

Committee: Local Plan Scrutiny

Date: 11 October
2023

Title: Local Plan: Project Plan (April - September
2023)

**Report
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Summary

1. This report provides an update on local plan progress up to end of September 2023, including risks, mitigations and resourcing. The revised Local Plan timetable established in March 2023 is on course and required actions are being met. The updated risk register is attached as [appendix 1](#).

Recommendations

2. That the Committee notes the conclusions of the report on risk and project management; the implications of possible timetable slippage; and provides its views on the matters covered in the report.

Financial Implications

3. Within existing local plan budget.

Background Papers

4. The draft Regulation 18 Local Plan can be found within the 4 October LPLG papers [Microsoft Word - Local Plan Draft WRD 26.09.23 FINAL \(moderngov.co.uk\)](#)

Impact

Communication / Consultation	The Draft Reg18 Local Plan is planned to be published for consultation for a period of not less than 6 weeks beginning w/c 30 October 2023.
Community safety	None
Equalities	None
Health & Safety	None
Human Rights / Legal	None
Sustainability	None
Ward-specific Impacts	All wards

Workforce / Workplace	None
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Situation

Resourcing Update

5. Previous reports to this committee have highlighted staff resourcing issues as contributing to delays to the local plan. This is identified in the Risk Register as **Risk ID Ref 1 – Staffing Risks.**
6. This municipal year the Local Plans Team has remained relatively static in terms of turnover, with only one leaver. This compares well to the position at the end of last year where staff turnover was at 58% (2022/23) prior to mitigations being put in place (see report for March LP Scrutiny committee). As such, sufficient staffing resource has been maintained in order to keep pace with our challenging programme.
7. The loss of our Urban Design Officer in June meant greater reliance was placed on external consultants for design work. This resulted in increased costs but it is considered these can be absorbed in the wider budget. A new permanent Urban Design Officer joins UDC mid-October.

Programme

8. An updated Local Development Scheme¹ (LDS) is to be published for consideration at the 16 October meeting of Cabinet. This formalises the overarching timetable that was discussed at Scrutiny Committee in March 2023. This includes:
 - Regulation 18 consultation w/c 30 October 2023
 - Regulation 19 consultation June/July 2024
 - Submission of Regulation 19 plan to Secretary of State December 2024
 - Examination in Public throughout 2025
 - Adoption of Plan early 2026
9. Specific dates can be given at the start of each relevant, municipal year when council meeting dates are confirmed.
10. The Regulation 18 document has been produced in accordance with the timeline. Whilst challenging, it is considered that remainder of the above LDS is achievable.

▪ ¹ an LDS is the overarching project plan that sets the timetable for the production of local plan documents

11. It is of importance to note that Government has set a deadline for the submission of new local plans under the current legislative framework. From 1 July 2025 a new legal framework for production of local plans will be in place, the details of which are yet to be published by Government. The deadline under the current regime is thus 30 June 2025, with plans to then be adopted no later than 31 December 2026. Officers are of the view that should we fail to meet the above deadlines it is unlikely that Uttlesford can have a plan in place until 2028. Any further material slippage against the LDS thus risks a possible delay of a further two years; two more years of speculative development.
12. Officers are also mindful of the recent ministerial intervention in the Spelthorne Local Plan. In that case ministers have directed Spelthorne Borough Council to progress their plan. Their current plan dates from 2009 and is considered out of date. As a result, **Risk ID Ref 7 – LDS Timetable** has been updated to reflect an increased risk for government intervention. Mitigations in respect of this include the robust project plan now in place, and regular reporting to Corporate Overview Board² and Scrutiny Committee.

Project Plan

13. As previously reported (March 2023) the project plan is monitored in real time using appropriate software and overseen by the team's project officer. A clear steer was previously given by the Scrutiny Committee in this respect and the approach has assisted in achieving deadlines.
14. All officer tasks are RAG rated. There are currently none rated "red". However, officers and members of the cross-party Local Plan Leadership Group have had to take a pragmatic and flexible approach to reviewing evidence (much of which is produced by external consultants) and policy chapters, some of which was not available in final draft ahead of working group and LPLG meetings. This has meant officers and members of LPLG have, in some cases, had to review documents by exchange of papers, sometimes over weekends and with papers in draft form. The substance of the content however was clear in each case.
15. All papers will, of course, be available publicly for Cabinet and Full Council. Whilst reviewing some matters 'in camera' has been the subject of external criticism in the past, there is no statutory requirement to publish anything prior to the consultation and so this brings no risk to the robustness of statutory process.
16. In agreeing this pragmatic approach to the review of information, the LPLG has avoided the need for officers and consultants to either rush work on documents or delay the programme.

