Committee:	Council	**Date:** Tuesday, 17 December 2024
Title:	Update on Local Plan Submission to Secretary of State	
Report Author:	Dean Hermitage – Director of Planning dhermitage@uttlesford.gov.uk	
Cabinet Member:	Cllr John Evans – Cabinet Member for Planning	

Summary

1. This report provides a general update on the Local Plan submission to the Secretary of State (Planning Inspectorate). The Local Plan Panel (a working group of Cabinet) met on 19 November to discuss the submission.

2. The Regulation 19 consultation generated 506 responses which generated in excess of 2000 individual comments. No insurmountable issues have been identified and the Local Plan is ready to be submitted. At the July 2024 meeting of Council, members agreed for the Plan to go out to public consultation and be submitted.

3. The Local Plan Panel, Scrutiny Committee and Cabinet have met within the last month and have noted progress.

Recommendations

4. That Council notes the update.

Financial Implications

5. Within existing local plan budget.

Background Papers

6. None

Communication / Consultation	The publication version (Regulation 19) Plan was subject to 10 weeks public consultation.
Community safety	None
Equalities	None
Health & Safety	None

Human Rights / Legal	None
Sustainability	The Local Plan will have positive impacts on sustainability across the district.
Ward-specific Impacts	All wards
Workforce / Workplace	None

Situation

Current Position

7. The Council is progressing the new Local Plan for adoption around the second quarter of 2026, in accordance with the published Local Development Scheme (LDS). Following consultation on a draft Plan in October – December 2023 (known as the Regulation 18 stage), Full Council approved a Publication version of the Local Plan (known as the Regulation 19 stage) on 30 July 2024 for consultation and submission to the Secretary of State by the end of the year.

8. The Publication version of the Local Plan is the version to be submitted to Government. The Regulation 19 consultation was undertaken from 8 August to 14 October 2024 and the Council is submitting the plan to the Secretary of State (Planning Inspectorate) week commencing 16 December, as has recently been agreed with the Ministry of Housing, Communities & Local Government (MHCLG) and as agreed by Council.

9. The Secretary of State will appoint an independent Planning Inspector, or Inspectors, to preside over an Examination into the Local Plan during 2025 and perhaps part of 2026.

10. It should be noted that Government recently consulted on an update to the National Planning Policy Framework (NPPF), which includes new standard housing requirement figures for all Local Authorities. The new NPPF is likely to be published week commencing 16 December and includes transitional arrangements which set out circumstances where Local Plans can proceed to be examined under the existing (2023) NPPF. Where Local Plans have reached the Regulation 19 stage and where the annual increase in housing required by the new NPPF is less than 200 (in Uttlesford it is 74) those plans should continue to be examined under the current NPPF. This means that Uttlesford is in time to submit its Local Plan unaffected by the new NPPF and its increased housing targets.

Summary of Regulation 19 Consultation

11. The Regulation 19 consultation closed on 14 October 2024. For the previous stage of consultation (Regulation 18 – October to December 2023) there were

around 1700 responses received which related to around 4,250 individual comments. For the Regulation 19 consultation (August to October 2024) there are 506 responses which are expected to relate to just over 2,000 individual comments.

12. The suite of documents to be submitted to the Secretary of State will include a report into the Regulation 19 consultation along with a detailed appendices setting out summaries and Council responses to the comments. This will follow the same format as a similar report prepared for the Regulation 18 consultation. However, it is important to note that the responses received at the Regulation 19 stage will also be submitted to the Secretary of State in full, thus the Planning Inspector(s) will be able to review the responses in full and unchanged as they deem appropriate.

13. The processing of the Regulation 19 responses is being finalised at time of writing and there are not thought to be any comments that fall into a 'showstopper' category. Essex County Council (ECC) provided a detailed (over 70 page) response, but the majority of this relates to minor corrections or points of clarification. The small number of substantive points are being worked through as part of ongoing duty to cooperate meetings between UDC and ECC officers. UDC Officers consider these issues can be resolved and progress is being made. It is expected ECC will enter into a statement of common ground with the council prior to submission. The NHS has also raised issues and again, officers believe these can be worked through and addressed through a SoCG. The preparation of a local plan is an iterative process and plans are refined along the way. Objection and challenge will no doubt make the Plan more robust at Examination.

14. The suite of documents to be submitted to the Secretary of State will also include a 'Proposed Additional Modifications Schedule'. This will identify minor amendments that could be made to the plan in an effort to assist the Inspector(s). It will be for the Inspector(s) to identify any Main Modifications through the course of the Examination, but they will also confirm if any Additional Modifications identified by the Council are appropriate. It is anticipated that Modifications would then be published for consultation as part of the Examination process, perhaps in the autumn of 2025. This is for the Inspector(s) to advise on and the Proposed Additional Modifications to be identified by the Council at plan Submission are simply intended to assist the Inspector(s).

