

16th August 2020

Dear Dawn

UTTLESFORD LOCAL PLAN: EELGA PEER REVIEW

We refer to our discussion with you and Gordon on Tuesday 11th August concerning preparation of the Local Plan and the Government's recently announced proposals. These are set out in the White Paper 'Planning for the future' and 'Changes to the current planning system: Consultation on changes to planning policy and regulations.' The main proposals are summarised in the appendix.

Our advice

We confirmed our view your officers are making good progress in laying the foundations for an effective Local Plan making programme.

However, the Government's proposals for the plan making system and housing targets informed our strong advice, communicated to you last Tuesday, it would be in the Councils' best interests to act as follows:

i) Local Plan Governance: Withdraw the current emerging documents and defer the relevant up-coming meetings to allow time for the Council to make enquiries and give considered advice to Members on the implications of the announcements and their impact on the local plan work programme.

ii) Responses to Consultations: Provide robust responses to the Government's consultations once the complex matters have been thoroughly understood and considered by Members.

iii) New Local Plan: Continue with the plan on the grounds:

- until legislation changes, it remains the LPA's statutory duty to prepare a local plan in accordance with existing legislation and regulations, and
- the LPA needs to plan positively to address the lack of a five-year supply and hence mitigate its vulnerability to speculative planning applications.

iv) New Local Plan work programmes: Review the work programmes to pivot from activities that may be rendered redundant by new legislation to activities that will be required under the existing and proposed systems.

v) Officer and Member working: Recognise a need for further agility by officers, Members and stakeholders as Government proposals are amended and exemplified through further announcements, policy statements and guidance.

We now understand the scheduled meetings are still going ahead. As this is a moment for prudent governance, we request our advice is communicated to Members to defer discussion and consideration of the documents as drafted until next month.

The next steps

To reassure Members, substantive progress in being made. We have summarised below the outputs we are working on in conjunction with the Local Plan Team:

i) Context setting: A summary of the main changes arising from the new planning system and evolving wider strategic placemaking developments with reference to the work of the England's Economic Heartlands Strategic Alliance and Transport East and Government's emerging Devolution White Paper.

ii) New housing: An explainer as to why new housing is needed with reference to meeting local needs

iii) Standard method for assessing housing numbers in strategic plans: A report to Members on:

- Government's policy proposal to centralise the assessment of needs and allocate 'binding' targets to LPAs

- Government's technical proposals to give weight to addressing affordability (in high value areas such as Uttlesford) and adjust targets to account for constraints on delivery (noting that the recently quoted figure of 1,200 p.a. is according to the Government a base line in advance of taking constraints into account).

- Draft responses to the consultation by 1st October 2020 including lobby channels

iv) White Paper: To report to Members on the main provisions and implications of the White Paper together with responses to the consultation for submission by 29th October 2020

v) MHCLG: To arrange a meeting with officials to:

- Explore the Government's programmes for publishing and responding to the results of the consultations and issuing further advice, guidance, and the new National Planning Policy Framework

- Explore opportunities to collaborate on issues arising for example, methods to account for and quantify constraints on housing delivery, evidence base for protected areas and densification, site specific initiatives, for example Carver Barracks, and innovative, digital based engagement methods

vi) SCI, LDS and PID: To update the documents for reporting to the Local Plan Leadership Group and Scrutiny in line with a programme to report to Cabinet in October

vii) All Member Workshop 3: To prepare a presentation and Q&A session on the White Paper, Government's policy and technical proposals for binding housing numbers, devolution, national, regional, and local issues arising and options for the ways forward.

The timing of the Government's announcements was not ideal but we trust Members will have confidence in our advice and the next steps you have asked us to progress with the Local Plan team.

Yours sincerely

Malcolm Sharp and Simon Smith

The Government's main proposals

The Government's proposals are extensive and detailed consideration of these proposals is required. The main provisions concern:

- i) Standard methodology for calculating housing numbers: The proposed methodology will be weighted to improve affordability in areas with expensive housing (such as Uttlesford) and adjusted against development constraints with a yet unspecified methodology). The Government will apply the methodology and set a binding housing target on each LPA as part of the Government's national target for England of 300,000 completions pa. It needs to be widely understood the target for Uttlesford of approximately 1,200 pa is, according to the consultation documents, a starting point and before development constraints have been taken into account. The evidence for and proposals for calculating such constraints is a matter of central concern for discussions with MHCLG, Members, LGA, professional bodies and other interested stakeholders
- ii) Zoning: a new requirement to allocate all land to one of three zones, growth, renewal, and protection (noting development in each zone will be the subject of different development management requirements including automatic outline permission for allocated uses in growth zones)
- iii) Area specific requirements: Local Plans (and neighbourhood plans) will be more focused on giving clear area-specific requirements for land that is allocated for growth and renewal including design codes and generic development management policies (linked to a new National Planning Policy Framework)
- iv) Community engagement: The White Paper proposes greater emphasis on inclusive and digital based community engagement. The matters for engagement to be concerned with the allocation of all land to one of three zones (growth, renewal, and protection) and design codes and pattern books as informed by the Government's 'Building Better, Building Beautiful Commission'
- v) Digitalisation: Local Plans should become digital, visual, and map-based, interactive and data rich, using a standardised approach to support open access
- vi) Appraisals and tests:
 - The Government proposes to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties.
 - Local Plans should be subject to a single statutory 'sustainable development test' (including a slimmed down assessment of deliverability for the plan) to replace tests of soundness and duty to co-operate. However further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges
 - Local Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any

infrastructure that may be needed coming forward within the plan period. Plan making policies in the National Planning Policy Framework will make this clear.

vii) Land value capture: Introduction of a National Infrastructure Levy in place of the CIL and Section 106 based contribution