

Committee: Scrutiny Committee

Date: Monday,

Title: Local Plan: Project Plan (Regulation 19)

22 July 2024

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Summary

1. This report provides an update on local plan progress (Regulation 19 stage) up to 8 July 2024, including risks, mitigations and resourcing. The revised Local Plan timetable, first established in March 2023, is on course (within reasonable tolerance) and required actions have been met. Owing to the recent pre-election period there now remains no time-contingency for the remainder of the Regulation 19 programme. The change in government adds an element of uncertainty to the future of plan-making.
2. The Local Plan is to be considered by full Council on 30 July 2024.

Recommendations

3. That the Committee notes the conclusions of the report on risk and project management and provides its views on the matters covered in the report.

Financial Implications

4. Within existing local plan budget.

Background Papers

5. The Regulation 19 Local Plan can be found within the 18 July Cabinet papers at [Agenda for Cabinet on Thursday, 18th July, 2024, 7.00 pm - Modern Council \(moderngov.co.uk\)](#)

Impact

Communication / Consultation	The Reg19 Local Plan is planned to be published for consultation for a period of 8 weeks (August to October 2024)
Community safety	None
Equalities	None
Health & Safety	None
Human Rights / Legal	None

Sustainability	None
Ward-specific Impacts	All wards
Workforce / Workplace	None

Situation

General Update

6. The Regulation 19 iteration of the Plan was published on 5 July 2024 for the Local Plan Panel's (LPP) review. The LPP's views will be relayed to Cabinet. A further version will then be published for full Council to consider on 30 July and then if agreed, a full desktop published version will be produced for consultation.
7. The Plan and approximately 145 supporting and evidence documents were published as part of the LPP papers, and Cabinet papers.
8. The publishing of the documents was postponed 11 days owing to the timing of the general election and its pre-election period. This has had a slight knock-on effect in terms of the previously planned governance cycle. This means that the formal (public) publish date and commencement of the public consultation will commence on 8 August (subject to the decision of Council) and not the 23 July as previously intended.
9. In terms of process, the overarching project plan is appended as **Appendix 1**. A number of the evidence base documents were delivered over-time (few of which were more than two weeks over-time). This is indicated by *orange* colouring within appendix 1. The Gypsy & Traveller work, commissioned through Essex County Council took longer than anticipated, along with some of the required transport evidence. Officers reviewed documents and put questions and challenges to consultants where necessary. In some cases, this added time to the process. Work such as the viability report and sustainability assessment (which relies on the results from other documents) was delayed slightly as a result of the above. However, these documents were completed in time for outcomes to inform the plan and ensure its was published on 5 July.
10. In order to manage these tight timescales, members of the LPP were provided with confidential, advanced drafts of key documents for review and feedback. From late June onwards the LPP was provided with drafts of the Local Housing Need Assessment (LHNA), Water Cycle and Chalk Stream studies, Heritage Assessment, Settlement Facilities Study, Employment Land Review, Retail Report, Infrastructure Delivery Plan, Green Belt Study, CPZ Report, Strategic Flood Risk Assessment, and Suitable Alternative Natural Greenspace (SANG) Report.
11. Duty to Cooperate (DtC) work has taken longer than anticipated and is ongoing. It now remains the team's key focus. The DtC requires the council to actively engage and co-operate with key public bodies to develop strategic policies that

affect cross boundary issues. Officers have sought to sign Statements of Common Ground with relevant bodies in order to demonstrate collaborative working to the Planning Inspectors at Examination (EiP). Many are complete (including with Braintree DC, Chelmsford CC, Epping Forest DC, N. Herts DC, E. Herts DC, Cambridgeshire CC, the NHS, Historic England, Sport England, Thames Water, and the CAA). Advanced, but yet-to-be signed and returned, drafts remain with the following: Herts County Council, S.Cambs and Cambridge City, ECC, Environment Agency, MAG, Harlow, National Highways, National Trust, Natural England, Network Rail, Affinity Water and Anglian Water. These are expected to be complete by commencement of the consultation period and meetings have been held with all.

12. In terms of the LPP programme during Regulation 19, LPP has had workshops on site selection methodology (21 March), Climate change and larger village strategy (10 April), emerging site allocations and masterplans for housing and employment (8 May), and evidence base work on local housing needs, water cycle study and chalk streams (20 June). These workshops supplement the LPP public meetings of 8 February, 21 March, 10 April, 8 May and 20 June 2024 during which key policy topics were discussed. These included Affordable Housing, Site Selection, Strategy for 'Larger Villages', CPZ, Housing Needs, and Water Supply and Treatment.

13. The LPP reviewed near-final drafts of all local plan chapters throughout May and June.

Programme from August Onwards (subject to Council decision)

14. A communications plan has been developed to cover the period of consultation between August and October. This includes press releases, an event for parish councils in the south of the district, and one for those in the north. And public events at all settlements where strategic housing allocations are proposed.

15. Following consultation, the responses received will be processed, organised and tabulated for submission to the Planning Inspectorate. There will likely be in excess of 1,000 respondents. No further changes will be made to the plan following this consultation and prior to its submission. The responses are for the appointed Inspectors to consider and may result in modifications to the plan during the EiP.

