

Committee: Cabinet

Date: 9th July 2020

Title: The New Local Plan Governance Arrangements

Portfolio Holder: Cllr Evans, Portfolio Holder for Planning and the Local Plan

Report Author: Gordon Glenday, Assistant Director – Planning **Key decision:** No
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Summary

1. The Council is about to embark on the process of preparing a new Local Plan and a new approach to the governance Plan making process is proposed. The governance arrangements around the preparation of the new Plan are key to ensuring that a transparent and pro-active engagement methodology is taken to the development of new policies and proposals for the new Local Plan. However, in doing this, the new Plan must be “positively prepared” (as defined in and required by NPPF and statutory provisions) and will need to adhere to a strict timetable.
2. In order to take forward governance arrangements that meet the Council's aspirations for pro-active community engagement throughout the Local Plan process, the East of England Local Government Association (EELGA) peer review team, was engaged to advise the council on the way forward for the Local Plan.

Recommendations

3. Cabinet is recommended to
 - a. approve the proposed Local Plan governance arrangements , as set out by the EELGA Peer Review Team (Appendix A), with the exception of its recommended numerical composition and the suggestion that the Local Plan Leadership Group (LPLG) should meet in private. Cabinet is recommended to agree that LPLG is instead made up of a greater number of members than proposed to allow not only for proportionate political but also geographical representation across the district and also held by way of a public meeting (as outlined in paragraph 13 of this report) and,
 - b. use the organogram highlighted in Appendix B to illustrate the governance arrangements instead of the one included in the peer review team's report and,
 - c. review the Local Plan governance arrangements in December 2020 to ensure that the new structure is providing the foundations for the timely delivery of the Local Plan and,

- d. take into account any further comments following 6th July Scrutiny Committee's consideration of the governance arrangements

Financial Implications

None

Background Papers

None

Impact

Communication/Consultation	The new governance arrangements will ensure that the community and statutory bodies are engaged in the development and preparation of the Local Plan in an effective and timely manner
Community Safety	N/A
Equalities	The proposed new governance arrangements will ensure that by being proactive in its approach to community engagement approach, everyone who wants to and needs to be involved in the preparation of new Local Plan will have their voices heard.
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	The new Local Plan will be prepared with sustainability as its central theme. The new Plan will develop policies to move Uttlesford towards a zero carbon environment and will seek to tackle climate change with innovative development policies and proposals.
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

6. Having resolved to withdraw the previous Local Plan in April 2020, the Council needs to prepare a new Local Plan. The new Plan could take up to around 4 years to adopt. The Council is committed to preparing the new Plan with representatives of the local community and residents themselves fully engaged throughout the process. The new Plan must be evidence-led and subject to robust analysis throughout its development. In order to achieve this, the governance arrangements for preparing the new Plan need to be reset to ensure that the appropriate decision-making measures are in place to consider and steer the new Plan's development.
7. The new governance arrangements being proposed are explained in two appendices to this report. Appendix 1 which includes a report and accompanying organogram sets out the various forums and meetings with an explanation of their purpose, membership and remit as recommended by the EELGA Peer Review Team. Appendix 2 sets out the same forums and meetings in a differing diagrammatic form to show, broadly, how they relate to each other in the overall decision-making process. This appendix has been prepared following discussion with the portfolio holder. The Terms of Reference, working arrangements, and make up of each of the proposed Groups and Committees will need to be formulated and agreed by Cabinet and Council, as appropriate.
8. These new governance arrangements propose to change the way decisions are considered throughout the preparation of the new Local Plan. The Council is committed to having a completely fresh approach to the new Plan's process and proposals. The proposed new governance arrangements would involve the abolition of the Planning Policy Working Group (PPWG) and the creation of a new Local Plan Leadership Group (LPLG), which would oversee the preparation of the Local Plan and supplementary and informal planning guidance. The LPLG would co-ordinate its work with other Council Working Groups, including the Energy and Climate Change Working Group (this link is vital given the Council's commitment to establishing net zero carbon policies in the new Local Plan). A new Local Plan Stakeholder Community Forum would also play an important role in informing the work of LPLG. The LPLG would be a working group of Cabinet. Formal decisions on the new Local Plan remain the responsibility of Cabinet and Full Council.
9. To demonstrate how the new governance arrangements would work, it is best to consider this in the context of an actual example. One of the first pieces of work needed for the new Local Plan is to prepare and consult on the Issues and Options document. The paragraphs below outline how the Issues and Options document might progress through the proposed governance arrangements.
10. At this very early stage in the process, an **All Member Briefing/Workshop** would be arranged to allow all members to understand the Local Plan process and to discuss their views and ideas on the plan-making process from the outset. Feedback and ideas from this All Member Briefing/Workshop would then be taken into account by officers as they shape the approach.

