

Committee: Local Plan Leadership Group (LPLG)

Date: 13 March
2023

Title: Local Plan Work Programme Update

Report Author: Dean Hermitage – Director of Planning; John Hoad – Interim Policy Planner

Summary

1. The purpose of this report is to:
 - Provide an update on the work underway to prepare a Local Plan Regulation 18 ‘Preferred Plan’ consultation
 - Refocus and agree Local Plan work priorities
 - Check implications for the Local Plan timetable (Local Development Scheme)
2. This report follows on from the Local Plan Scrutiny Committee (LPSC) and Local Plan Leadership Group’s (LPLG) consideration of more detailed reports assessing the position reached and resource issues presented in 2022. This suggested a need to significantly revise the approach being taken.

Recommendations

3. That LPLG,
 - a. Endorses the approach to plan preparation now being taken, as outlined in this report and,
 - b. Agrees a recommendation to Cabinet that the new Local Plan timetable be revised around a Regulation 18 consultation by 27 October 2023 (which will then be open until early December 2023).

Financial Implications

4. Within existing local plan budget.

Background Papers

5. All previously published New Local Plan papers are relevant.

Impact

Communication / Consultation	LPSC and LPLG documentation and consideration aids communication, including the ability of interested parties
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	to better appreciate the progress of the Local Plan's preparation.
Community safety	None
Equalities	None
Health & Safety	None
Human Rights / Legal	None
Sustainability	None
Ward-specific Impacts	Covers all wards
Workforce / Workplace	None

Situation

The Refocus of Work Priorities

6. In previous LPSC and LPLG discussions it became clear that there was a need to refocus the officer technical work underway on the Local Plan. To do this, the detailed officer work programme is being reset around the question:

“What are the essential components of the intended ‘Draft Preferred Plan’ consultation?”

7. This is not a matter that is prescribed in legislation and guidance. However, officers are now working to prepare / finalise the following work streams and documents:
- Sustainability Appraisal (SA) Initial Report, with illustrative ‘reasonable alternatives’ and clear linkage between plan objectives and the appraisal methodology
 - Development Strategy and Site Selection Methodology and Analysis explaining the choice of preferred Development Strategy and its constituent land allocations (sites). This will use Sustainability Appraisal factors / criteria
 - Draft Preferred Plan (including Policies Map)
 - Core Evidence (updates for the New Local Plan):
 - Government Standard Method housing (land) needs assessment note
 - Economic / business (land) needs assessment note / study

- Strategic Land Availability Assessment (SLAA) identifying all sites as 'potentially suitable' with full mapping. No sites are 'excluded' from consideration by the SLAA. Sites are simply rated by likely difficulty, of and timescales for, development (which can then be related to the period planned for)
 - Carry through of relevant parts of SLAA mapping to a land allocations mapping layer for Policies Map
 - Planning commitments monitoring updated to plan base date
8. A significant amount of evidence was prepared for the withdrawn Local Plan and remains available and useful. It is not crucial to the consultation and can be updated as necessary for submission. This is the most effective and economical way of supporting the plan the Council finally submits.
9. The production of a General 'audience' consultation paper is being considered. This would be a short paper for publish with the Reg18 Local Plan explaining the Draft Preferred Plan Development Strategy choice(s) and referencing above more detailed sources (previously this had been integrated in the plan drafting itself).
10. The above is a resource efficient consultation 'package' that covers all necessary information. It should all be published together at the point of consultation (proposed October 2023). This avoids partial consideration and the potential distractions that can arise and affect progress when information is provided in parts / 'drip-fed'.
11. Much of this material already exists in some form. The emphasis now is on essential refining and re-organising. Nevertheless, that task is substantial, especially in respect of the preparation of the draft plan itself.
12. The draft preferred Plan and general audience consultation paper will recommend to, and must be approved by, Members before consultation.
13. Effective progress depends on officers assuming that:
- We take a 'preferred plan' approach to build on the previous *open* issues and options consultation (i.e. a single preferred option, or as close as possible to it). A preferred plan is a necessary step in maximising the chances of moving efficiently to a Regulation 19 Submitted Plan. This is because there will be a well-developed draft plan to work from. Even if parts of it change (e.g., components of the Development Strategy), many aspects will remain relevant.
 - We have a reasonably well-settled view on the Development Strategy (taking account of previous withdrawn Plan history). There are some further suggestions on this below.

