

**SCRUTINY COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 30 JUNE
2022 at 7.00 pm**

Present: Councillor N Gregory (Chair)
Councillors C Criscione, G Driscoll, V Isham, R Jones, S Luck
and G Sell.

Officers in attendance: D Hermitage (Director of Planning), P Holt (Chief Executive),
A Lindsell (Democratic Services Officer) and S Miles (Local
Plans and New Communities Manager).

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

The Chair extended a warm welcome to the new Director of Planning.

SC17 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors LeCount and DeVries.

There were no declarations of interest.

SC18 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 16 June 2022 were approved as accurate.

Councillor Isham noted that questions raised by Members at the 16 June
Scrutiny meeting had not yet received any response.

Councillor Evans said that he intended to provide a response to the questions
raised at the September Scrutiny meeting rather than at this Scrutiny Local Plan
meeting.

SC19 LOCAL PLAN PROJECT MANAGEMENT - QUARTER 1

The Local Plans and New Communities Manager presented the report on risks
and project management during Quarter 1 of the current financial year.

He said that the proposed change to the timetable would ensure a more robust
analysis of sites and evidence base going into the Regulation 18 consultation.

He confirmed that a final draft of the transport evidence would not be finalised to
inform the drafting of the plan, although it would be ready to publish for the
consultation. This was being mitigated, by keeping in close contact with the
transport consultants and the draft evidence would be sufficiently advanced to
inform the plan.

He said that he met with Councillor LeCount to discuss the project plan, who had asked him to highlight to Members their discussion regarding continued improved Officer communication with Members and to note that he was content with progress being made.

Councillor Evans extended a warm welcome to the new Director of Planning and extended his thanks to the outgoing Interim Director of Planning for her assistance over the last eight months.

He said that the delay to the Local Plan process was disappointing, but not unusual. He noted that the Officer led initiative should dispel residents concerns that the delay was in any way politically driven. He encouraged colleagues to convey that message in their reports to Town and Parish Councils.

The Director of Planning agreed that the Plan's robustness was important and that legal advice prioritised robustness over speed.

The Chair confirmed that the delay to the Plan was for positive reasons.

Councillor Sell echoed Councillor Evan's welcome to the new Director of Planning. He acknowledged the consensus among Members to achieve as robust a Local Plan as possible. He asked whether a third option would be offered, if options would be presented in order of preference and when it would be clear what the options were.

He said that residents would not appreciate Uttlesford District Council's review of sites that had been refused on appeal, particularly where they had received huge local opposition.

The Chair agreed that communication was an important corporate duty.

Councillor Evans said that the preferred options could be two or could be some different viable permutations and would be made available in the autumn. He said that they wanted to extend the means of the consultation and modernise the Regulation 18 and 19 consultation process, to adopt a more media friendly approach to encourage public engagement.

The Local Plans and New Communities Manager said that multiple options were likely to emerge in the Regulation 18 plan and that work carried out over the summer would identify which sites merited prioritising.

The Chief Executive joined the meeting.

The Local Plans and New Communities Manager said that it was worth remembering there was a difference between a planning decision and allocating sites in a new emerging policy plan.

Members discussed the importance of clear concise communications for residents and agreed that the Committee wanted to focus on providing accessible effective communication for residents who may have little background knowledge.

Councillor Criscione said that he remained uncomfortable about the delay and felt unprepared to comment as he had so few of the details. He asked what would happen if another land owner came forward with a site and whether that would cause further delay.

Councillor Evans said that they were trying to achieve a situation where risk was reduced. He said that further sites could always be put forward and indeed revoked at any stage and views would be taken in response to either. He said that they were following advice from the Queen`s Counsel and Barrister retained to provide advice on procedural matters.

The Chief Executive said that the nature of the process was fluid and that it would be irresponsible to not consider any new large site identified or put forward as it arose.

He said that there was no guarantee that the new unnamed site would remain as an option and work was being undertaken to ascertain whether it was viable. The site would be exposed to proper scrutiny as soon as possible and a robust explanation provided as to why it warranted the extended timetable.

The Chair asked the Chief Executive whether the identification of a further new site would justify a further delay.

Councillor Criscione said that he felt that the recent presentation by the Local Plans and New Communities Manager had not been well received by Members and asked how this could be avoided in the future to ensure that the Local Plan could reach consultation.

The Local Plans and New Communities Manager said that consultation was key and that feedback had identified that the presentation had not offered enough opportunity for Members to ask questions. He explained that Officers were working to communicate better with the Local Plan Leadership Group (LPLG). He noted that Officers were pro-actively looking for sites and that it was through this work that the opportunity had arisen.

Following a question from Councillor Criscione the Local Plans and New Communities Manager confirmed that Officers had been in touch with the Department for Levelling Up, Housing and Communities (DLUHC) to notify them that there may be possible changes to the timetable and offering to meet and discuss these changes as they arose. He said that when the previous draft Local Plan timetable had not allowed the Council to meet their adoption deadline the DLUHC had been content as long as progress continued to be made. He confirmed that progress was currently being made.

Councillor Isham said that the call for sites process required a comprehensive understanding of the district to identify the infrastructure and any related issues. He said if the Council had defined the district with clarity first then unviable sites would have been easily ruled out.

He asked what the rules were surrounding meetings between the Council and land owners or developers,.he asked who attended them and who wrote the

agendas and minuted the meetings. He said that there should be a record of who met with whom and what was said.

Councillor Evans confirmed that Members were not involved with meetings with land owners and developers.

The Local Plans and New Communities Manager confirmed that notes were taken of meetings with landowners and developers and would be published when appropriate.

He said that the methodology adopted for assessing sites for development was taken to the LPLG in April 2021 around the time that the call for sites closed.

