

**SCRUTINY COMMITTEE (LOCAL PLAN) held at ZOOM, on TUESDAY 16
FEBRUARY 2021 at 7.00 pm**

Present: Councillor N Gregory (Chair)
Councillors C Coote, C Criscione, G Driscoll, R Jones, P
Lavelle, G LeCount (Vice Chair) , G Sell and J De Vries

Officers in Attendance: C Edwards (Democratic Services Officer), G Glenday (Assistant
Director - Planning), S Miles (Local Plan and New Communities
Manager), S Nicholas (New Communities Senior Planner) and
S Payne (Local Plan Project Manager)

Also in attendance: Councillor J Evans (Portfolio Holder for Planning and the Local
Plan) and Councillor G Bagnall (Chair of Local Plan Leadership
Group)

SC61 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Dean.

SC62 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10 December 2020 were approved and
would be signed by the Chair as a correct record at the next opportunity.

**SC63 STATEMENT OF COMMUNITY INVOLVEMENT AND COMMUNITY
ENGAGEMENT STRATEGY**

The New Communities Senior Planner introduced the report. She said it had
been adopted by the Council in 2006 following a requirement set out in the
Planning and Compulsory Purchase Act of 2004. It had been updated and
reviewed regularly since then and the current update had taken into account the
new Local Plan and the Covid 19 pandemic.

The role of the Statement of Community Involvement (SCI) is to encourage
participation from residents and involvement in the planning application and
Local Plan process. The Council needed to comply with the SCI and
demonstrate this to the Inspector. She gave a brief overview of how the
community could be involved, and how this process had changed to invite
discussion and more responses to a variety of themes.

She said that there was a lower number of people commenting on the SCI, but
said it reflected the on going refinement, continued update of comments, and
technical nature of the document.

The Local Plan and New Communities Manager highlighted that the SCI was
intended to hold the Council to account on the consultation regarding planning
applications and the Local Plan process.

Councillor Criscione said he had concerns about the SCI and, in the current format, he did not feel able to recommend the document to Cabinet. He said it needed to provide details of how the developer should engage with the Community so that at pre-application stage they understood what was expected from them. He asked if this could be revisited and a section on progression of strategic sites added. He gave Epping Forest's SCI as a good example and said he could share the details.

Councillor Evans thanked Councillor Criscione for his views. He said it might be difficult to incorporate and amend the SCI at this stage. He said the process should be about working together with promoters of strategic sites, and a statement of common ground could be devised, but not all developers had and would engage.

The Local Plan and New Communities Manager said there were a few issues:-

- The SCI was intended to hold the Council to account not developers.
- The Council was not able to force developers to comply; it would be better to engage and consult with developers to address these issues.
- The Development Management team would need to be involved.

The Chair said that if the proposals were relying on developer's good will rather than compulsion to act this would allow them to interpret the rules in their favour rather than that of the Community.

Councillor Criscione said he recognised that the document related to what is expected from the Council; however it would be interpreted and used by developers in community engagement terms. He was concerned about speculative developers and said it was important for the document to be prescriptive so they knew what the Council expected from them. He said that it could not be too late for input otherwise there was no point in bringing the report to Scrutiny.

Councillor Evans said he would revisit the points raised and asked the officers to see what could be done and how difficult it would be to incorporate.

Following a question from Councillor Criscione, Councillor Evans said there were only 10 responses received and no input from the developer community - he did not see how any document could be imposed.

The Local Plan and New Communities Manager said it was an issue of timing and he would start a discussion with the Development Manager to get his views. The deadline for Cabinet was the 9th March, so any changes and discussions would have to be quick.

Councillor Criscione said it could be an addendum to the report as in the case of the Covid situation.

Councillor Coote reminded the Committee that they had adopted a policy of pre-scrutiny, and therefore decisions were not made until members had put forward their resolutions.

He asked how there could be more involvement from the community, although he recognised that some responses were collated from a Town or Parish Council responding on their communities behalf. He asked what could be done differently to generate a better response.

The Local Plan and New Communities Manager agreed that the response was low but said it was similar to previous consultations. He reiterated that the SCI was a technical document on how the Council would consult with residents and organisations. He would prefer more engagement through the consultation for the planning function and the Local Plan.

Councillor Sell asked if the SCI could be more customer friendly, he said there should not be an expectation that residents were experts. He had looked at different Councils SCI's and suggested providing a glossary of planning terms and the use of diagrams and graphics. He had found an example SCI that explained how the Council would benefit from community engagement. He said residents would come up with good ideas if they felt their contribution would be taken into account.

The Local Plan and New Communities Manager said there was a glossary at the back which could be moved to the front and Councillor Sell agreed to send through the documents that he had found from other Councils.

In response to a question from Councillor Driscoll, the Local Plan and New Communities Manager and New Communities Senior Planner explained that the strikethroughs showed the changes that had made through representations received and the difference from the current plan. It showed that the Council was listening.

The New Communities Senior Planner said she hoped that the consultation was attractive to the public; they had tried to use plain English and diagrams with short facts and open questions to encourage people to comment. She said the actual planning documents were more important than the SCI which was a technical document that set out the procedure.

The Chair summarised the position of the Committee as:-

- The document needed to persuade the public to engage.
- Changes to the document should be considered to make it more prescriptive to developers in order to discourage speculative sites being brought forward.

The Committee recommended the proposal to Cabinet subject to the points made, consent was unanimous.

The Chair thanked Officers and particularly the New Communities Senior Planner for the hard work put into the document.

The Local Plan Project Manager explained the report, he said it was the third time the Committee had looked at the progress with the opportunity to ask questions and agree the letter to the Ministry of Housing Communities and Local Government (MHCLG).

