

Committee:	Local Plan Leadership Group, Joint Session with the Scrutiny Committee	Date: Monday 10 October 2022
Title:	Local Development Scheme (Local Plan Regulation 18 Consultation)	
Portfolio Holder:	Councillor John Evans, Portfolio Holder: Planning, the Local Plan, Stansted Airport and Infrastructure Strategy	
Report Author:	Dean Hermitage – Director of Planning & John Clements, Interim Local Plan and New Communities Manager	Key decision: No

Summary

1. The Council is progressing work on a new Local Plan and was due to consult on its Regulation 18 'Preferred Options' document ("Reg.18") in November 2022. The production of this document is delayed. It is therefore recommended that The Local Development Scheme (LDS), which sets out the draft timetable for producing the Local Plan, is amended to reflect this.

Recommendations

2. That the committee(s):
 - a. Recommend Cabinet adopt the revised LDS of the Local Plan and note other actions being taken.
 - b. That LPLG and Scrutiny agree a new, closer alignment of their oversight of the Local Plan from the options set out in paragraph 21 and accordingly make a recommendation to Cabinet/full Council so that any consequential changes can be made.

Financial Implications

3. The approved budget for the Local Plan in 2022-23 includes sufficient provision for the work needed through to the end of March 2023. Adequate provision will need to be made in preparing the budgets for 2023-24 and 2024-25 in the revised Medium Term Financial Strategy.
4. The proposed changes to the timetable will extend the period for which the district is at risk of speculative development, and this will extend the period during which the Council is likely to face further appeals.

Background Papers

- No additional papers were referred to by the author(s) in the preparation of this report.

Impact

- See table:

Communication/Consultation	The draft timetable includes for wide public and stakeholder consultation.
Community Safety	No impact
Equalities	No impact
Health and Safety	No impact
Human Rights/Legal Implications	Preparation of a local plan is a statutory duty. It needs to meet legal tests and comply with regulations.
Sustainability	N/a
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

- The Council started work on a new Local Plan in 2020. The Local Development Scheme (LDS) sets out the draft timetable for producing the Local Plan. The existing LDS included for a Reg.18 consultation from November to December 2022 with a Regulation 19 consultation (final public consultation) from November to December 2023. It proposed the submission of the Regulation 19 plan (our final draft) to Government in May 2024.
- The publication of a Reg.18 Local Plan consultation document this November was aborted as it had become apparent to senior officers that, despite strenuous efforts by the Local Plans team, the intended document could not be completed to an acceptable standard within target timescales.
- To continue the established programme with a relatively short delay was explored but found to be unfeasible, not least due to the timetable constraints on consultation and governance leading up to and during next May's Council elections (for which the pre-election – 'purdah' – period begins on 23 March).
- It is therefore proposed to **schedule a post-local election Reg.18 consultation, early summer 2023**. Key dates are being developed and will follow as an addendum (*Appendix 2: Revised Local Development Scheme – to follow*).

11. It is proposed instead to use the additional time to produce a more focused, accessible and effective form of consultation document, address perceived shortcomings in some of the current content, and further develop and integrate the evidence required to support the plan. This 'Draft Plan' should make consultation more effective, and in various ways progress the Council further towards what is the most crucial step in the process; the Regulation 19 submission of a completed and sound 'final' plan for examination. In this way the overall delay to that final stage, currently estimated at three to four months, is less than the delay to the more immediate Regulation 18 consultation (i.e. whilst the Reg.18 consultation would be pushed back some six months, it does not follow that the overall plan adoption date is delayed by the same period).

