

Review of Inspector's Letter

This short report seeks to clarify the main issues raised by the Inspector in his letter to the Council following the closure of the examination. It also provides a brief analysis of the decision, compared to the other options open to the Inspector.

The Inspector considered the main issues he felt needed to be addressed in order to deliver a sound plan. These are set out briefly below:

Main issues

- Objectively Assessed Need (OAN) – Market signals, employment assumptions, London (a future consideration)
- Elsenham – Scale, connectivity, deliverability, transport evidence

Other issues

- Duty to cooperate – Met (narrowly)
- Sustainability Appraisal – Audit trail, transparency
- 5 year land supply – Robust
- Saffron Walden – Sound allocation, details unclear
- Great Dunmow – Generally sound, affordable housing
- Employment – ELR a “good example of its kind”, sound policies
- Settlement classification – “generally soundly set out”

The Inspector is charged with examining the plan against the tests of soundness. Briefly, these are that the plan should be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

With regard to OAN, the Inspector highlighted that further work needed to be done in order to clarify the level of need. For Elsenham, he felt there had to be more evidence on why the scale was considered appropriate, the connectivity of the proposed site, and also issues about deliverability and how the transport evidence supported the allocation.

Other issues were more about some details and less about the overall strategy. However, the point about ensuring the sustainability appraisal had a clear audit trail is not to be taken lightly. This appraisal must show not only the reasons why the chosen sites are in the plan, but also why the rejected sites are not.

Other points relating to other settlements related to the need for clarity in some of the details, again usually expressed through the supporting evidence.

It is worth noting several areas where the Inspector pointed to some good examples of the work done on the plan. The Duty to Cooperate was met, albeit there needed additional clarity on the work with other agencies, in particular Highways England. The employment land review is highlighted as a good example of its' kind and has led to sound policies. The Inspector also pointed to the settlement hierarchy as being generally soundly set out.

The issues the Inspector has highlighted are very common in recent examinations across the country. Issues around OAN, and the role of the sustainability appraisal in particular have led to a dozen or so plans being found unsound or withdrawn. Many authorities have approached PAS for an independent view on how they have tackled the OAN in their areas, or even to seek advice before embarking on the exercise.

Whilst many of the issues raised can be dealt with by updating some of the evidence, others require more work. So why did the Inspector recommend withdrawal and not a suspension, or a third alternative of an early plan review?

In the case of a suspended examination, he has to be satisfied that the proposed changes can be made within 6 months, and that even if that is possible, that the plan which returns for examination is not fundamentally different from that which was submitted previously.

As he felt further work was required on both the overall scale (OAN) and key locations of new housing, he clearly felt this scale of work was not possible in 6 months. This decision is certainly consistent with others we have seen across the country. Whilst not what the council was hoping for, we think it is fair to say it was a reasonable conclusion to come to.

With regard to an early review, it important to note that the plan must be 'sound' in order to be able to be adopted. Even if there are some issues still to be addressed, the Inspector is not able to allow an unsound plan to be adopted, even if subject to an early review. It is clear from his conclusions that the plan fell short of meeting all the tests of soundness, and so that is why he could not recommend an early review.

Again, this decision, whilst not what the council wanted, was made in line with many others like it across the country and is a reasonable conclusion to reach.

It is important to understand therefore that the Inspector saw no alternative but to recommend withdrawal of the plan. On the basis of what we have seen, we believe this to be a sensible decision.

This is not to say the plan should be seen as 'going all the way back to the beginning'. As mentioned in various parts of the letter, there are many parts of the plan which are sound and good examples of the kinds of policies written. The plan should not therefore be seen as a 'failure'. The context in which it was produced is one of a long process, during which national policy changed, and new law was introduced.

Clearly, this is true for all local authorities, and not all of them have taken the time it has taken Uttlesford to get a plan to examination. However, from an independent perspective that the Planning Advisory Service has, it would not be correct to call the plan a failure. It would certainly not be correct to suggest all the work to date has been abortive. Much of what has been done can be 'banked'. The Inspector has pointed out where further work must be done and the council is already carrying out this work.

In conclusion, we believe that the Inspector has highlighted a sufficient scale and breadth of work to be carried out as to warrant the decision to recommend withdrawal of the plan.