

Councillor John Evans – Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan
Report to Full Council: 6 December 2022

Local Plan

The Department for Levelling Up, Housing and Communities (DLUHC) has been notified of the new timelines for the emerging Local Plan and a meeting between senior officers and DLUHC officials took place in November.

DLUHC has offered consultancy services to assist facilitating Duty to Cooperate discussions with neighbouring districts and this will be taken up.

Newly implemented Local Plan oversight arrangements are now in place. This include fortnightly progress meetings between the Chair and Vice-Chair of the LPLG and the Leader of the Council, Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Director of Planning and Interim Local Plans and New Communities Manager. This meeting is also being extended to include the Chair and Vice-Chair of the Scrutiny Committee on a monthly basis.

Dates for LPLG, Local Plan Scrutiny and LP Working Group meetings are now in place up until the end of the municipal year. At the most recent LPLG officers set out the refreshed methodologies that would now be used to assess sites going forward.

It is the intention to publish more material online in order to increase transparency. A number of evidence base documents are being uploaded to the council's website, including our water-cycle study, landscape and heritage studies, retail and employment studies. These are being published for information. Our small Local Plans Team is unable to enter into correspondence on their content at this point. Of course, there will be a full Regulation 18 consultation next year.

We have launched a consultation on our draft Developer Contribution (S106) Supplementary Policy Document (SPD). This SPD provides detailed advice on developer contributions, including the negotiation of Section 106 agreements, the charges for monitoring of obligations and detailed considerations on a range of infrastructure requirements such as affordable housing and community facilities. The consultation runs until 6 January 2023 (thus exceeding statutory consultation requirements - on account of the Christmas period).

Our Neighbourhood Plans Officer has supported three new Neighbourhood Plans so far this calendar year, with two successful referendums and two newly 'Made' plans in place. A third referendum (The Chesterfords) is due to take place in early December.

Our Design Code work is ongoing, and a number of events and tours have been arranged. These have been positively received. The team is looking to expand on this work by getting local schools and community groups (including of younger people) involved in the design code consultations in the new year.

Development Management & Enforcement

The development management team continues to work on the performance transformation programme in response to designation by DLUHC. In my last update report I noted that the designation of the Planning Service was due to unsatisfactory performance in the quality of decision making on major applications – in short 17% of our decisions on major applications were overturned at appeal in 2018-2020. The threshold for avoiding designation is 10% or below. As of November 2022, this figure is down to 10.45% but we have 6 major application appeals pending and it remains to be seen whether this figure may increase by year-end, depending on the outcomes of those appeals.

As requested by DLUHC, on 3 October 2022 the Planning Service submitted its Performance Improvement Action Plan to the Secretary of State. DLUHC officials responded on 10 November 24, 2022 and found it,

“...encouraging to see that a number of proposed actions have already been completed on immediate actions and efforts are being made to take forward some of the medium to longer term actions, particularly in relation to recruitment and introducing a new pre-application process”.

A meeting with DLUHC officials is scheduled for December to discuss next steps.

The position with regard to minor application appeals is that only 2.45% of decisions were overturned as of November 2022. This is far below the 10% threshold.

In order to facilitate the actions in-train we need a stable complement of staff. We are currently advertising eleven vacant posts across the Planning Service (including two new posts of Conservation Officer and Ecologist, and three vacant posts in our Local Plans Team), with interviews planned in December and early January. Interviews for a replacement Transport Policy Planner are already scheduled. The team is also offering work experience placements for the first time since before the pandemic and will be attending upcoming careers fairs to promote planning and building control careers at Uttlesford.

The team is currently reviewing the pre-application service and other paid-for services in order to assist with budget pressures. The pre-application advice service will be relaunched in the new year. Our pre-application and PPA advice service has generated some £193k in way of fees so far this year.

In terms of planning enforcement, four enforcement notices have been served over the past few months. Three of these have been appealed against and thus enforcement action is required to be held in abeyance until the outcome of the appeal. The time it takes to investigate a breach of planning control, negotiate with the landowner, draft and serve notices, wait for them to take effect (usually 21 days), allow reasonable time for a breach to be remedied and then (if applicable) wait for the outcome of appeal, makes for a slow end-to-end process. However, we do have three earlier cases with firm enforcement notices in place that will now proceed either to prosecution in the courts or other direct action being taken.

Building Control

Lastly, our Building Control Team Service has won 80% of building control contracts in the district again this quarter. This is exceptionally high for a council building control function that operates in a competitive market where there are 28 'Approved Inspectors' also operating in the area (i.e. private companies licensed to provide Building Control services). The team further remains on call 24 hours a day, 365 days a year in respect of urgent and dangerous structure callouts (e.g.. bridge strikes, building collapses etc).