Revised Regulation 18 Document

12. As the Reg.18 consultation will now need to be held over until after the May 2023 elections, there is the opportunity to produce a document in which the draft proposals in it are clearer, and significantly more developed in terms of thinking, evidence, and justification. A more succinct and readable document is proposed, which can support more effective engagement of the public and other interested parties, and hence more usable feedback and evidence to inform the 'final' Regulation 19 submission Local Plan.
13. The new Reg18 consultation will build on work undertaken to date (which has not been abortive work), and develop it such that:
- the overall spatial strategy will be further developed and clarified
 - strategic choices will be more clearly distinguished and their rationale explained
 - the site selection process (a key criticism of emerging proposals to date) will be re-run to more rigorous standards, potentially resulting in different and more robustly justified, proposed site allocations
 - proposed development management policies will be more refined, effective and readily understandable and,
 - questions to consultees will facilitate their response to options not favoured by the Council, as well as those proposed to be carried forward, to make it clear to all that while it has made provisional choices, the Council has not closed its mind to further changes and improvements before the local plan is finalised.

Changes to Approach

14. Clearly, lessons need to be learnt going forward, and a repeat of the problems, and especially the late discovery of the consultation document's unreadiness, must be avoided in future. Preliminary investigation suggests that the need for delay is not the result of any lack of hard work and ambition on the part of the Local Plans Team staff, but rather includes -

- i. a lack of integration between different workstreams, much exacerbated by remote working
 - ii. a high turnover of staff (both within the team and the management above it) and at short notice, leading to loss of continuity and of consistency in completing tasks, and significant losses of local knowledge and understanding of the evolution of proposals
 - iii. a lack of clarity of thinking, and shared team understanding, of the nature of the consultation document and the status of 'options' within it
 - iv. misguided responses to pressure - e.g. rushing to complete tasks when the groundwork has not been completed; pace of programme meaning team members' concerns and suggestions being treated as a distraction from completing tasks; lack of detailed reporting on emerging (and inherent) problems.
 - v. engagement between officers and members not undertaken efficiently, resulting in additional time-consuming tasks being undertaken.
15. Measures have already been put in place, and further measures are being developed, to address these issues. These changes must be sustained and the situation monitored to ensure that improvements are achieved and maintained.
16. These include –
- i. greater collaborative working practices, including regular, structured in-office team meetings. All Local Plan staff will be expected to attend. This includes the Director.
 - ii. the wider Planning Service staffing review includes a greater focus on staff learning & development; investing in staff to encourage staff retention. Revising job descriptions to include increased notice periods (e.g. the incoming Local Plan Manager's notice period will be increased from two to three months).
 - iii. ensuring all members of the Local Plan team have a shared understanding of UDC's aspirations, and do not just focus on delivering a document to a timetable.
 - iv. a far more tightly structured work programme, with elements broken down into bitesize tasks, to enable definitive progress to be monitored on regular basis; and promoting a culture of open communication and 'no-blame'.
 - v. establishing clear parameters at each stage of the process with elected Members, ensuring that the required aims of each officer – member meeting are clearly set out and outcomes clearly recorded.

17. Measures have already begun to address some of these issues. A more proactive and critical *esprit de corps* will take time to foster. Further measures will be developed and sustained to foster this.
18. It is accepted that much of the background, technical work supporting local plan production is undertaken by external consultants. External contracts are carefully chosen and managed, however there is less control over the pace of externally contracted work than work in-house. Consultants are often working for numerous local authorities and are experiencing staffing issues in some fields.

Timetable and Governance

19. The governance timetabling has to be built around the May 2023 elections, the pre-election period leading up to it, and the period following it, within which the Council appoints its portfolio-holders and committees.
20. In advance of the pre-election period, which commences 23 March 2023, a series of monthly meetings, alternating between **Local Plan Leadership Group** (public meeting) and Local Plan Working Group (non-public meeting) is proposed (see table below), to consider and guide the developing work on the consultation document.
21. It is equally important to maintain Member-level oversight of the project management of the process, which has been provided to date separately through Scrutiny Committee, whilst addressing concerns about either a gap or overlap between responsibilities of these separate Member bodies. Going forward it is considered we must ensure that both sets of Member oversight are fully aligned, which would also give Officers the space to focus on continued delivery in between reporting to Committees which would no longer be on a misaligned timetable. This can be achieved by one of the two following options; to be agreed by the Chairs of the two committees in consultation with senior officers:
- Option A - Scrutiny meeting on the same day for 30 minutes immediately prior to each LPLG meeting to consider project management updates
 - Option B - Scrutiny passes over the responsibility for oversight of project management to LPLG