- We agree that we only carry out further engagement with interested parties including landowners and developers (this could develop around the SLAA, if not appropriately managed) once we reach Reg 18 consultation stage.
 - We are clear that Regulation 18 'Consultation' is important and must be done – but it is not *the* fundamental stage. It is a draft. Regulation 19 'Submission', where the Council must decide on the Plan it is promoting, is fundamental. Officers and Members must be clear that there remains plenty of scope to consider and finally decide the Council's view on its Plan (taking account of the consultation responses). This gives emphasis to scope and build up and update detail and evidence later.
14. At a recent meeting of the Local Plan Working Group (LPWG), the Uttlesford Strategic Land Availability Assessment (SLAA) was discussed. This was not a public meeting and it is entirely normal and not contrary to the interests of transparency and natural justice, for some local plan meetings to be held 'in camera' in the course of producing a local plan. This was specifically recommended to UDC by its Local Government Association advisors when the governance arrangements for the new Local Plan were being set up. Almost all local planning authorities find such 'in camera' meetings a useful complement to public meetings in preparing development plans. Such meetings enable exploratory discussions to be held, enable Members and officers to discuss things frankly without the risk of being legally challenged for apparent prejudice, and avoid peoples' property values being affected in either direction before proper consideration has been given to all the different possible options. These are exploratory meetings and not decision-making meetings.
15. A summary note on the SLAA has been produced following the meeting and is attached as *Appendix 2*.

Plan Vision and Objectives

16. This aspect of the Plan has been discussed previously by the LPLG following the Issues and Options consultation in 2021 and 2022.
17. For the work now underway it is advisable to simplify and clarify objectives and create an explicit linkage to Sustainability Appraisal factors. This will allow coherent Development Strategy options analysis and help justify the preferred plan.
18. The approach now being applied is outlined in *Appendix 1: Vision & Plan Objectives*. LPLG feedback and confirmation of this approach is sought. The document is currently in draft.
19. For the avoidance of doubt, previous decisions on objectives are not lost. They are carried through in this simplification. The essence of the changes is only that the objectives are centered on the main purpose of a Local Plan (to

accommodate development needs) and what can be achieved directly through planning powers.

Development Strategy / Spatial Strategy

20. The 'development strategy', also referred to as 'spatial strategy' on which the draft preferred plan is being built around is:

- Significant, but widely dispersed, medium / small scale development related to the settlement hierarchy, through most of plan period. In the longer term, a new major growth location giving time for supporting infrastructure to be improved -

21. This approach has been discussed extensively by the LPWG previously and aside from the difficult matter of choice of location for the major long-term growth, which remains difficult and controversial, the strategy is an inevitable consequence of the characteristics of Uttlesford and the Planning Inspectorate's strong views on the previous withdrawn plans.

22. In taking a decision on its preferred plan the Council will clearly need to finalize its view on the best major growth location(s) and mark it as a broad location or specific land allocation on the draft Policies Map. This will then form part of the Reg18 consultation and the views of all interested parties will be sought.

Work Programme / Timetable

23. Having undertaken a reassessment of the work required to get to the Regulation Consultation, it is suggested that the timetable be revised as follows:

- Governance and decisions on the consultation 'package' taken in September 2023
- Regulation 18 'Preferred Plan' consultation by 27 October 2023.

24. The Council's Local Development Scheme (LDS) can be revised to include more detail on this. The moving of the consultation date a further two months was not previously anticipated and is the result of the rapid turnover of staff and loss of experienced staff at the beginning of this year.

25. Officers note that some 40 English councils have recently announced delays, changes and pauses to their local plan timetables, many as a result of emerging government reforms. Our Local Plan is not being delayed as a result of government reforms, and LPWG has recently indicated it supports a continuation providing officers keep one eye on the emerging reforms in order that we can respond to them quickly if they provide benefits to Uttlesford. In this vein, at its last meeting the group also reached an agreed position on the council's response to the government's recent consultation on planning reforms.

The response has been submitted and is appended to this report for information – *Appendix 3.*

26. It may still be necessary to revisit the LDS in the future, depending on progress in making the difficult decisions needed for the consultation package and also taking account of how current uncertainties on the Government’s approach to Local Plans are resolved (impending National Planning Policy Framework revisions and Levelling-up and Regeneration Bill / Act outcomes) – the council is not operating a vacuum in this respect.

Staff Resources

27. LPLG Members are already aware of the planning policy staffing issues the Council has faced. Further detail is provided in the report to Local Plan Scrutiny Committee of 13 March 2023.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to successfully Project Manage the Local Plan will result in an unsound Plan.	2 – Recruitment and retention of planning staff remains a national issue.	4 - Lack of an adopted (or advanced emerging local plan) leading to potentially unacceptable development.	3- Staffing mitigations in place and further mitigations being developed. Project management system in place.

- 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.

Appendices

Appendix 1 – Plan Objectives (with links to Sustainability Appraisal Factors)

Appendix 2 - USLAA Summary Note

Appendix 3 – UDC’s response to the government’s planning reforms consultation