

LOCAL PLAN LEADERSHIP GROUP held at ZOOM - [HTTPS://ZOOM.US/](https://zoom.us/), on WEDNESDAY, 29 JULY 2020 at 7.00 pm

Present: Councillor A Storah (Chair)
Councillors G Bagnall, M Caton, R Freeman, P Lees, M Lemon, B Light, S Merifield, R Pavitt, N Reeve, M Sutton and M Tayler

Officers in attendance: G Glenday (Assistant Director - Planning), S Miles (Planning Policy Team Leader), S Nicholas (Garden Communities Senior Planner) and H Richardson (Garden Communities Project Officer)

1 CHAIR'S OPENING REMARKS

The Chair welcomed the group to the first Local Plan Leadership Group meeting and extended the welcome to members of the public listening to the broadcast.

Cllr. Storah outlined the procedural rules for the meeting.

It was important to continue to conduct the meeting in an orderly and professional manner.

- Members should be kept on mute at all times when not speaking to reduce background noise and interference.

- Members wishing to speak should raise the blue hand in the participants column.

Cllr. Storah introduced the Council officers in attendance, Gordon Glenday, Stephen Miles, Sarah Nicholas and Hayley Richardson.

Sarah Nicholas took a register of attendance for the benefit of listeners to confirm members in attendance and all members on the attendees list were present. Councillors C. Day and M. Foley were noted as visitors to the meeting.

Cllr. Storah highlighted an error in the headings on the agenda to be rectified for future meetings. Cllr. Evans was recorded on the attendees as a non-voting member and it should have read as a non-voting guest.

2 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Cllr. Foley said a resident had contact him to congratulate the Council on having more open meetings and asked for clarification on meetings always being held in public or would they follow a part 1, part 2 format?

The Chair responded that the group aimed to be open and transparent as possible, but on occasion there would be the need to consider confidential information in private, but he would not see this being a regular occurrence.

Cllr. Pavitt said a member of public contacted him to say there was background noise on the live stream and asked for this issue to be resolved.

The Chair asked Hayley Richardson to look into the issue. She said that the way the meeting is being recorded, there would be some background noise, however it would be kept to a minimum.

The chair asked Cllr. Pavitt if the background noise made it difficult to follow the meeting. He said he was unsure and would clarify with the member of public who contacted him.

It was agreed to continue the meeting after the chair highlighted the need for the meeting to be of such quality that it could be understood by listeners and referred to as a reference of the session.

Cllr. Light declared an interest as a Saffron Walden Town Councillor.

The Chair said he was unsure whether such a declaration was necessary and he would check the regulations.

Cllr. Merifield added if it was the case of being necessary, she wanted to declare being a Stebbing parish councillor.

Cllr. Lemon declared himself as a parish councillor for Hatfield heath and White Roding.

Cllr. Reeve? declared himself as a parish councillor for High Easter in addition to his additional ward responsibilities.

Cllr. Freeman declared himself as a parish councillor for Saffron Walden Town Council.

Cllr. Evans declared himself as chair for the Stebbing Neighbourhood Plan Steering Group.

Cllr. Bagnall Said he didn't think it was necessary as all members present had an interest in the Local Plan. He declared himself as a member of Takeley PC.

The Chair responded that it would be unfortunate to repeat this process at the beginning of every meeting. He acknowledged that the group represented all wards and some attendees were on local councils.

3

DRAFT TERMS OF REFERENCE

The Chair read out the Local Plan Leadership Group Working Arrangements. The arrangements outlined how the meetings would be managed.

LPLG: WORKING ARRANGEMENTS

I intend to Chair the Group as follows:-

- As a cross-party working group seeking to ensure the optimum outcome for the district as a whole (as distinct from either an individual or a party-political group seeking to protect any particular area(s) of the district from development, or direct development to any particular area(s));
- In furtherance of the above, I shall look to Members to act as District, rather than Ward, Councillors. This will require:-
- in accordance with recognised best practice, resignation from membership of any organisation either promoting or opposing development in any particular locality in the district; and
- In accordance with the National Code of Local Government Conduct, Members declaring a private or personal non-pecuniary interest arising at meetings and deciding whether that interest is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then you should not take any further part in the proceedings and should withdraw from the meeting.