15. 'Main Modifications' are essentially 'major' modifications that could affect plan soundness. 'Additional Modifications' are essentially 'minor' modifications relating to typographical errors, minor factual corrections etc. All Local Plans are subject to some modifications, that is part of the process.

16. The responses appear to be reasonably well spread across a range of policies with responses supporting the plan and policies and others providing some objections. The exception to this is comments objecting to development at Henham with around 100 responses received on this single matter. These comments object to the classification of Henham as a Larger Village; the scale

of development proposed at the village and within the parish (development at nearby Elsenham also falls into the parish of Henham); that other Larger Villages are more suited to accommodate more development than at Henham; that there are limited facilities and various constraints affecting Henham and; that there is a perceived change between the Reg 18 Stage and Reg 19 Stage for how non-strategic development is planned for.

17. Other example comments include:

- Comments received about the proposed strategic allocations are similar to those received at the Regulation 18 stage with concern raised over the potential impact of development and the perceived lack of infrastructure being able to cope with development. Although, some of the comments relate to what has been happening in the context of recent speculative development and overall the number of comments received are significantly fewer than at Regulation 18. It is thought that the significant improvements and changes to the site policies, proposals and masterplans have helped to reduce the number of comments.

- After comments relating to the non-strategic housing allocation at Henham, the policy area with the largest number of comments (albeit based on the processing being incomplete) relates to the proposed employment site North of Taylors Farm, particularly in relation to concern being raised over potential traffic impacts on and around the B1256.

- There are a range of comments from Statutory Consultees providing a good level of support and some areas where the effectiveness of policies could be improved with some modifications – for example, strengthening protection for Hatfield Forest and clarifying how development should contribute to the Strategic Access Management and Monitoring Strategy.

- Whilst there are a number of policies where some comments have helpfully been provided to help improve the effectiveness of the policies with some modifications, there also appears to be a number of policies where there are few or no comments received at all.

- There is support for the Spatial Strategy and proposed allocations, and support for removing some villages from the Larger Village categories. Some comments suggest the level of development is too high overall, and/ or too high at the Larger Villages. Other comments suggest that there are not enough smaller allocations, both at Larger Villages and Smaller Villages.

- Some responses support the opportunity for Neighbourhood Plans to take charge of the process for allocating Non-Strategic sites, and others argue that any non-strategic allocations should be included in the Local Plan.

- Some responses argue that the Council should be planning for more housing in line with the new NPPF, even though the transitional arrangements are clear that where the annual increase is less than 200 (in Uttlesford it is 74 increase per year) such plans should continue to be examined under the current NPPF.

- Support received for removing proposed allocations at Thaxted as previously proposed at the Regulation 18 stage – now removed from the Reg 19 stage.

18. As stated above, there are not thought to be any comments that fall into a 'showstopper' category, but there can be expected to be some modifications to the plan to help improve its overall effectiveness.

19. As referred to above, concerns have been received from some key stakeholders including the NHS, Essex County Council (ECC), and Natural England. Meetings have been held with stakeholders throughout November and December in order to seek to address the concerns raised. As a result officers have compiled a number of suggested 'main modifications' for the Inspector(s) to consider. These are essentially either at the request of consultees or in order to satisfy an objection.

20. Officers are suggesting the NHS objections can be overcome with alterations to the wording of some policies without changing the substance of the plan and Officers expect the NHS will agree a Statement of Common Ground (SoCG) with the council on this basis. Similarly, officers have met with Natural England which raised concerns with regards to impacts on air quality at Hatfield Forrest. A SoCG is expected to be agreed with Natural England prior to submission.

21. ECC raised various concerns, many of which are easily addressed through minor changes to the text within the plan. Concerns about the provision of secondary education in the north of the district have been subject of negotiations and amended policy has been all-but agreed. It does not change the substance of the plan. There remain a small number of points of difference between UDC and ECC officers and it will be for the Inspector(s) to consider the most appropriate outcome in those cases. That is the purpose of the Examination process.

Next Steps

22. The Local Plan is being submitted to the Secretary of State week commencing 16 December 2024 along with the supporting documents and this will include a report into the consultation, as described above, and the Regulations 19 responses (unchanged) in full. No changes can be made to the plan itself between Regulation 19 and submission.

23. The onward timetable will be a matter for the Inspector(s), but we can assume they will want to identify any 'matters' that they wish to consider through any

Examination Hearings, and we can expect them to write to the Council in the first instance to make clear how they wish to proceed.

24. It's difficult to predict when any hearings might take place, but around May-June 2025 is a reasonable estimate.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to successfully steer the local plan to submission may result in government intervention and continued speculative development in the meantime.	2 – LDS, project plan and LPP in place.	4 - Lack of an adopted (or advanced local plan) leading to potentially unacceptable development.	Various mitigations 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.