▪ ² Corporate Overview Board – a UDC and Essex CC officer board that provides officer-level scrutiny.

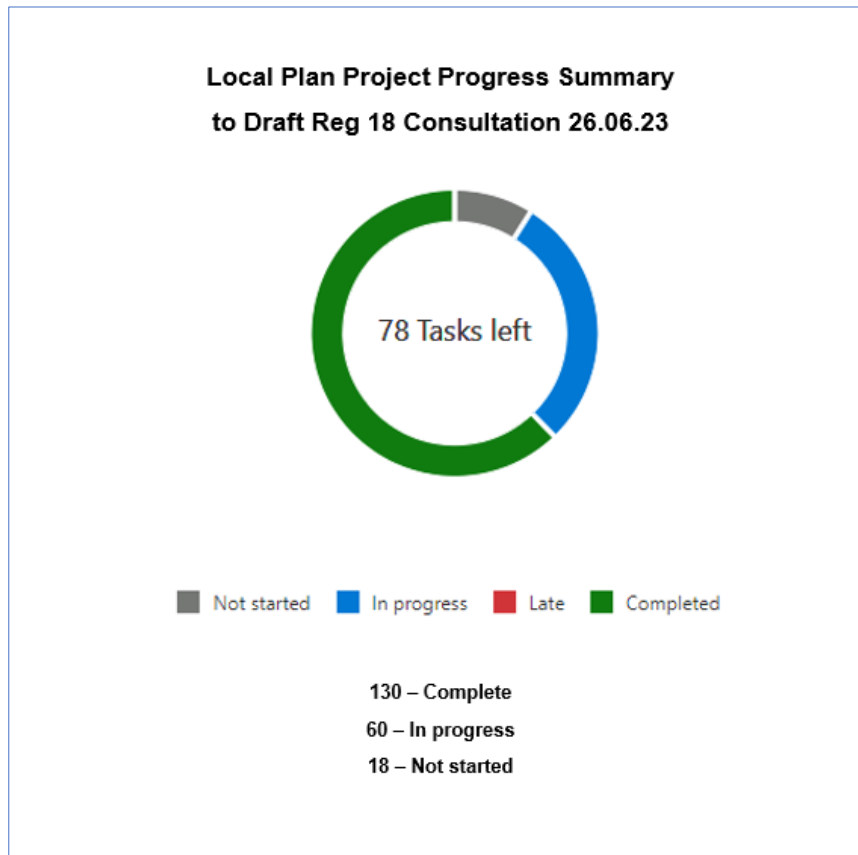


Figure 1: Reg18 Project Plan Progress summary

17. Each of the twelve chapters of the draft plan formed a *task* within *Workstream 1* the project plan. Each has been drafted by officers, based on evidence-base documents, has been reviewed by LPLG, legal counsel, and published for governance. The version planned for public consultation will be of a higher quality in terms of appearance and diagrams.
18. The chapters set out the spatial vision for Uttlesford, derived from the council's Corporate Plan and the steers given by LPLG. It includes five Core Policies (CPs). CP1 seeks to address climate change in accordance with Members' instruction to make this a climate change led Local Plan. *Workstream 1* is complete as far as it relates to the Regulation 18 stage of the plan. However, it is anticipated there will be various changes / improvements to the chapter wording following consultation. Timing for this work has been allowed-for in early 2024.
19. *Workstream 2* covered the site selection / spatial strategy that underpins the draft plan. Tasks included establishing accurate housing and employment needs, developing the site selection methodology, reviewing the district's settlement hierarchy and running the site selection process (which was previously agreed with the LPLG). A comprehensive selection process was carried out, which began with an assessment of land at each of our most sustainable settlements (as indicated by the Housing and Economic Land Availability Assessment evidence base document – HELAA). This approach helped to identify broad locations that offered the most suitable locations for development. These were then tested against the Sustainability Appraisal,

Transport Assessment, Viability Study, Landscape Sensitivity and other technical evidence base studies. Meetings were also held with site promoters and a number of other stakeholders, such as the NHS and Essex County Council Education, and Essex Highways to test the strength of the strategy. This work is complete in respect of the Reg18 stage of the plan. Again, time has been scheduled in early 2024 for revisions following consultation and to take into account further 'commitments' (additional grants of planning permission) that may allow us to reduce housing numbers in the next version of the plan.