In deciding whether such an interest is clear and substantial, you should examine your conscience and ask yourself whether members of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think that that would be the case, you should regard the interest as clear and substantial and withdraw accordingly;

- Members should feel free, where appropriate:-
- to question and challenge the guidance and recommendations to our Group from the officers of the local plan team; and
- to invite consultants undertaking studies on behalf of the council to make a presentation to the Group explaining the overall approach taken, summarise their findings and answer any questions that Members pose;
- Whilst I have previously met with, discussed and agreed matters with planning policy officers together with the portfolio-holder on local plan matters, I have now stepped away from that (because of the obvious conflict of interest to which it would give rise) and, with regard to reports to this group, will communicate only indirectly with officers through meetings with the portfolio-holder (as indicated in the process set out in the organogram (entitled Appendix 2 UDC Local Plan 2020 - 2040 Governance Structure, Activities and Networks) which shows how the various forums and meetings relate to each other in the overall decision-making process);
- All Members are treated fairly and reasonably with regard to the length and, more importantly, frequency with which they are allowed to speak;

- In the event that a Member cannot attend a meeting, no substitute will be allowed;
- I will appoint a Vice-Chair of the Group;
- The Portfolio-holder for Planning and the Local Plan will be invited to all meetings to answer any questions that may arise;
- Given that we have a monumental, complicated and vitally important task ahead of us, Members will be encouraged to familiarise themselves with the items on the agenda in order that they may be able to participate fully in the discussion. Neither should Members be afraid to question and ask what they fear might be a 'Wally question' – because, in the context of preparing a local plan, there's no such thing.....; and
- Members should understand that, in considering the comments and responses of members of the public, interest groups and other Members of the council commenting on various development proposals, it is human nature for people to be either opposed to or, at the very least, wary of development in close proximity to where they live because of concern about their perception of the possible impact on their quality of life and/or the fear of change.

The Chair asked Councillors to refer to the working arrangements in the future to ensure they were adhered to.

The Chair opened up the discussion to the group on the Draft Terms of Reference.

Cllr Caton referred to point 5, "a current timetable". He questioned whether there was a current timetable. He proposed an amendment of the wording to "a published timetable".

Cllr. Caton asked if the group would have a role in monitoring the progress against the project management plan or would that role be a responsibility of the Local Plan Scrutiny Committee. The wording "current timetable" was deliberate as there will be a timetable, however it will change through the course of time.

The Chair said there wasn't a timetable as such, however there was a target for adoption of the Local Plan by December 2023. There would be a need for flexibility but the group would ensure that the timetable was adhered to as closely as possible. He said that Scrutiny Committee and Corporate Overview Board would also have a role in monitoring progress.

The Chair had no objections to the request of the group playing a role in monitoring project progress. However he wanted to make sure the amount of time spent was managed and there was not duplication of work between monitoring parties. He asked for further member comment.

Cllr. Reeve supported the proposal of the monitoring process and he had no objections to the term "current timetable".

Cllr. Lees supported Cllr. Reeve's comments.

Cllr. Bagnall supported Cllr. Caton on having oversight of the process and it should be included in the Terms of Reference. He proposed receiving up to date actions logs and status reports.

He said the terms of reference needed to be a more substantial document that supported a project of such magnitude, before it goes to Cabinet for approval as it would be open to scrutiny by the public.

The Chair supported Cllr. Bagnall's proposal.

Cllr. Light supported Cllr Bagnall's suggestion. referring to the declaration of working arrangements, she approved of the number of experienced members of the planning committee in the group, their experience was essential to the process, however she expressed her deepest disappointment that the proposal of Cllr. Fairhurst to group was refused. Cllr. Light proposed stepping down to give the place to Cllr. Fairhurst.

The Chair said there had been a very clear response from the Leader and his choice had been for Cllr. Light. and considered the Cllr's attributes and skills to be more valuable to the group on this occasion.

Cllr. Light strongly disagreed with the decision. She said it seemed that every other group was allowed to put forward their most appropriate candidate and it would be in the best interest of the district for Cllr. Fairhurst to take the place on the group.