11. Under the proposed new arrangements, the first draft of the Issues and Options approach would be presented to the officer **Corporate Overview Board** (COB) chaired by the Chief Executive. This would then be presented to the **Local Plan Leadership Group** (LPLG) for its consideration. In the interests of transparency, this would be chaired by the Deputy Portfolio Holder for Planning.
12. The EELGA Peer Review Team recommend that LPLG comprises a small group of cross party members meeting in private. It is felt that this approach provides a safe space for differing policies and proposals to be discussed without the risk of competing commercial interests seeking to use the discussions to promote development that ultimately the Council may not wish to support. Officers also support this proposal.
13. However, having considered the recommendation of the peer review team and officers to hold LPLG meetings in private, my view is that in order to allow for open government and full public scrutiny throughout the plan-making process, these meetings need to be in public. Consequently, I propose that the LPLG should be a public meeting comprising a cross-party Group of around 15 members, representing the geographical and political balance of the Council. Although the presumption will be that LPLG meetings will be held in public, I acknowledge that it may be necessary to have sessions in private where confidential information needs to be discussed only amongst members. It will be for the LPLG Chair to determine when, and clarify why it is appropriate to hold any sessions in private.
14. Having then been signed off by LPLG, any infrastructure and corporate policy issues in the Issues and Options document would be referred to the **Strategic Infrastructure Delivery Group** (SIDG). The SIDG would be chaired by the Leader of the Council and would, be a meeting held in private. As well as UDC officers and members, this Group would also include a member representative from Essex County Council, East Herts District Council, Braintree District Council and South Cambridgeshire District Council, as well as other infrastructure providers as required, including Highways England and Greater Cambridgeshire Greater Peterborough Combined authority/Cambridgeshire County Council. One of the key purposes of this Group is to promote cross- boundary collaboration and to make sure that essential strategic proposals can be appraised, funded and implemented in a timely way.
15. Issues and Options materials would be the subject of consideration by and input from the **Energy and Climate Change Working Group** (ECCWG). This is seen to be particularly important given the new Local Plan's drive towards developing Zero Carbon policies and proposals.
16. Around this stage in the process, another **All Member Briefing/Workshop** is likely to be needed to bring members up to date with what had been discussed and agreed by these Groups.

17. Following this additional All Member Briefing, and having already been agreed by LPLG, the report would be deemed ready to go forward for consideration by the public .
18. The proposed governance arrangements build in a requirement to engage pro-actively with a number of existing partner bodies such as **Town and Parish Councils and the Planning Agents Forum**, as well as the new **Local Plan Stakeholder Community Forum**. This new Community Forum would be chaired by an independent person appointed by UDC and would be made up by around 15 people including representatives from the health sector, voluntary sector, Youth Council and other key groups such as cycling and walking organisations. The comments from these external Forums on the Issues and Options document would then be fed back to the COB and LPLG where the Issues and Options document would be updated as appropriate in the light of the comments received. At this point, the Issues and Options document would be ready to go through the formal decision-making process.
19. In terms of formal consideration of the new Local Plan, the key bodies for this will be the newly proposed Local Plan Scrutiny Committee and then the Council's Cabinet and Full Council, as appropriate.
20. The EELGA Peer Review Team propose a **Local Plan Scrutiny Committee** to be made of around 8 members The scrutiny powers specific to the Local Plan would be transferred to this new Committee to avoid any duplication or confusion with the existing Scrutiny Committee. The reason however for having a specific Local Plan Scrutiny Committee is that it is likely that there will be a need for regular and detailed reports to be considered by this body. If such reports went to the existing Scrutiny Committee there is the risk that its agenda would be overly dominated by the Local Plan to the detriment of other key corporate issues requiring scrutiny. A decision on setting up this Committee would be for Full Council following consideration comments from the Governance, Audit and Performance Committee (GAP) and the Scrutiny Committee.
21. Members have already highlighted the importance of delivering the necessary infrastructure to meet the needs of proposed new communities. New facilities to deliver essential infrastructure such as new roads, schools and social care are the responsibility of **Essex County Council (ECC)** and also some other major infrastructure providers. ECC is also an important partner when it comes to lobbying government and other agencies for funding for a wide range of facilities and services. It is therefore important to ensure that effective joint working takes place with ECC among others.
22. Once all of the above stages have been completed, and having taken into account all of the feedback generated, the Issues and Options material would be taken to the Council's **Cabinet** and, **Full Council** for approval. It is evident from the above process that in order to be transparent, evidence-led and all embracing, something like the council's approach to the new Local Plan Issues and Options material needs to go through a number of discussion stages before it is finalised for formal public consultation. However, to go through all of the various stages outlined above will inevitably take time and resources to

complete. At the same time, the Council needs to be mindful of the need to progress the new Plan in a timely manner to get a new Plan adopted as soon as reasonably possible..

23. A detailed project plan for the whole Local Plan process is therefore crucial to ensure work progresses smoothly and without unnecessary delays. A precursor to this is that officers, members and the local community must appreciate that the project plan timelines need to be challenging and need to be adhered to in order to deliver the new Plan on time. Moving away from the timelines must be avoided at all costs and so it needs to be agreed from the outset that everyone engaged in the preparation of the new Plan accepts the need to work to the project plan's timetable and associated deadlines.
24. It is considered that the structures and governance arrangements proposed should be the subject of a critical review and appraisal in December 2020 to ensure that the objectives described are being met satisfactorily and whether any adjustments to them are necessary or desirable.

Risk Analysis

25.

Risk	Likelihood	Impact	Mitigating actions
Too many levels and stages in the decision-making process could delay the preparation of the Local Plan	3	3	A detailed Local Plan project plan with detailed actions needs to be agreed and also adhered to by all parties involved in the preparation of the new Plan.

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.