

Committee: Scrutiny Committee

Date: 16 April 2024

Title: Local Plan: Project Plan (Regulation 19)

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Summary

1. This report provides an update on local plan progress (Regulation 19 stage) up to end of March 2024, including risks, mitigations and resourcing. The revised Local Plan timetable, first established in March 2023, is on course and required actions are being met. However, there remains limited contingency in terms of timescales. A recent review by the Planning Advisory Service (PAS) was generally positive.

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 published Local Development Scheme (LDS) can be found here: [Local Plan timetable - Uttlesford District Council](#)

Impact

Communication / Consultation	The Reg19 Local Plan is planned to be published for consultation for a period of (not less than 6 weeks) July - September 2024.
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

General Update

5. Since the last report to Scrutiny Committee the Regulation 18 consultation closed (18 December 2023) and drew 1742 responses. The responses were published on 11 March 2024. This was in general accordance with timings set out in the Local Plan project plan (one week behind project plan date).
6. In December 2023 the Secretary of State for Levelling up, Housing & Communities (DLUHC) wrote to the council. He stated,

“Given the poor progress your authority has made towards adopting a plan over the last 19 years, I have considered whether I am justified in using my powers of intervention to ensure that your authority has an up-to-date timetable, which indicates whether you will submit a draft plan [by 30 June 2025¹]”.
7. In response, the council provided the council’s published Local Development Scheme (LDS) (October 2023) along with supporting information. The timetable was, and remains, that first brought to this committee in draft in March 2023. It was made clear to the Secretary of State that the council had been working to the current LDS timetable and there had been no material slippage over the past year. This remains the case.
8. The Secretary of State advised that council officers liaise with DLUHC Officials, who in turn recommended that the Planning Advisory Service (PAS) review the council’s project plan, LDS, and team resources in order to identify any risks and recommend efficiencies in terms of the Regulation 19 phase of the programme.
9. The PAS report is appended as Appendix 1. The Committee may wish to note that we are currently at the halfway point of the Regulation 19 phase of the Plan which is planned to run from January to end of June 2024.

PAS Review Findings

10. PAS reviewed the LDS, project plan documents, and met with key officers to review the resources available. It found,

▪ ¹ 30 June 2025 marks the end of the transitional arrangements under the current system of Local Plan preparation. Beyond this a new system will be brought in under the Levelling up & Regeneration Act 2023.

“The LDS timescales are challenging for the Council to achieve. It is noted that the programme plan is detailed, showing duration of individual tasks and resource requirements for each task...the planning policy team has frontloaded a considerable amount of work with the...Regulation 18, consulting on a full draft plan with detailed and well-advanced evidence base documents...[thus] enabling the council to progress to the [Reg19] stage quickly”.

11. The Committee may wish to note that typically a Regulation 19 phase will take a council around 12 months and that Uttlesford has set out to achieve it in less than 7 months. However, PAS went on to say,

“Given the progress that has already been made in drafting [the] Local Plan and based on the resources within the team, the timescales presented within the LDS appear achievable”.

12. The PAS report has been forward to DLUHC / the Secretary of State.

Update on Key Workstreams

13. Evidence base – As PAS notes, all work on the evidence base has been scoped, commissioned and is underway in accordance with the programme. Evidence including the updated Housing and Employment Land Availability Assessment (HELAA), Settlement Facilities Study; updated site Masterplans; Site Selection Topic Paper; and Traffic Modelling are all due for completion (i.e. officer level completion) at various dates throughout April and May. These dates are all in accordance with the project plan. Of course, further changes to some of these may be required as a result of Local Plan Panel (LPP) input and time for this has been factored into the programme.

14. Reg 18 Consultation Response Analysis – Throughout January and into February officers analysed the c.5000 comments made within the abovementioned 1742 responses. Many comments have resulted in amendments to various workstreams and will result in changes to the Plan itself. The comments (redacted where necessary) are published. A draft report setting out provisional responses to the comments has been shared with LPP on a confidential basis. Once agreed with LPP and finalised, the report will be published. No response has raised issues so significant as to de-rail the timeline set out in the LDS. While some highlighted significant challenges (such as education provision) these are currently being addressed and meetings have taken place with the respective respondents. The consultation responses are incredibly helpful and will assist in making the Reg19 Plan far more robust than the Reg18 version.

15. Reg 19 Chapter Preparation – PAS notes that the Reg18 was a “complete draft”. Although it was a draft, it provided an outline version of all elements of a local plan (bar a policies map). Some Reg18 plans are not this comprehensive. Thus, while it can be anticipated that there will be numerous changes to the drafting it is not a case of drafting the chapters ‘from scratch’ for Reg19. The re-drafting is

being undertaken in accordance with project plan timescales with LPP having given views on some key policy areas (such as affordable housing and climate change) already. Consultation feedback is also being fed in. Emerging chapters are shared with leading Counsel to review for legal compliance.