The Chair noted there were several members from the planning committee on the group and Cllr. Light's skills and experience on the context of the working group would be an asset.

Cllr Lees agreed the important of having planning expertise in the group but the group shouldn't be an extension of Planning Committee and noted the level of expertise already in the group. The group would benefit from having members with other skills and approaches to give a fresh outlook on the process. Cllr. Light was nominated for her detailed and focused approach.

Cllr. Lemon Supported Cllr. Lees comments.

Cllr Light thanked Cllrs Storah and Lees for their confidence in her abilities. She would have still preferred for Cllr. Fairhurst to join the group with his legal experience.

Cllr Lees interjected and highlighted that Cllr. Evans as a non-voting guest could provide the legal advice on the working group. She concluded that the best candidates had been elected and did not want to spend any more time discussing the issue.

Cllr. Light agreed to move on to another point. She supported Cllr. Bagnall's comments on the terms of reference. The roles, function and objectives needed to be clarified. What the group would class and an achievement and a success and how it would be defined. The group would need to look at the whole process as a continuous dialogue with residents not just in consultations from an early stage to gather their views. Stakeholders should be named. The community are the key stakeholders as they already live, work and vote in the district. She stated that "we don't have to be imposed upon by central government". Residents had a democratic right to say what we want and what we don't want and not to act as a second tier of government that seeks to impose government suggestions.

The Chair disagreed with Cllr. Light's point. It was a statutory requirement to produce a Local Plan and the government specified the rules and regulations that the plan must be adhered to. If this structure was not followed, whatever is considered appropriate for the district would be imposed upon the district by government inspectors. He shared the Cllrs concern and said the system was seriously flawed. He suggested that allocations would be handed better at a regional or sub regional level, but it wasn't the case. The decision is given to the Local Authority.

The Chair asked for confirmation from the group on the additional detail to the terms of reference document.

Cllr. Merifield on point 3, public speaking. She welcomed public speakers, however time limits would have to be agreed to control the length of meetings. It was proposed to have a limit of speakers per meeting, 4 minutes for public speakers and 5 minutes for all councillors, subject to the discretion of the chair it could be extended.

The Group agreed the proposal from Cllr. Merifield.

The Chair proposed controlling the overall amount of question/comment time in each session and ask people to make comments on the topics being discussed at each meeting. He asked for group feedback on his proposal.

Cllr. Lees suggested having a maximum time for speaking and monitor how the sessions progress. She also suggested asking groups of speakers to confer ahead of meetings to avoid duplication of comment.

Cllr. Light completely disagreed with this proposal. She said unless there are weekly opportunities for public comment, there should be no time restriction on speaking. There needed to be a structure for people to give input between meetings.

The Chair agreed in principle with Cllr. Light and said there should be an even balance of speakers at each meeting controlled on a discretionary level by the Chair. The frequency of the meetings would allow opportunities for speakers to be heard.

Cllr. Lemon supported the Chair's comment and trusted the right decision would be made in each meeting.

Cllr. Light said everyone should be able to view their opinion in order for the point to be identified as a critical issue. It might also qualify as a means of data collection.

The Chair commented it would be highlighted that it would be a shared opinion but not a critical one.

Cllr. Lees disagreed with Cllr Light's point. This approach would be a unfair representation of the whole district's view. She had confidence that the Chair would manage public speaking in a fair manner and there needed to be a clear structure to communicate and follow. The Council have included further along in the agenda the subject of community engagement. Council wards would attend parish council meetings and listening to comments. Emails are also an recognised way of noting comments. While public speaking may have a limited time at meetings, it wouldn't stop communication.

Cllr. Merifield referenced the comment made by Cllr. Light on listening to community member stakeholders. Every councillor on the group and at the council will listen to them. Every councillor should be supported of the Local Plan, if they are not they would be working against the people of the district.

Cllr. Pavitt as he understood the working arrangements of the group, it was not a decision making body, it was a working group. It needs to be kept as an ongoing workable forum with pace and energy allowing question and collaboration with council officers allowing the public to hear the debate enabling them to make an informed opinion about the Local Plan.

Cllr. Lemon said while we would have to play by the government rules, the group could still challenge the rules, particularly on house allocation.