16. Consultation processing will begin two weeks later than initially planned (see Appendix 1, with boxes in *red* as time lost and those in *orange* as required extensions of time). An extract from the Project Plan is included below however, the Committee is advised to view Appendix 1 digitally, as the document is not easily readable in print owing to its size / span. Additional resources have been scoped in order to assist with processing this phase of work as quickly as possible and so as to achieve the target for submission. A new consultation software package has been procured as many parties (including some Members) were dissatisfied with the performance of the software used at

Reg18. This software will also assist in speeding up the processing of responses. Submission is now expected end of December / early January.

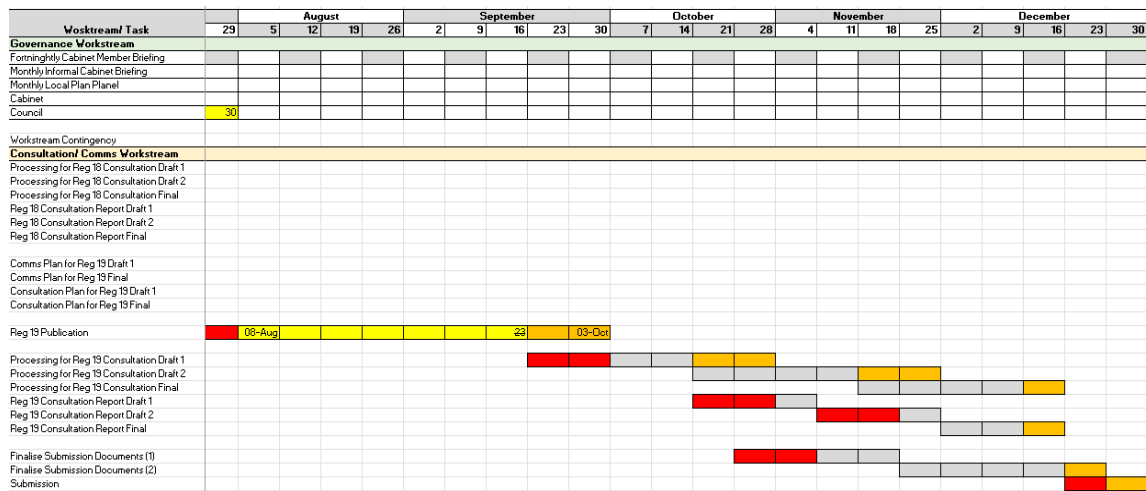


Figure1 – Extract from Project Plan

Risks

17. The minor amendment to timescales has been reported to DLUHC. The programme remains on course to ensure submission ahead of the transitional arrangements deadline put in place by the previous government under the Levelling up & Regeneration Act 2023. The Committee will recall that there is a deadline for submission of local plans of June 2025, with a further deadline for final adoption of December 2026. Beyond these dates the plan-making legislation is to change. Uttlesford is on course to submit early January 2025 at the latest, with anticipated adoption in mid-2026.
18. It is considered that the minor delay (pre-election period) experienced at Regulation 19 can be absorbed into the overall programme and does not warrant a review of our Local Development Scheme (LDS).
19. As stated above, the previous Government signalled its intention to make changes to the NPPF and for the approach to plan making to change from 2025 onwards. It stated that details of the new approach will be published in late 2024. This regime may be delayed or changed by the incoming government. We do not yet know.
20. The Labour Party manifesto of June 2024 indicated that there will be sanctions for councils that do not progress local plans. The new government has also committed to restoring “mandatory housing targets” for councils and reforming and strengthening the presumption in favour of sustainable development. The new Chancellor has stated that the NPPF will shortly be updated and that the new Secretary of State for Levelling up, Housing & Communities will be writing to councils making clear that universal coverage of local plans and reviews of green belt boundaries “will be expected of them”.

21. A new risk, 8b, has been added to the Risk Register (see **Appendix 2**) on account of the legislative uncertainties that come with a new government. Mitigations are in place as set out in the risk register.
22. Mitigations are in place in respect of all risks. Risk 2b (insurmountable issues raised at Reg18) has been closed. There were no insurmountable issues raised at Reg18. No risks are currently rated RED.
23. Work undertaken in 2023/24 has been within planned budget. Some budgetary contingency has been made should additional staff be needed to process the Reg19 consultation responses.

Conclusions

24. A draft Regulation19 Plan has been produced in accordance with the timetable proposed in March 2023 (save for a minor amendment to timescales owing to the calling of the general election). Regular input from LPP members has strengthened the plan which has also been reviewed by legal counsel. A new government brings with it some uncertainties, but mitigations are in place to buffer the council.
25. It is considered that the council is now well placed to be able to progress with the remainder of the timetable and ensure that the district achieves an up-to-date local plan by 2026, as planned.

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 potentially unacceptable development and government intervention.	Various mitigations in place. Project management system in place. No risks rated RED.

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 – Overarching Officer Project Plan

Appendix 2 – Local Plan Risk Register