DATE	MEETING	PURPOSE	INDICATIVE AGENDA
Nov 10 th	LPLG	<ul style="list-style-type: none"> ▪ Agree way forward and making recommendation to Cabinet 	<ul style="list-style-type: none"> ▪ Agree detailed programme, milestones / targets up until March 2023. ▪ Agree method for Review of Site Assessments ▪ Compilation of Previous Draft DM Policies ▪ Draft Introduction Chapter
Dec 6 th	LPWG	<ul style="list-style-type: none"> ▪ <i>Review and steer work to date</i> 	<ul style="list-style-type: none"> ▪ <i>Verbal update on progress</i>

			<ul style="list-style-type: none"> ▪ <i>Presentations on Site Assessment Considerations</i> ▪ <i>Review of Outline of Spatial Strategy</i>
Jan 9th	LPLG	Review Progress and making recommendation to Cabinet	<ul style="list-style-type: none"> • Progress Update • Examples of site assessments • Further elements, tbc, of plan contents
▪ <i>Feb 20th or 23rd tbc</i>	<i>LPWG</i>	▪ <i>Review and steer work to date</i>	<ul style="list-style-type: none"> ▪ <i>Verbal update on progress</i> ▪ <i>Review of Outline of Spatial Strategy</i>
▪ w/c Mar 6th or 13th	LPLG	Review Progress and making recommendation to Cabinet	<ul style="list-style-type: none"> • Progress Update • Spatial Strategy Chapter • Revised DM Policies • Further elements, tbc, of plan contents

22. A project plan is being prepared to support the proposed timetable. Agreement for the project plan will be sought at the LPLG(/Scrutiny) meeting on 10 November 2022.

23. Following the election and confirmation of the political administration post-May, a compressed governance timetable is suggested for the purpose of approving (or otherwise) the Draft Plan document that will have been completed, in the light of earlier LPWG guidance, during the pre-election period.

24. Meeting dates for the next municipal year are not yet confirmed. The Director for Planning will request to meet with lead members and Democratic Services to scope an LPLG, Scrutiny, Cabinet and Full Council meeting cycle immediately after committees are appointed post-election.

25. Changing the Local Plan timetable is a common occurrence in Local Planning Authorities across the country, due to the complexities and uncertainties involved (the Planning Officers Society has very recently commented that this is currently occurring at a particularly high level for various reasons). It is nonetheless fully appreciated that changes and delay cause frustration for all interested parties, and that successive changes are particularly regrettable.

26. The current Risk Register and is appended to this report as *Appendix 1*.

Risk Analysis

27. See table:

Risk	Likelihood	Impact	Mitigating actions
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The proposed changes to the timetable extend the period for which the district is at risk of speculative development	4 – there will be a longer time before a Local Plan is adopted	2 – the longer time period before which a Local Plan is adopted will mean the district is at risk of speculative development for longer	A more robust Reg18 allows for a better case to be put for the plan at examination. Similarly, it will help UDC ‘make up’ the time between the regulation 18 and regulation 19 consultations.
That the timetable proposed in the LDS slips	1 – there are unknown factors in the production of a Local Plan that require consideration and may result in slippage	4 – government intervention would significantly damage the reputation of the Council	The project plan supporting the LDS is actively managed by the Council’s Scrutiny Committee with work presented to and monitored by LPLG in a more structured manner.
That the government introduces a new system for producing Local Plans	4 – the Levelling Up and Regeneration Bill includes some significant changes	3 – the changes currently proposed could result in a radically different Local Plan	The Council will monitor further consultation and changes.

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 1: Risk Register

Appendix 2: Revised LDS Timetable (to follow)