The Chair agreed but highlighted it would not be a wise use of time to argue one issue. It may be a better approach to progress the plan on the figures the government want to achieve and look at the possibility of reducing housing numbers. There is no time for delays in the process.

Cllr. Bagnall said we had to recognise that we had to set off correctly and while it is important to get the terms of reference right, they could be updated during the Local Plan process. There is a common goal for all members of the group, to deliver a Local Plan by December 2023. Political preferences needed to be put aside while we collaborate on the plan. We are all residents in the district and we have a duty to do the best for the district.

Cllr. Reeve questioned the code of conduct portion of the working principles. He asked for clarification of which Local Government code of conduct the Chair used when producing the terms of reference. He asked why the chair had not followed the UDC code of conduct.

The Chair said he'd taken advice from Simon Pugh in drafting the document and he felt comfortable to incorporate his input. Elizabeth Smith had since reviewed the document and was comfortable with its content.

Cllr. Light referenced point 8 in the document that looked at risk analysis. She asked for clarification on the impact.

Stephen Miles said the risk analysis based on the recommendation the East of England Local Government Association of Local Plan Leadership Group meetings be held in private and the impact recorded in the assessment reflects why they gave that opinion. They thought potentially that councillors and officers would be more comfortable discussing issues that they might not wish to address in public.

Cllr. Light asked for confirmation on the frequency of further member workshops to gain greater understanding of Local Plan issues.

Cllr. Evans confirmed that further council wide workshops would be held with the Peer Review Team and Council officers.

The Chair asked for confirmation on two points;

- The extent of the scope of the Terms of Reference being adequate for requirement.

The group supported this statement except for Cllr. Light.

- Public Speaking - 4 mins for public speakers, 5 mins for all councillors. What is the agreed number of speakers of length of time for speaking.

It was suggested that the Chair and Democratic services monitor and manage public participation.

The group supported this proposal.

4

COMMUNITY ENGAGEMENT ON THE LOCAL PLAN

The Chair asked Stephen Miles to present the report to the group.

Stephen Miles; The consultation and engagement of the new Local Plan would be key to its success. Officers are currently drafting a statement or community involvement and supporting engagement strategy with the aim of taking these through governance processes to be agreed in September. This report is being presented today to get the groups feedback on engagement and how to do that and incorporate your views into the engagement strategy. The paper outlines the "What, Who, When and How" and there are three discussion points at the end that members may want to use to inform discussions.

Cllr. Caton said he was concerned as the report reflects the old Local Plan process that suggested a issue and options consultation at the Reg 18 stage of the process. At the all member workshop, the consultation was suggested to be an ongoing conversation. He would be much more supportive of a flexible process. He highlighted the point that most of the consultation was web based and that would not reach people in the district who do not use technology everyday.

Stephen Miles explained that the document does consider other medium of communication such as posters and leaflets, however he said if there are any other ways to reach out, he would welcome the input to ensure the engagement is successful.

Cllr. Caton suggested using village magazines to circulate information.

Cllr. Light said as a person who doesn't use social media, she didn't want to be left out.

Going back to the terms of reference, the Cllr. asked how would the development needs be met and by whom, clarity was asked for on this point. Additionally on page 9 in points 15 and 16, she asked at what point can the residents engage in the plan early on in the process.

On page 10, the gunning principles is a critical point and should be included in the main body of the document.

Stephen Miles highlighted from the all member workshop, the Peer Review Team talked about a series of interlinked conversations on a number of themes, starting early engagement without any fixed ideas to allow the community and other stakeholders to input into and shape the process. The current document didn't capture the ideas from the Peer Review Team from the recent workshop, however they should be explored.

Cllr Freeman said it was vital to ensure people without computers still feel comfortable commenting and will be counted.

Cllr Sutton suggested ward councillors take a role in the monthly update community and parish council meetings, putting information of parish Facebook pages and parish magazines and assisting with letter writing for people who need assistance.

The Chair highlighted caution when offering letter writing assistance as it may appear to be steering the public.

Cllr. Bagnall with regards to engagement there were 61 town and parish councils across the district. We should utilise them to relay information in their own communities.

Cllr. Merifield supported Cllrs Bagnall and Sutton. Focus groups would be a good engagement output. Public libraries have computers that could be used and members could give support.