Engagement

16. The LPP met in public in February, March and (is due to meet) 10 April. LPP workshops (non-public) were also held in February and April.
17. A Parish Council workshop (for parishes with provisional housing allocations) was held in March.
18. Meetings with land promoters and other stakeholders, such as Essex County Council, have been had, where required these have been under 'duty to cooperate' requirements.

Resourcing

19. The Committee will recall the March 2023 meeting of Scrutiny Committee when it was reported that staff resourcing issues had delayed Local Plan progress. As of March 2024 the team remains well-staffed. To mitigate against the types of impacts felt a year ago, direct recruitment (including career grade / 'grow your own' staff) is supplemented with secondments from Essex County Council, the use of Public Practice², and ongoing relationships with leading town planning consultants. In their report, PAS notes that the capacity, experience and skills of the team have improved considerably. This is included within the Local Plan Risk Register, at [Appendix 2](#).
20. Work undertaken in 2023/24 has been within the planned budget.
21. Two of the four PAS recommendations concern resourcing. Recommendation 3 advises that the council considers the sourcing of additional capacity within the team beyond June 2024. Currently, we have a short-term contract with leading consultants, AECOM, who are assisting with a number of the workstreams. The contract ends June 2024. A much lower level of support is likely to be required once the Reg19 document is complete, with increased consultant support likely required again during the Examination in Public throughout 2025. This has been budgeted for. The use of a flexible contract with a large and experienced consultancy is preferred to relying on individual agency staff, whereby individual staff members can leave the team at short notice (as happened at the end of 2022). Competitive hourly rates can also be negotiated for longer term consultancy contracts. The nature of the work (i.e. bursts of high intensity work over periods of a few months at a time) does not warrant recruitment of permanent staff members.

▪ ² Public Practice is a government funded, not-for-profit recruitment agency set up to assist recruiting development professionals within the public sector.

22. Recommendation 4 of the PAS report was to undertake a resourcing assessment to appraise demands on the team taking into account any planned holidays, non-local plan work and the skills and expertise of individual members of the team. This has been undertaken. Staff holidays are largely programmed beyond the planned July Reg19 publish date, and non-essential work has been deferred until later in the year.

Project Plan

23. The overarching project plan is attached at Appendix 3. This is the plan used by the officer team to keep track of various workstreams (please note, where items are noted as being 'final' versions, this is 'final' deadlines for officers and not LPP nor publish dates).

24. All key tasks are on track and in accordance with deadlines, or with slippage of no more than 2 weeks (i.e. within contingency tolerances). Should any key task slip by more than 2 weeks, it will increase the risk of the plan not being delivered on time. There is very little room for slippage, however various mitigations are in place to prevent this, including flexible staffing support and close coordination and managing of workstreams.

25. The PAS report rightly notes that there are interdependencies between workstreams. The team is currently reviewing which tasks are of highest priority. Those will be tasks upon which commencement or finalisation of other workstreams rely. The close review of such interdependencies and the communication of this to officers and consultants formed Recommendation 1 of the PAS Report. Work to ensure implementation of this recommendation is ongoing.

Risk Register and Mitigation

26. The Risk Register is appended as Appendix 2. The highest rated risk remains Risk ID.04 – Political Consensus, as this remains an unknown. Officers continue to brief key members regularly and the LPP meets at least monthly. Issues raised on consultation (including responses from Members) have been noted and responses to them are being drafted. A number of proposed amendments are being worked through in response to the matters raised. These will form the Reg19 version of the plan and be presented to LPP in due course.

27. A number of other risks have downgraded, including Risk ID.01 – Staffing, due to the additional resourcing mitigations in place; Risk ID.06 – Changes to Timelines, as there are no identified reasons why the LDS timetable would now need to be changed; and Risk ID.08 – Changes in national policy, as we know the policy direction in relation to the new Levelling up Act and that any new government post October would not be able to legislate ahead of our planned Reg19 submission.

28. The PAS report recommends the risk register is updated and specific priority workstreams added. While key priority tasks are monitored on a weekly basis via one-to-ones with team members, who in turn manage specific commissions with consultants, the risk register does not include all of these tasks. The team will look to update the risk register, and the time spent doing this will have to be absorbed into the workplan.

Conclusions

29. The local plan is on course to be produced in accordance with the LDS timescales first brought to this committee in March 2023 and formally adopted in October 2023. The independent review of the project plan and resources, undertaken by PAS, found that the council is suitably resourced and managed, and in a position to be able to deliver the plan on time.

30. The council is working to deliver a Reg19 plan inside 7 months, a much shorter timescale than would usually be the case. This is borne from necessity for reasons of likely Secretary of State intervention, missing the window available to adopt a local plan under current legislation, and missing the plan cycle (i.e. the adoption of a plan must not be more than 5 years after the start of the plan period). Thus, there is no now arguably no room for slippage.

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 within government deadlines.	2 – various elements of risk involved (see appendix 1)	4 - Lack of an adopted (or advanced local plan) leading to unacceptable development and government intervention.	Various mitigations in place. 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 – Planning Advisory Service Report March 2024

Appendix 2 – Local Plan Risk Register (update March 20024)

Appendix 3 – High Level Officer Project Plan