

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 25 MAY
2021 at 7.00 pm**

Present: Councillor N Gregory (Chair)
Councillors A Coote, C Criscione, G Driscoll, V Isham,
G LeCount, G Sell, M Sutton and J De Vries

Officers in attendance: R Auty (Assistant Director - Corporate Services), N Brown
(Development Manager), C Edwards (Democratic Services
Officer), G Glenday (Assistant Director - Planning) and
C Shanley-Grozavu (Democratic Services Officer)

Also present: Councillor J Evans (Portfolio Holder for Planning and the Local
Plan)

SC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor P Lavelle.

SC2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 4 March and 7 April 2021 were approved and would be signed by the Chair as a correct record at the next opportunity.

SC3 PLANNING OBLIGATION TASK GROUP

Councillor Criscione presented the report produced by the task and finish group. He expressed thanks to Councillor Jones as co-author of the report and also to the Development Manager and other Officers and Councillors who had helped with the production of the report.

He said the central question for consideration was whether Uttlesford's approach to planning obligations and conditions was robust and if the impact of development was mitigated for the benefit of residents and the District.

He said that the report had to take into account the legal constraints of the National Planning Policy and the Community Infrastructure Levy, (CIL). He explained the process and where he thought benefits could be gained. He said that it was clear from the survey questionnaire that residents felt excluded.

The report requested that Scrutiny Committee advised Cabinet of the following recommendations:-

- a The creation of an Uttlesford Developers Contribution Document.
- b A more formalised, procedural and earlier approach for Town and Parish Councils to input into Planning Obligations.
- c Clearer and consistent reporting of Planning Obligations as part of recommending major planning applications to Planning Committee.
- d Prioritise the population of the EXACOM database to allow enhanced reporting and public self-service requests.
- e Reflect on cases and projects upon their completion to maintain and facilitate improvement in delivery.

Councillor Evans said that contributions from Developers would provide a package for the residents which would benefit the Community. He specifically mentioned sustainable drainage schemes and the complications with management arrangements; he said the recommendations provided encouragement for this kind of work to be progressed, put into place and enforced.

The Development Manager said that he wanted to get the maximum benefit and the most relevant items for the community. He said that although it was restricted by CIL regulations, he thought they could get a better deal for residents through the S106 arrangements. He agreed with Councillor Evans about the stewardship issues and said it also applied to public open spaces, and this would provide the necessary guidance. He said the Planning department had already been implementing changes but there was more work to do to progress and for the process to be formalised.

Councillor Sell welcomed the involvement of Town and Parish Councils in the pre-planning meetings. Although this happened already in some cases he thought that formalising the process would be beneficial. He said that neighbourhood plans developed together with the Planning Department were important to get the maximum benefit for the community. He said that S106 agreements needed to be effective and enforced and wanted to be reassured that there would be sufficient resources.

Councillor Evans said that resourcing in Development Management and Enforcement were being looked at and would be reported further on this in due course.

The Assistant Director - Planning said it was the intention to add to the overall capacity of the Development Management team within the next few months. The proposal was to add 1 or 2 Senior Officers whose primary purpose would be to lead on the larger planning applications. He said the local community would feed into the pre-application process giving Developers the opportunity to see what residents thought was important and to amend their plans accordingly.

In response to a question from Councillor Driscoll, Councillor Evans said the non-determination statistics had been taken to the recent Council meeting and it was acknowledged that greater resources were needed to avoid applications going straight to appeal.

The Development Manager said that because of the issues around the 5 year land supply and the Local Plan, some applications were not fit for purpose and had to be refused, but this took additional resources. The new S106 Officer had picked up legacy issues as well as trying to keep up to date with on going applications.

Councillor Isham said the potential for greater involvement as a Parish Council was positive. He agreed that Enforcement needed greater resources. He asked what the process was to get the legacy data onto Exacom.

The Development Manager said it was a one off task for a data inputter that would take approximately 6 months; the data would then be audited and released to the public.

In response to a question from Councillor Sutton about what happened to the report next, the Chair said that the Committee would make recommendations to Cabinet. The Assistant Director - Corporate Services added that the task and finish group would now be disbanded, however a report to check on the progress would come back to the Committee in the future.

The Chair agreed with other Members that it was a superb report. He asked if there was a specific time line for the recommendations a, b and d to be delivered. Councillor Evans suggested that a progress report was brought back to the Committee in September. The Assistant Director - Planning said the timescale he envisaged was 9 months to a year but agreed that an update in September 2021 with a project plan was a good way forward.

Councillor Coote raised some issues with the recommendations and in particular the formalisation of the Developer's Contribution at the pre-planning stage and the reporting of Planning Obligations. He said he thought this already happened and asked what was changing; he was disappointed that the report did not go further.

The Development Manager said that it indicated to developers what was expected and made it harder for those who refused to engage with the community, which in turn made it easier for applications to be refused and the developer prevented from moving onto the next stage.

The Development Manager said the report provided a clearer and more consistent approach to Planning Obligations and within each application the Officer's report would provide a section on which S106 conditions were included.

The Chair said that the reservations raised by Councillor Coote would be taken into account but that there were restrictions on what could be achieved within the legal guidelines. He said there was further work to do and there needed to be vigilance to ensure that the processes set in place were robust.

Councillor Criscione added that the survey results showed that residents did not feel involved and that they wanted to engage at an earlier stage.

Councillor Coote said that he appreciated the responses and that he recognised that residents and some Parish Councils might not be currently involved in the process.

In response to a question from Councillor Driscoll, the Chair said that the Planning Obligations issues within the Queen's Speech were not within the scope of this discussion. He said it would be a good idea for Councillor Evans to arrange a future briefing on any issues that arose within the Queen's Speech.

The Chair proposed that the Committee made the recommendations as set out within the report to Cabinet, subject to the minor amendments made by Cllr Criscione to aid clarity. Councillor Sell seconded the motion and there was unanimous support.

Councillor LeCount said that this report would help with the major planning applications task and finish group. He said that he was still waiting for the PAS report which was held up because the full report could not be completed until the Stansted Airport situation had been resolved.

Councillor Evans said the report would continue to be held up until the Stansted Airport Appeal and any Judicial Review expired. The alternative was to review the major planning applications excluding Stansted Airport. The Assistant Director - Planning said that he agreed and suggested that there was an interim report that could be taken forward.

Councillor LeCount asked for volunteers to help on the task and finish group. The Assistant Director - Corporate Services suggested that this was revisited at the next meeting.

SC4 RESPONSES OF THE EXECUTIVE TO REPORTS OF THE COMMITTEE

The Chair mentioned the call in of the Corporate Plan Delivery Plan and it was agreed that this would be monitored and the Committee hoped to see more detail and definition of targets in the future. There would be an opportunity later in the year to revisit the plan within the Committee.

SC5 CABINET FORWARD PLAN

There were no comments from the Committee regarding the forward plan but the report was noted.

SC6 SCRUTINY ANNUAL REPORT

There were no comments made regarding the report.

Councillor Coote proposed that the report be taken on to full Council, Councillor De Vries seconded the motion, and there was unanimous support.

SC7

WORK PLANNING UPDATE

The Assistant Director - Corporate Services said that Councillors would receive an e-mail from him with a long list of items to be considered and scored. This would then populate the forward plan with the most important items that the Committee wanted to action.

There was some discussion about the number of items to be taken forward and it was agreed that it was better to do fewer items and to do them well.

The Chair proposed that formal thanks be made to Councillor Dean for his contributions to the Committee; this was seconded by Councillor Le Count and unanimously supported.

The meeting ended at 8.25pm.