Cllr. Lees supported all the ideas that the group had communicated along with the planning policy team. If members get the message out, it will cascade down.

Cllr. Lemon supported the comments. It is the duty of the members in the group to give the information from the group to the parish councils to publicise the information in their village magazines.

Cllr. Pavitt agreed with the previous comments. He suggested having discussions with the parish councils listen, make suggestions and invite response giving focus to the feedback.

The Chair asked Cllr. Evans to comment on the questions raised on Sarah Nicholas job description.

Cllr. Evans to clarify several of the officers in their job descriptions have garden communities within their role or status. They were given historically and human resources are in the process of changing them. They did not reflect the councils view on development or views in the district. In place of the garden communities team, It will be Local Plan and New Communities Team and officers will be identified as such from August 3rd.

In conclusion to the session, Cllr. Evans thanked the group for allowing him to attend and said he would be happy to attend all meetings and contribute in his role as portfolio holder.

5 **QUARTERLY LOCAL PLAN RESPONSE TO GOVERNMENT**

The Chair asked Stephen Miles to present.

Stephen Miles; when the council resolved to withdrew the local plan in April, they agreed to keep the government up to date with the progress on the new Local Plan for the district. The council will therefore be writing to Ministry on a quarterly basis. The paper presented is a drafted comment for government for your note and comment.

Cllr. Light raised a point on the wording of paragraph 9 " at cabinet on 9th July the Council agreed"..

She suggested it should read "the Cabinet agreed"...

The addendum was agreed by the group.

Cllr. Reeve asked the meaning of the acronym "MHCLG", he otherwise approved the wording.

Stephen Miles confirmed the Ministry of Housing Communities and Local Government.

Cllr. Bagnall suggested under the mitigating actions in the risk analysis it said "quarterly updates to MHCLG will provide the government confidence the council

are working towards a new Local Plan". He suggested re-wording the statement as it would be the content of the update that would provide confidence.

Stephen Miles agreed this comment.

The Chair made some suggestions for the group to agree.

In the context of paragraph 8, between the 2 sentences he suggested adding the following wording or similar, "it should be noted that members did not accept the review teams recommendation that the members group should be small and held in private. This was considered to be unacceptable to both the members of the council who may wish to be involved in the process and more importantly to members of the public, to whom the council are committed to being open and transparent".

The group supported this insertion.

The Chair asked for clarification on paragraph 9, would be appropriate to replace the word process with " the Local Plan Leadership Groups recommendations to Cabinet"

Cllr. Bagnall remarked that the description was in line with the diagram and the proposed wording would change the context.

The group concluded that there was no need to change the wording in paragraph 9.

The Chair suggested at the end of the letter the proposed wording, "The Council wishes to emphasize that in producing the local plan it is currently totally committed to achieving the government's specified target adoption date for the Local Plan of the end of December 2023".

Cllr Light asked what happened if we don't meet the deadline.

Stephen Miles cautioned against committing to a date. Officers were currently working on the local development scheme for the Local Plan supported by a project plan to ensure the timetable being proposed is realistic. He proposed giving the government an update of schedule in the next update after the council had looked at the timetable in more detail.

The Chair was wary if the council did not put forward a date, the following correspondence may still not give a proposed date of submission. He didn't think this was the right message to put across being non-committal.

Cllr. Bagnall challenged Stephen Miles regarding the government deadline date. Must set off with a clear deadline to meet the date of Dec 2023 and work backwards to make the project plan timeline fit. If it meant adding resources to meet the deadlines then it should be considered.

Cllr. Caton agreed with Cllr. Bagnall comments. He asked if the council were in danger of being inconsistent with the forecasts of the Peer Review Group if we aim for Dec 2023.

The Chair said he is aware the scheduled would be likely to slip, however he would rather the Council committed to a date.

Cllr Pavitt highlighted that in order to adopt the Local Plan in Dec 2023, it would need to be submitted at the end of 2022, giving the council approximately 2 years to get a plan together. He asked if this was possible. The Cllr. Assumed that the Council would be submitting the Local Plan in Dec 2023 not adopting it. He said he was unsure of how to communicate with the ministry and what the best approach was.

