

Committee: Scrutiny Committee

Date:

Title: The Local Plan

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Summary

1. The Scrutiny Committee has an important role in overseeing the process to prepare a new local plan. This report updates the Committee on progress and also sets out the support that is being provided by East of England Local Government Association External Review Team to assist the Council in this process. The report also updates members on the impact on this work of the Government's recently published White Paper 'Planning for the Future'.
2. 'Planning for the Future' sets out proposals for radical reforms to the plan making process, the content of plans, the implementation of plans including permission in principle created by the adoption of a plan, a nationally based flat charge levy to provide the infrastructure to support development, and a statutory period of 30 months for preparing the plan. The process is proposed to be streamlined in the reforms and the role of local plans is intended to be simplified.
3. The White Paper is subject to consultation, as is technical guidance on assessing the housing requirement for a plan area. The work plan for the local plan needs to be adapted to include engagement with the Ministry on the implications. There is a degree of uncertainty about how many of its proposals will be taken forward to implementation, with or without changes, and when they would come into effect. They would involve changes to primary legislation, not just new statutory instruments, as well as national planning policies. In the interim, the council has a statutory duty to prepare a plan under the existing legal and policy framework, but with the potential for some plan preparation work to become redundant. The approach being discussed with the Local Plan Leadership Group, as advised by our external review team, is to focus on aspects that would remain relevant under both the current framework and the reforms. The external review team urges that it is recognised that further agility by officers, Members and stakeholders will be needed as Government proposals are amended and exemplified through further announcements, policy statements and guidance.
4. This report concludes that a good start has been made in laying the foundations for an effective Local Plan making programme and the External Review Team support that judgement

Recommendations

5. That the report be noted

Financial Implications

- 6. The approved budget provision in the current financial year will resource the plan making programme over Q3 and Q4 including the cost of the support package from EELGA. Adequate provision will need to be included the MTFS support the ongoing plan making work.
- 7. The recommended approach by the external review team seeks to minimise the use of resources on work that may become redundant.

Background Papers

- 8. The following papers were referred to by the author in the preparation of this report: The Planning for the Future White Paper which can be inspected by using this link www.gov.uk/government/publications/planning-for-the-future
- 9. The main government proposals are summarised in the appendix to this report prepared by the external review team.

Impact

10.

Communication/Consultation	Community engagement forms part of the Local Plan process
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Development of a new Local plan is subject to a legal framework and the Government’s White Paper will have implications
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	Adequate resources are in place

Situation

- 11. The Council has approved a Governance Structure for the preparation of the new local plan and the first two meetings of the Local Plan Leadership Group have been held along with three member workshops facilitated by the External Review Group. Other new forums, namely the Strategic Infrastructure Delivery Group and the Community Stakeholder Forum are in the process of being established.

12. The External Review Group brief to support the Council has been set out as three work packages as follows:
WP1: Local Plan Project Initiation Document
WP2 Local Plan Making
WP3: Local Planning Authority Strategy and Operational Development Plan

Project Initiation Document (PID)

13. The first package of support from the external review team was designed to assist the council make the best possible operational start and lay the foundations for the drafting of the new Local Plan. It included: an audit of and action plan for those elements of the withdrawn Local Plan that could be carried forward and updated for the new Local Plan; and reflections on and lessons to be learned from the previous approach taken to plan making, including the Local Development Scheme and Statement of Community Involvement.
14. This has been delivered by the external review team working with council officers.
15. A draft PID for the new plan was presented to the meeting of the Local Plan Leadership Group on 18 August. For the reasons summarised in paragraphs 1 and 2 of this report, officers and the external review team advise that the PID now needs further work to respond to the potential change to the national statutory and policy framework proposed by the government.

Local Plan Making

16. This package is divided into two stages. The objective of the first stage was to develop the understanding of the:
- Local Plan contexts: national, sub regional and local including reflections on and lessons to be learned from the withdrawn Local Plan
 - Local Plan purposes: what it is, who it is for and the scope and extent of the value it can protect and create
 - Local Plan vision and strategic objectives: what success could look like and hence the value to be protected and created
 - Local Plan making process: the procedural stages and route map.
17. This has been delivered through two workshops to date for Members and engagement with officers. The external review team will provide advice on changes to draft PID, and on the draft Local Development Scheme (LDS) also published for the Local Plan Leadership Group meeting on 18 August. These changes are necessary because the current drafts have essentially been rendered redundant by the impact of the White Paper.

18. The objective of the second phase was to engage with Local Plan senior officers and relevant Members in identifying:
- Local Plan lessons: Reflections on the withdrawn Local Plan and lessons to be learned in respect of co-producers, procedures, and governance arrangements
 - Local Plan co-producers: Who needs to contribute towards the preparation of the Local Plan and how?
 - Local Plan making steps and procedures: What are the plan making procedural options for the Local Development Scheme and Statement of Community Involvement?
 - Local Plan making engagement models: What are most appropriate and effective models, practices, and reporting arrangements?
 - Local Plan making governance arrangements: How can these arrangements work best in practice?
19. This has also been delivered through the two Member workshops that have been held. The external review team also offered advice on the establishment of the LPLG.
20. Further advice will be provided on necessary changes to the drafts of the LDS, Statement of Community Involvement (SCI) and Community Engagement Strategy as presented to the Local Plan Leadership Group. Their guidance on what should be in the SCI, which is the statutory document, and the more detailed strategy is an example of how they will support the preparation of sound proposals. This will also afford the opportunity to research additional expert advice to respond to the White Paper's proposed policy on community engagement in local plan (see point iv) in the Appendix.) The LPLG members in the interim will be feeding back thoughts on the Community Engagement Strategy as presented so far.
21. The timescales for delivery of the support packages on the PID, LDS, SCI and Community Engagement Strategy as originally specified will need to be revised because of the impact of the White Paper proposals.

Strategy and Operational Development Plan for the Local Planning Authority

22. The third work package: the local planning authority strategy and operational development plan has been delayed because of the impact of the White Paper.

Lessons learnt from the Withdrawn Local Plan

23. The Committee will note that the approach to learning lessons from the Withdrawn Local Plan is embedded in the three work packages and delivered through the constructive advice from the external review team on preparing the new Local Plan.

Indicative revised short term work programme

24. A provisional high level indicative revised work programme for the local plan to the end of December is appended (Appendix 2). This will be considered through the local plan governance arrangements once it has been refined. It features a proposed meeting with civil servants in the Ministry, and the outcomes of that meeting could potentially influence the plan making programme. It reflects the advice of the external review team.

Conclusions

25. The implementation of the Local Plan Governance Structure, including the commencement of regular Member briefings and also the meetings of the Local Plan Leadership Group, demonstrate the establishment of the local plan programme. Effective working with the External Review Team and the preparation of first drafts for the PID, SCI, Community Engagement Strategy and LDS all show that a good start has been made in laying down the foundations for a new local plan. The next key stage will be engage with Government on the White Paper proposals and to incorporate the implications of changes to the plan making system to ensure that the Council's objectives continue to shape plan making for the district.

Risk	Likelihood	Impact	Mitigating actions
None identified in relation to this update report			

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.

APPENDIX

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

