto the Inspector.

Officer comment and recommendation

1. Paragraph 5.7 - The Regulation 19 Local Plan was supported by a Sustainability Appraisal June 2018. Following issues raised by the Inspector into the North Essex Authorities Strategic (Section 1) Plan, a fundamental update of the Sustainability Appraisal was commissioned to address the issues raised by the Inspector into the North Essex Authorities Strategic (Section 1) Plan. Since the Sustainability Appraisal January 2019 was an update and any representations at this stage were to be passed on to the Inspector it was not considered necessary to await the end of consultation prior to Local Plan submission.
2. As mentioned above the update Sustainability Appraisal January 2019 was open to consultation to address issues raised by the Inspector into the North Essex Authorities Strategic (Section 1) Plan and there was no indication in the SEA/SA to suggest that the Local Plan was not pursuing the most appropriate strategy.
3. Noted. The only requirement of representations made in pursuant to Regulation 20 is to provide the number of representations made, and a summary of the main issues raised in those representations and forward these to the independent Inspector. The Inspector will then consider the representations made pursuant to Regulation 20.
4. As noted above the SEA/SA representations will be submitted to the appointed Inspector who will consider the representations.

Joanna Francis

Planning Policy Documents

1. Sections 5.9, 5.10 and Table 4 will need to be amended now that the Thaxted NP has been 'made'.

Officer comment and recommendations

Agreed. Sections 5.9, 5.10 and Table 4 will be amended to reflect the up to date made status of the Thaxted Neighbourhood Plan.

When Can You get Involved?

Section 5.14

2. Table 2 does not mention Reg 25 Publication of the Inspector's Report – will UDC be making that report available on the Website?
3. Table 5 – Facebook and Twitter were not used to notify/engage residents with the current consultations on this SCI or the Sustainability Appraisal.
4. Section 5.16 – there is no mention of GDPR/Privacy Notice or where to find out more information about what contact information is stored and for how long.
 - A database of all interested parties wishing to receive information on key consultation stages is maintained by the Council. If you wish to be added please contact the Planning Policy Team at the Council by email: planningpolicy@uttlesford.gov.uk

Officer comment and recommendations

2. Agreed. While the Inspectors report will not be open to consultation it will assist the reader to include publication of the Inspector's Report as per Regulation 25 should be included in Table 2.
3. Noted. UDC is not required to promote all consultations on Facebook or Twitter but will review the way it coordinates its use of social media to publicise future consultations.
4. Agreed. Information on GDPR/ Privacy Notice should be included in Section ~~5.16~~ 5.17 by directing the public the website below:
<https://www.uttlesford.gov.uk/article/5156/Privacy-notices-and-cookies>

Feeding Information into Decisions

5. Section 5.32 is 'the Member Working Group' meant to be 'the Planning Policy Working Group'?

Officer comment and recommendations

5. Noted. (Section 5.33) Planning Policy Working Group has had a variety of names over the years and its successor was the Member

Working Group. The text will be amended to read Planning Policy Working Group to reflect the name in current usage. .

6. Planning Applications

Elsenham Parish Council

Application Stage

Paragraph 6.5 last sentence: “.....If the planning officer considers the development is likely to have a wider impact, neighbouring parish councils may also be notified.”

1. Notification of neighbouring Parish Councils is not undertaken as evidenced in two recent instances of applications UTT/18/2351/OP and UTT/18/3370/OP whose sites were approximately 270metres and 200 metres from the Elsenham/Stansted and Elsenham/Henham boundaries respectively.
- .2. A more robust mechanism is needs to be in place and there should be a Duty to Notify as there is a Duty to Co-operate.

Officer comment and recommendations

1. Noted. Every effort will be made to ensure that notification of neighbouring Parish councils is undertaken by the officer concerned.
2. The requirement to notify neighbouring Parish Councils is taken seriously and in future officers will ensure that the requisite notification is duly undertaken.

Determining Planning Applications

3. Delegated Decisions Paragraph 6.11 states that, “Planning legislation permits the Council to delegate the determination of certain planning applications to officers rather than the Planning Committee. The scheme of delegation is set out in Part 3 [of] the Council’s Constitution available on the website site

(<https://www.uttlesford.gov.uk/article/5028/Constitution>)

Part 3 of the Council's Constitution amounts to 49 pages, and the relevant provision is not easily found.

Amendment is suggested as follows:

Planning legislation permits the Council to delegate the determination of certain planning applications to officers rather than the Planning Committee. The scheme of delegation is set out in the Council's Constitution available on the website (<https://www.uttlesford.gov.uk/article/5028/Constitution>), Part 3 - Page 31, whereby officers are not empowered to deal with:

Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere

4. 'GDPO' needs defining in both the Constitution and the SCI.

Officer comment and recommendations

3. Agreed. the proposed amendment will make for easier and quicker reference to the relevant text in the Constitution.as well as add clarity to paragraph 6.11. Amend the text as follows: " The scheme of delegation is set out in Part 3 the Council's Constitution available on the website (<https://.uttlesford.gov.uk/article/5028/Constitution>), Part3- Page 31, whereby officers are not empowered to deal with:

Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere."

4. Paragraph 6.15 provides a definition of GDPO and it is not necessary to provide and additional definition in the SCI. Amendment to the Constitution will take time and will be undertaken in due course.

Joanna Francis

1. Table 6 – it might be useful to have a list afterwards of the types of applications that there is no statutory requirement to consult on (so residents know why they are not being consulted), e.g.
 - Certificate of Lawfulness of proposed use or development
 - Certificate of Lawfulness of existing use or development
 - Approval of details/Discharge of Conditions
 - Non-material amendments

2. Section 6.5 – following the revised Neighbourhood Planning Regulations Jan 18, do you not also have to notify 'Neighbourhood qualifying bodies' of individual planning applications?
3. It would be useful to have a section added on Enforcement.

Officer comment and recommendations

1. Agreed. Table 6 to include the suggested list of applications that do not require statutory consultation so as to promote transparency by letting the public know why they have not been consulted on that particular type of application.
2. The Parish Councils are the qualifying bodies and the current practice is to notify them of individual planning applications. The Parish Councils should notify their respective Neighbourhood Plan Steering Groups.
3. Planning enforcement is a discretionary function. Enforcement is best handled through the Enforcement Strategy. No addition of an Enforcement Section.