

**Committee:** Scrutiny Committee

**Date:**

**Title:** Local Plan Progress Report

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## Summary

1. This Report provides an update to current progress on Local Plan preparation, together with a proposal to strengthen the documentation and presentation of future reporting.

## Recommendations

2. That the Committee
  - a. notes the current situation outlined in the Report; and
  - b. provides any guidance it may wish to give on improving the effectiveness of reporting and documentation of Local Plan progress.

## Financial Implications

3. None.

## Background Papers

4. Uttlesford Local Plan Project Initiation Document (PID)

## Impact

5. As per table:

Communication/Consultation	More effective Local Plan Scrutiny documentation should aid communication, including the ability of interested parties to better appreciate the progress of the Local Plan's preparation.
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a

Human Rights/Legal Implications	n/a
Sustainability	n/a
Ward-specific impacts	n/a
Workforce/Workplace	n/a

## Situation

6. The Local Plan preparation work programme is currently being reorganised and detailed to meet the revised timetable recently agreed by Cabinet, and guidance received from the Portfolio Holder and Local Plan Leadership Group Chair.
7. In the light of the recent events and concern about the effectiveness of past oversight of the Local Plan process, the Local Plans and New Communities Manager is looking to develop improved documentation for the routine reports to Scrutiny Committee. This will aim to increase transparency and insight and add qualitative emphasis alongside the continued use of the more quantitative focus of the traditional task and risk register and associated documents. The format for these is proposed to be discussed and agreed with the Scrutiny Committee Chair in advance of presentation to the next Scrutiny Committee.
8. It is recognised that the effectiveness of progress reporting is as much about openness and honesty in reporting as in the structure of the documentation. The Interim Local Plans Manager is fully committed to that. For this to be sustained in the longer term this will require the Scrutiny Committee to be maintained as a 'safe' environment for such openness, and to recognise the challenging complexity, inherent uncertainty and non-linear nature of local plan-making.
9. In advance of the task and risk documentation being updated to reflect the revised work programme the following *informal* update (adapted from that previously provided to the Corporate Oversight Board) is provided.
10. REVISED LOCAL PLAN PREPARATION TIMETABLE
  - a. Revised timetable and Local Development Scheme (LDS) has been agreed by Cabinet
  - b. A revised Local Development Scheme reflecting the agreed timetable will be published shortly.
11. REVISION OF SCRUTINY AND LOCAL PLAN LEADERSHIP GROUP ARRANGEMENTS
  - a. The Director of Planning and Interim Local Plans Manager have met informally with the Leader, Cabinet Member and LPLG Chair to discuss issues around this. In response to their seeking advice on some of the

relevant issues, their attention was drawn to (and copies provided) the Report to UDC by East of England Local Government Association (EELGA) about local plan preparation oversight and governance arrangement.

- b. The Director and Local Plans Manager met with lead Members on 28<sup>th</sup> October where the Leader, Cabinet Member, and Chairs and Vice-Chairs of the Scrutiny Committee and LPLG agreed proposed revisions to arrangements.

## 12. PROJECT PROGRAMMING

- a. Leading Members and officers agree that publishing officer recommendations on Draft Plan proposals such as site allocations in advance of the elections – the pre-election period - would risk elements (e.g. particular sites) becoming campaign issues, whether for or against, more than they would perhaps inevitably be. It would also conflict with LGA and Cabinet Office advice. It should be for whatever administration is formed following the elections to consider the plan as a whole and make its decisions accordingly.
- b. The result of this is that the officer recommendations of specific site allocations (both existing settlements and new growth areas) in the proposed Consultation Draft Local Plan will be being presented effectively for the first time in June 2023. As such it is quite likely that the new administration will be unable to agree the officer recommendations, and any variations from these, at a single sitting, and this may delay the consultation on the plan beyond the August launch recently agreed. (This would, however, have the benefit of avoiding consulting almost wholly in the summer holiday period, which various Members have raised concerns about.)
- c. The above arrangements do pose some challenges and constraints to the sequencing and focuses of Local Plan team work that officers had previously envisaged;
  - i. Officers are now reconfiguring the developing work programme, and indications of agenda items for the planned LPLGs and Working Group meetings over the November to March period, in the light of this, and hope to have this substantially further evolved over the coming days.
  - ii. Officers are awaiting advice on whether we would be obliged to release politically sensitive information, and especially partial/incomplete information without its full context, under Fol etc. in the run up to and during the election, which may further constrain the work programme.