20. Work on *Workstream 3*, the Preferred Sites, started as soon as *Workstream 2* tasks were practically complete. High level design work was carried out with regards to the proposed strategic housing site allocations identified under *Workstream 2* above. These are included in the Reg18 document in order to demonstrate how the level of development allocated to each site can be accommodated bearing in mind that the locations have a range of sensitivities (including heritage assets, ecological sensitivities etc). The proposed site allocations are accompanied by detailed Site Development Templates, which set out the detailed policy requirements the sites would be expected to deliver. This workstream is complete for the purposes of Reg18.
21. *Workstream 4* covers evidence base work and is broken down into 27 tasks, each aligning with a specific evidence base document / topic. Some of these tasks are awaiting final sign off but are sufficient for internal decision-making and have been made available to the LPLG. These will be published for Cabinet.
22. As stated above, the evidence base studies have informed the drafting of policies. For example, Viability evidence identifies challenges associated with planning for 40% affordable housing on all sites. As a result the draft Policy includes a proposed requirement for 35%. An assessment of relevant local data, including Local Housing Need, strongly suggests this will meet affordable housing needs in the district.
23. This workstream is 90% complete at time of writing and as far as it relates to Reg18. Evidence will continue to be built-up and refined between Reg18 and Reg19 stages.
24. *Workstream 6* covers all duty to cooperate (DtC) tasks. A DtC "statement of common ground" template was created and has been used to demonstrate DtC with relevant bodies. DtC discussions have taken place on strategic issues with bodies including Essex County Council, Greater Cambridge Partnership, Natural England, Historic England, the Environment Agency, Manchester Airport Group, the NHS and DLUHC. This Workstream has sought to resolve issues of a strategic nature between stakeholders and will require ongoing collaboration as the plan progresses and evolves.
25. *Workstream 8* concerns Communications and Consultation. Tasks completed include the drafting of a 'newsletter' document for all residents; the preparation of various press releases, website updating, and booking of community

'roadshow' venues. One of these tasks, titled 'youth engagement event' is now RAG rated 'amber' on account that the consultancy engaged to run this event has advised it has ceased trading as of end-September. Whilst not a statutory element of the consultation, officers and members of the LPLG are keen to hear the views of the district's young people and will give further consideration as to how this can now be achieved.

26. *Workstreams 5, 7 and 9* concern internal governance and reporting tasks. All required deadlines are being met.

Risk Register and Mitigation

27. The Risk Register is appended as Appendix 1. The highest rated risk is now **Risk ID.04 – Political Consensus**. Officers have sought to present the draft plan in as clear and as readable format as possible, incorporating input from LPLG and Counsel where possible. Officers will seek to assist the wider council membership ahead of Cabinet and Full Council with questions. This risk is given the highest possible 'impact' score, as failure to launch a consultation to the programme set out, makes it likely UDC will miss the government target discussed in paragraph 11 above.

28. **Risk ID.09 – Lack of Sites** has been closed, as with the reduced numbers of housing for allocation there are sufficient sites to accommodate the numbers as put forward in the 'call for sites', and without any incursion into the green belt.

29. An additional risk (**Risk ID.11 – Processing of Consultation Responses**) has been added. Officers must ensure every consultation response is logged, considered and tabulated for publication. We have a relatively short timescale in which to do this and a team of only nine members. We have mitigations including overtime for other planning staff, use of external consultancy staff, and potential use of AI. These have potential cost implications.

30. In terms of general risk management, since June 2023, the team has held monthly meetings with legal counsel (a KC and junior barrister) to review work undertaken against the demands of statutory process. Officers consider that this has made outcomes more robust. This has added to costs, but overall, the programme is within budget.

Conclusions

31. A draft Regulation 18 Plan has been produced in line with the timetable proposed in March 2023. Regular liaison with LPLG members has taken place and regular review with legal counsel has taken place. In some cases, officers and LPLG have taken pragmatic and flexible approaches to completing tasks in order to meet the challenging timetable, and had to hold meetings and review some information 'in camera'.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to successfully Project Manage the Local Plan will result in an unsound Plan or inability to submit the plan due to government deadlines	2 – various elements of risk involved (see appendix 1)	4 - Lack of an adopted (or advanced emerging local plan) leading to potentially unacceptable development.	Various mitigations in place. Project management system in place (see appendix 1).

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 – Local Plan Risk Register