Councillor Criscione questioned whether information that arose from discussions with developers was shared with the LPLG to demonstrate that there was democratic accountability within these discussions.

Councillor Evans reiterated that the decision making process for the LPLG was by recommendation to Cabinet and that matters of detail could be addressed at that time. He said that all actions would be transparent and that any discussions involving Members would be identified in advance as part of the process.

The Chair asked Councillor Evans whether there was democratic accountability and if so where it was demonstrated.

The Local Plans and New Communities Manager said that general democratic accountability was demonstrated through the regular meetings with Councillors Evans and Bagnall who were appraised of key points.

He said that the discussions with the large site promoters in October 2021 were as a result of exploring a Memorandum of Understanding (MOU) with them. Democratic accountability was demonstrated when Officers took the MOU through Cabinet and fed back to LPLG on the outcome of the discussions. He said that in early 2022 the decision was made not to pursue the MOUs with those site promoters, in line with the outgoing Interim Director of Planning's advice.

The Chair summarised that there was democratic accountability which was exercised by Officers through briefings and meetings with the Chair of the LPLG and the portfolio holder for Planning.

Councillor Isham said that it did not sound like there was a well designed and practiced process and that he did not feel like this was a defined well trodden path of officers carrying out their duty to feedback meetings to Members.

The Chief Executive said that there was a very clear chain of democratic accountability set out in the framework of the Local Plan. He said that at the stages that were exploratory and developmental and that required both objectivity and a huge degree of technical and professional understanding, knowledge and detail they were rightfully carried out by Officers and experts

employed by the Council. These led to the key milestones set out clearly in the Plan.

There was clear accountability for the actual decisions that rightly belonged in the remit of Members. The exploratory and developmental discussions did not lead to done deals or irrevocable decisions. They informed the package that was fed back to Members. No interim decisions were taken to rule things out.

Councillor Isham said Members had insufficient background information to provide clarity to enable them to make sound decisions.

Councillor Luck said that he was happy with the debate and grateful for the clarification given by the Chief Executive.

Councillor Driscoll asked how the Plan could be driven forward when Members were told that the transport evidence would not be available in time for the Local Plan programme.

Councillor Evans said that the transport study was being undertaken and the topic was being led by one of the Essex County Council Officers seconded to the Council. He said that he and Councillor Bagnall were shortly attending a meeting to see the documents that formed the basis of the advice from the expert. Draft advice would be relied on to allow fine tuning to be done but the actual substance of the reports would have been completed by the time a recommendation would be made based upon them.

The Local Plans and New Communities Manager said that transport was specifically highlighted because it took a particularly long time due to the high degree of technicalities. He said that the risk would be mitigated by keeping in close contact with the expert to ensure that the Council was aware of and fully understood the emerging findings. These would be in a sufficiently advanced state to be relied upon before Officers came to a view on the Plan.

He said that there was an option to wait until the transport evidence was complete but would require a further delay to the timetable.

The Chair requested that an update on the transport evidence be provided at the September Scrutiny meeting.

Councillor Sell requested clarity on the MOUs. He said that the big six identified in the call for sites were key to the Local Plan and that he would be surprised if none of the six reached the final process. He asked whether a single settlement was actively being considered as part of the process.

The Chair suggested that question should be asked at LPLG.

The Local Plans and New Communities Manager said that it was not appropriate to discuss individual sites and confirmed that MOUs stopped being explored as they were generating too much work, although they would be revisited at a later stage.

Councillor Isham said that significant draft proposals were made before the latest site was identified and must have been undertaken without properly understanding the transport matrix. He asked on what basis were evaluations being made, particularly as there were already known traffic issues in the area.

The Local Plans and New Communities Manager said this highlighted an area to work on over the summer so Members could understand the plan, the process and the recommendations that would be coming to them.

The Chair requested that a report be brought to the September Scrutiny meeting.

Following a question from Councillor Criscione, the Chief Executive agreed that the onus was on the LPLG to take on board the respective views of their party colleague's views and filter information and opinions through the LPLG with regard to the workshops planned in July and August.

The Chair said that Councillor Pavitt had written to him with questions which were more relevant to LPLG and asked Councillor Evans to refer them to LPLG for detailed answers.

Councillor Evans agreed and detailed the questions:

- Whether land should be prioritised for food production.
- Rivers and sewerage.
- Whether river valleys could be especially valued as nature corridors and exclusion zones within a particular distance from the water courses.

He said that the questions would be addressed within the technical evidence, and would now come back to LPLG and suggested that DEFRA could additionally be asked to consult.

Following questions from the Chair, the Local Plans and New Communities Manager confirmed:

- That the transport study would take into consideration cross border issues in particular major trunk roads that had a significant impact on the district
- The water cycle study gave consideration to the water needs of the district, the condition of the water course and aquifers and the sewerage infrastructure.

The Chair thanked the Local Plans and New Communities Manager and his small team for all their work in the past year. He said that the reason that the Plan was so robust was very impressive.

He highlighted the need for clear rather than technical communications to residents to enable them to understand what was being done in their name.

RESOLVED:

- I. The Committee noted the conclusions of the report on risk and project management and endorsed the proposed actions.
- II. The Committee noted the draft letter update to the Department of Levelling Up, Housing and Communities for Quarter 1 of the current financial year. It was agreed that the Local Plans and New Communities Manager would circulate the redrafted letter to Councillors Sell and LeCount for approval prior to dispatch.

SC20 **APPOINTMENT TO THE STANSTED AIRPORT TASK & FINISH GROUP**

The Chair proposed that Councillor Drisoll replaced Councillor Coote on the Stansted Airport Task and Finish Group.

This was unanimously approved.

RESOLVED: Councillor Driscoll was appointed to the Stansted Airport Task and Finish group to replace Councillor Coote

The meeting ended at 8.34pm.