### 13. SITE ASSESSMENTS

- a. Officers are effectively re-running the site assessment process, in the light of serious concerns from Members, parishes and officers about the reliability and comprehensiveness of the work in that area to date.
  - i. A number of factors have led to this, including (a) an apparent previous lack of written methodology; (b) exacerbated by staffing changes resulting in successive staff working on these complex tasks with different understandings and interpretations of how it should be handled; and (c) past team leadership reportedly prioritising 'completing' site assessments over team members' concerns about the soundness of the data against they were being assessed.
  - ii. Officers have established a small 'sub-team' of three to focus on this work, to bring very substantial relevant experience to bear on the challenge, and provide relief and assistance to the relatively inexperienced planner who was most recently tackling parts of this alone, but who does have hands-on awareness of existing shortcomings and challenges.
  - iii. A written methodology for the Strategic Land Availability Assessment (SLAA) part of the process has been completed and will be presented to the next LPWG (10 November), likely with a couple of 'worked examples' so that Members can better understand the process. The leader of this work group advises me this stage of the task should be completed by Christmas.
  - iv. A written site selection methodology is in preparation, and a draft of this is planned to be presented to the LPLG on Feb 10<sup>th</sup>. This is a complex and iterative task: the choice of 'available' sites from the previous process, with their various merits, demerits, challenges and opportunities, have to be considered within each existing settlement, between existing settlements, and the overall potential quantum from existing settlements against the available (or otherwise) strategic growth 'new communities' sites. It is now envisaged that this stage will not be completed to the point of a set of officer recommendations until May.

### 14. STRATEGIC 'NEW COMMUNITIES'

- a. In the light of the apparent severe challenges to delivery of each of these, and some doubt about the remaining validity of some of the previous assumptions and 'scoring' of aspects of these sites, the Local Plans Manager is seeking to do a somewhat fast-paced sense check of how realistic and feasible/desirable each is. Officers are seeking to move beyond the 'issues and options' stage previous work seemed to be stuck in and identify a working assumption that will enable more

effective progress, inform evidence gathering, and development of strategy, without closing off the potential to change course later in the light of further evidence or political choices.

- b. Our principal planner, who is very experienced in large scale development planning (but who has only been at Uttlesford 4 months) will lead on this area of strategic work.
- c. She and the Local Plans Manager are meeting with the promoters, agents or landowners of each of the leading contenders, to clarify their seriousness and any further work they have done to bring their proposals towards fruition. Of the three main 'contenders' we have met one, are meeting another next week, and have one further of these to organise.

## 15. SPATIAL STRATEGY

- a. This is the heart of a plan. It is both the result of, and the cause of, the choices in the plan, especially those in relation to site and area policies and allocations. It therefore cannot be decided at the outset, nor left to the last minute, but must be continuously developed and refined in an iterative process with the emerging results of work, and more particularly thinking, in the various more detailed aspects of the plan. Unless the spatial strategy can be confidently and succinctly explained, it is most unlikely that a district local plan is sound.
- b. It was not at all clear, previously, as to what the spatial strategy was within the now aborted 'Preferred Options' consultation document'. This may be the result of being unclear about which choices of development etc. options/locations were being actively pursued (and why), and a hesitance to express recommendations that might not find political favour.

## 16. DUTY TO COOPERATE

- a. In the past few weeks officers have held meetings, mainly but not exclusively focused on transport issues, with Essex, South Cambridgeshire, Braintree, Chelmsford, East Herts, Stansted Airport (MAG), National Highways, and (only arguably DtC related) Homes England.
- b. These meetings have been sobering, highlighting both the scale of the challenge UDC faces in solving its severe transport infrastructure challenges to the scale of growth needed, and the apparent general relative disinclination of many of the other authorities with whom we have important 'strategic' connections with to actively engage with UDC's challenges.

- c. The lack of capacity of Junction 8, M11, along with other factors, could be a significant inhibitor for any strategic growth in the south of the District, and hence any possibility of having a means of meeting the Local Plan housing target. The local plans team will need to take a leading role in encouraging affected authorities (and perhaps other organisations) to contribute to the likely circa £250k cost of an options study of potential long term solutions to improve capacity at M11 Junction 8. National Highways have indicated they are likely to make some contribution to this. UDC will likely need to commit early to a significant contribution if it is to have any hope of persuading others to do so. It is suggested that any solution will cost upwards of £100 million. Stansted Airport is committed to a £60 million upgrade of the junction when they reach their airport passenger number trigger (likely in a few years). That upgrade would purely deal with the airport's additional demand on Junction 8, and not accommodate any traffic from substantial housing growth. The airport has, though, I informally indicated that they are willing, in principle, to contribute that £60m towards a more fundamental re-modelling of the Junction which could accommodate both the airport's and housing growth. Clearly this is a significant opportunity, not just for itself but the likelihood this would greatly help pulling in additional funding towards the remaining £40m+, but will need timing alignment and delivery certainty if it is to be realised. Hence there is additional pressure to try to secure the option study with the minimum of delay.