He highlighted the appendices and the risk register on page 100 which was driving the project plan and identified the remedies that were needed.

- On page 101, number 15 - the revised standard housing methodology risk had changed. The Government had listened to the representations and the formula had been adjusted back to the previous level, therefore the risk had reverted to 15.
- On the last page, 103, number 33 - the process had multiple projects to procure. It was proposed to provide extra procurement resources from other local councils to help.

The Local Plan Project Manager said the dashboard had increased from 174 live tasks to 323 which gave an idea of the scale of the project - none of the tasks were identified as red, 21 were amber and 103 on target.

On page 105 the executive summary gave a snapshot of the progress made; the overall status of the Local Plan was suggested as amber due to the procurement issue. The Local Plan Project Manager explained the position of the various activities that were underway which included a tender for the infrastructure delivery plan and a decision on the SA consultants.

He said there was a further risk related to the planning appeal process – for instance recent appeals at Elsenham had seen a total of 450 houses approved – the Council needed to continue to resist unwelcome applications.

Page 107 provided a list of the live tasks.

Page 116 was the draft letter to government, which explained the progress made and addressed the risks.

The Chair was concerned about the procurement matter and wanted to know how long until the risk could be reduced to green.

The Local Plan Project Manager said it was close to being resolved, there had been e-mail exchanges with Essex County Council (ECC) and the procurement dates would be agreed shortly.

Councillor Coote had similar concerns. He was worried about using other authorities without stringent agreements. He said it was important to avoid ECC leaving the process without notice and to make sure Uttlesford District Council (UDC) would get first priority on the person or persons involved.

The Local Plan Project Manager said the Council had considered employing additional staff but the process would only be work heavy for the first 8 to 12 weeks and then the activity would slow down. He said ECC had the skill set that

was needed; it would be under the District Council's direction and rules. He did not think there would be an issue but had a fall back plan with two other authorities he could contact if necessary.

Councillor Criscione highlighted page 103, item 32 – Community Stakeholder Forum fails to make an effective contribution to the Issues and Options stage. He asked how the process was going and the effectiveness especially as engagement had been poor. He asked if the process had been a waste of time.

The Local Plan Project Manager said it had been very valuable, and could not be judged by numbers at this point. The idea was to generate a debate and derive value from the community's views. He said it was about the quality and style of approach, there needed to be more people in the discussion and help from members and parishes to encourage this would be welcome. He defended the breadth and range of topics and wanted more people to be engaged.

The Local Plan and New Communities Manager said discussions at the Stakeholder forums were dealing with a broad range of issues. He was disappointed that this was not translating into more representations at this stage but thought that some people were waiting to contribute at the end of the process.

Councillor Bagnall agreed that engagement was disappointing. The feedback was good regarding topics and how they were discussed. Changes had been made to make the sessions better and methods to encourage residents had been assessed.

Councillor Evans said Members needed to remind their communities that it was taking place. The communications were regular and efficient and should be included in monthly reports and village magazines.

Councillor Criscione said he was satisfied with the replies, and thought there could be improvement and value in the process. He asked when the future value of the Community Stakeholder Forum would be seen, when it would be at the maximum level and what was to follow. He said he would leave this question to be considered.

Councillor Sell asked if an Officer or Councillor Evans could send information out that could be used in local Parish magazines to promote the forums.

He also raised concerns regarding the risk issues on page 105, item number 12 with the unacceptable planning applications granted through the appeal process. He said it felt like Elsenham and Henham were under siege with planning applications whilst there was no Local Plan.

Councillor Le Count agreed and thought the risk should be red and not amber. He said UDC were losing appeals and there needed to be more co-ordination between UDC and Essex County Council (ECC).

The Local Plan Project Manager said it was important to resist unwanted development in addition to supporting the Local Plan. The Local Plan should not be worked on in isolation. He agreed that there needed to be a continued focus to work with ECC and said recently commissioned evidence compiled which supported the Local Plan would also strengthen the Development Management process.

Councillor Evans said it was difficult to quantify the risk in a precise way, it was determined on a case by case basis. He brought up a recent case where there was a win through the court of appeal; he said if policies were consistent with the NPPF they would be taken into account and add extra weight to the Council's case.

He said that any relevant material evidence should be given to the Inspector and passed onto Parish Councils and the Planning Committee especially relating to any neighbourhood plan.

Councillor Driscoll said he had been to the Forum discussion regarding transport. At the end only 2 questions were answered, he said members of the public felt ignored.

The Local Plan and New Communities Manager said further to the forum meeting on transport, discussions had taken place with the Chair who now provided a better explanation of the purpose of the meeting as well as how the questions worked at the end. The questions raised were voted on and those with the highest votes were answered. The primary purpose of the forum was to have a discussion rather than a question and answer session.

Councillor Jones said he had attended the transport meeting and would agree with earlier comments, however the biodiversity forum had been much better and the process had been well explained. He thought the issues had been resolved.

There was further discussion and it was agreed that an extended question time of 15 minutes would be considered for future meetings.

Councillor Coote reminded the meeting again that Scrutiny was there to look at reports and to suggest amendments during the process.

The Chair asked members if they were content with the draft letter to the MHCLG on page 116. Members agreed and the letter was commended for dispatch.

The Chair thanked Officers for the reports, he said the Committee had drilled down into some of the issues that needed to be resolved and addressed in regards of the SCI and this had added value to the process.

He said the Local Plan project management was very impressive and thought the Local Plan Project Manager had erred on the side of safety in his rating.

He summarised as follows:-

- Members had explored the opportunity for broader consultation with residents who were engaged with specific topics and content.
- The plan was on track and reported accurately to MHCLG in accordance with requirements.

Members were in agreement.

The meeting ended at 8.26pm.