Cllr Reeve was in favour of committing to the target. Then see the plan and challenge it later.

Cllr. Merifield felt it was gambling with the Local Plan. The Cllr. asked if senior officers had consulted with MHCLG.

Stephen Miles had spoken to the ministry with no specific timetable as the Council has no timetable.

Cllr. Pavitt suggested going with the target of Dec 2023 and then go back to the ministry when it is clear that we won't meet that date.

Cllr. Freeman supported Cllr. Bagnall's proposal of working backwards from the target date. A hard deadline focuses the mind and creates ways of doing things quickly. "failing to plan is planning to fail". The government changes deadline dates as routine.

Cllr. Bagnall said until there is a project plan timeline to review, there is no date we can provide.

Stephen Miles confirmed that there would be draft documentation submitted to the next group meeting. He that officer are working on a project plan to inform the timetable and they aim to be as ambitious as possible to meet the governments deadline as much as possible. Initial indications show that it will not be possible which is why he warned against committing to the adoption date of Dec 2023.

The council were advised by the Peer Review Team to follow the timetable of Selby Borough Council's timetable. One way to make the process shorter would be to remove the cut on of the stages of consultation. Going straight to the Reg 18 consultation would achieve this, however it's not a good solution as the council needs to engage with the districts communities in order to feed into the Local Plan work.

The reason why no date has been given in the draft letter is there is still no evidence that the deadline date can be met. He agreed with Cllr. Pavitt comment that if we want to adopt the local plan in Dec 2023, it would need to be submitted

in Dec. 2022. the REG 19 publication period would have to be in late summer, early autumn. Reg 18 would be the year before that.

Cllr. Merifield highlighted that some of the consultation periods were during holiday periods last time and this was not received well as it appeared that it was deliberate.

The Chair responded that public consultation may well be in July and August, however if there is slippage in the timetable it would mean the consultation would have moved.

The Group supported the adding the target date of Dec. 2023 to the quarterly Local Plan response to government.

Stephen Miles There is a proposed date of next meeting 18th August 7pm. Aiming to bring draft Local Development Scheme, Statement of Community Involvement and Project Initiation Document, which includes the timetable for the Local Plan.

Cllr. Freeman noted his apologies for the next meeting.

Cllr. Pavitt asked for the sustainability appraisal document to be shared well in advance due to its size for acceptable consideration. He said the website for the Local Plan needed to be made far more accessible and user friendly.

Cllr. Evans supported this proposal and raised this issue with officers. Search ability was a real issue on the current website. Highlighted that Braintree councils site was easier to navigate. Consultations will have to be dealt with in a different way due to the current circumstances.

Cllr. Caton asked if call for sites would be part of the local development paper.

Stephen Miles said the call for sites would be scheduled so that the information is available for the Council to assess the sites to feed into the preferred options for REG 18 Local Plan. This stage needed to be early on in the initial issues and options consultation work.

Cllr Reeve asked if the next Local Plan Leadership Group meeting could be sooner than the 18th.

Stephen Miles said the documents would not be ready for an earlier schedule.

Cllr. Bagnall asked for a map of the district that outlined existing infrastructure to get an insight into what the district looks like and what the needs are, including all the larger retail and business parks.

Stephen Miles agreed to sharing an infrastructure map to the group.

Cllr. Pavitt asked where the strategic thinking would come from before we accept the sites that are being offered for development. He said that an evaluation of job needs should be made and then the housing requirement would follow.

Stephen Miles said the second all member workshop with the Peer Review Team on Monday 3rd August would discuss spatial strategy. Initially at a high level, it is to encourage members to start considering this issue. The previous Local Plan had areas of search which was the Council's attempt to proactively identify potential where development might be more appropriate. There were areas identified for new communities and around existing settlements. This approach could be used again. In carrying out this work early on in the process it is important not to promote this approach as a "done deal" to communities, the message would need to be managed.

Cllr. Tayler supported Cllr. Pavitt's comments and highlighted the importance of strategic cooperation with cross boundary partners to gain insight into job locations and infrastructure plans to make an informed decision on the location of new growth in the district.

The Chair brought the meeting to a close and thanked all participants for their contribution.

Meeting ended. 21:30