#### 17. DM (and other) POLICIES

- a. These require a review and significant refining, which will be (a) a time-consuming task, and (b) quite how the task might be tackled is a conundrum officers will be applying themselves to (the reasons for these two challenges are outlined below). This, we had envisaged taking place during the pre—election and election period, after the work on site selection had been largely concluded, this policy revision work, and identifying a means by which it can be done, must now be brought forward.
- b. There are currently far too many proposed policies, and it is not at all clear which are the priorities. There is a lack of integration and cross-referencing across different policy areas. The almost 100 policies alone, without supporting text, run to 80 plus pages, (the same as the whole of the 2005 local plan, including explanatory text). The policies tend to be too long, unfocused on their intended use by DM staff (and members of the Planning Committee) and developers and the public.
- c. The intention to engage, as far as possible, the experience and perspective of our DM colleagues in refining these. It is difficult to achieve much of this in practice, given the constant immediate pressures DM staff face. The Local Plans Manager has shared the

compendium of policies (without supporting text) with Nigel Brown, DM Manager, seeking his advice on how we could break down the task, and at what stage, to maximise the chance of any meaningful amount and quality of input from them.

- d. There is little direct experience of DM among the Local Plan team staff apart from the Manager (and that mainly long ago), though several have some 'policy user' experience gained through submitting planning application in, e.g. previous consultancy work.

## 18. TOPIC CHAPTERS

- a. As with the DM etc. Policies (above) this work needs to commence soon as a result of the changed expectations of the sequencing of the site allocations work.
- b. The 'Preferred Options' consultation document ran to 338 pages of text (i.e. without the maps and appendices etc.), and over 113,000 words in total (444 of which were repetitions of the word 'transport'). No DM officer, householder developer, even SME builder/developer, is going to be able to read a plan of that length. As a result of that a plan in that form would be much less influential than it might otherwise be.
- c. At that length it would also be of limited use to parish councils and the lay public as an adopted plan to identify what could or should get planning permission, let alone the basis for a consultation as intended.
- d. That said, there is a lot of specialist knowledge and useful information in those chapters. They, or some adaption of them, might usefully be repurposed in future as Supplementary Planning Guidance, Background Papers for the Local Plan examination.
- e. The immediate task is to edit or rewrite them to make useful content for the Draft Local Plan, for which it is salutary to return to the definition of a plan as comprising (a) policies, and (b) written justification (and (c) a policies map). The policies (see previous section) should stand on their own. The chapters are the writing that should justify those policies.
- f. Achieving this should be a less challenging task than be a less detailed challenge than the Policies, but is nonetheless a lot of work simply as a result of the sheer volume of material which will need to be reviewed, condensed and reformulated. In practice this is likely to need to incorporate extraneous material that may currently be included in the draft policies, and reassign policy intentions that have inadvertently been included in the non-policy text.

## 19. RELATED 'NON-LOCAL PLAN' WORK

- a. Recent activity and achievements include
  - i. Two successful Neighbourhood Plan Referendums, one plan 'made' (brought into force).
  - ii. A Design Code consultation workshop/tour last weekend received praise from attendees.
  - iii. A Draft Developer Contributions (Section 106) SPD is being finalized, following Cabinet approval in February, and will be published for consultation very shortly.

## 20. STAFFING

- a. We managed to appoint at short notice a very experienced Interim replacement for a Career Grade Planner who left UDC last month.
- b. Our transport planner left UDC two weeks ago. We will sorely miss his expertise and deep understanding of the transport and other strategic challenges we are facing, and his contacts and familiarity with our duty to cooperate partners and transport consultants, etc. A non-transport planner in the team has been assigned responsibility for keeping a watching brief on transport matters and attend relevant meetings until a replacement is appointed (which may take some time due to the arrangement with Essex CC to host this post and second to UDC). We have also managed to secure our former transport planner temporarily for a half day a week on a consultancy basis to provide us with transport advice, which is likely to be invaluable in this period where a lot of transport modelling is being undertaken for us to test and/or develop strategic growth options. He can then provide a handover to the replacement, likely Feb 2023.

## Risk Analysis

21. This risk analysis relates to the current Local Plan progress situation, and reflects the severe challenges of both the planning situation in Uttlesford, and the scale and complexity of tasks and demanding timescale facing a small team with vacancies and recent rapid staff turnover.

Risk	Likelihood	Impact	Mitigating actions
3	3	3	3

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.

