



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510, Fax (01799) 510550
Textphone Users 18001
Email uconnect@uttlesford.gov.uk Website www.uttlesford.gov.uk

Chief Executive: Dawn French

Inspectors Louise Crosby & Elaine Worthington
C/o Louise St John Howe, Programme Officer
PO Services,
PO Box 10965,
Sudbury,
Suffolk
CO10 3BY

27 June 2019

Our ref: DF/sk

Please ask for Dawn French on 01799 510400
email: dfrench@uttlesford.gov.uk

Dear Inspectors

Uttlesford Local Plan – Response to Inspectors’ letter of 11 June 2019

I am writing to respond to your letter of 11 June 2019 addressed to Stephen Miles.

In your letter you note that the Planning & Compulsory Purchase Act 2004 requires the Council to submit a plan which it thinks is ready for examination, with the clear implication being that the LPA should only submit a plan it thinks is sound. You also state that you will, at the start of the hearing sessions, ask the Council whether it continues to think that it has submitted a sound plan that is ready for examination and therefore, whether it still supports it.

As a general point, the Council would wish to emphasise that the Council as local planning authority makes its decisions through formal decisions of the Council in accordance with its Constitution. These decisions may be made by Full Council, by Portfolio Holders under the Executive system, by Committees, or by officers acting under delegated powers, all as set out in the Constitution. There are also Working Groups, although these do not have any decision-making powers. Where matters are reserved to Full Council, only Full Council can make decisions on those matters. Under Article 4.2 of Part 2 and paragraph 3.1 of Part 3 of the Constitution, the responsibility for approving or adopting any part of the Council’s policy framework, which is defined by Article 4.1 to include the Local Plan, is a matter reserved to Full Council. Paragraph 3.1 of Part 3 of the Constitution makes it clear that this function includes the approval of any development plan document for the purpose of submission to the Secretary of State for independent examination under section 20 of the Planning & Compulsory Purchase Act 2004.

The Council discharged its duty under section 20 of the Act at the meeting of Full Council on 9 October 2018. During this meeting the Council agreed the Local Plan was ready for submission to the Secretary of State following the Regulation 19 publication period on the Addendum of Focussed Changes.

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Subsequently, as you are aware, the Council submitted the Local Plan to the Secretary of State on 18 January 2019.

As you also will be aware, at the point of submission the 'preparation' stage of the Local Plan ended and the 'examination' stage began.

The decision to submit the Local Plan, and the subsequent submission, met the legal requirements of the Act, and section 20(2) does not impose any continuing duty on the Council in relation to that matter or require it to revisit this decision during the currency of the Examination.

As you point out, once the Examination has commenced, the Council has no legal ability to change the submitted Local Plan (leaving aside for present purposes the scope for 'additional modifications' which are essentially non-material in nature). The Council can, of course, make suggestions to the Inspectors about potential 'main modifications' to address any matters of soundness that might be identified (whether by the Inspectors or by other participants), but the ultimate decision on 'main modifications' rests with the Inspectors under section 20(7C) of the Act.

The Examination will end when the Council receives the Inspectors' report and it is at that point that Full Council will next consider the Local Plan. There are no plans to bring a report before the Council until that stage is reached.

Thus, the answer to your question is that the Council has made the decision to submit a Local Plan which it considers to be ready for examination, as set out in its decision of 9 October 2018, any change in that decision could only be a matter for Full Council, there are no plans to revisit that decision, and therefore there is no change to the Council's position in that regard.

As you will be aware, the decision of 9 October 2018 also authorised officers to write to the Local Plan Inspectors asking them to recommend such modifications of the Local Plan as may be necessary to make the Plan sound and legally compliant. The letter covering the submission of the plan dated 18 January 2019 confirmed that the Council is content to be advised in such matters by the planning inspector.

The Council looks forward to working with the Inspectors during the course of the remainder of Examination.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dawn French', written in a cursive style.

Dawn French
Chief Executive