

Committee: Council

Agenda Item

Date: 18 December 2014

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Title: Uttlesford Local Plan Examination:
Inspector's decision and next steps

Author: John Mitchell, Chief Executive

Item for decision

Summary

This report is brought forward at the request of the Leader in the light of the decision of the Inspector to close the Local Plan Examination in Public on 3 December 2014. At the time of writing the Inspector's full statement has not been received but the summary statement is appended. This report sets out the next steps. While there may be calls for an examination of the process that brought the Council to this position it is of immediate concern that the Council puts the necessary framework in place to move forward. To this end, Members should note that the Inspector has not determined that every aspect of the Plan is unsound and the Council therefore does not need to restart the entire process from first principles. To minimise the risk of "planning by appeal" the Council will need to determine the means to consolidate those aspects of the Plan which do not need revision. This report therefore concerns the next steps rather than an examination of past events.

Recommendations

1. Council authorises the Chief Executive in consultation with the Leader to advise the Planning Inspectorate that the council will take the appropriate steps to prepare revisions to the submitted Plan to address the soundness issues as confirmed by the formal report of the Examination, once it has been received;
2. Council instructs officers to prepare a revised Local Development Scheme for the preparation of a revised Plan for consideration by the Working Group and thence for Cabinet, which will include the steps outlined in paragraph 11 (a-e) below;
3. Council notes that a report will be prepared for the Working Group and thence for Cabinet identifying those aspects of the Plan which have not been challenged by the Inspector as a basis for preparing a revised plan;
4. That a further report be brought to Council prior to submission of the revisions to the plan.

Financial Implications

5. The process of revising the Plan and a further Examination will extend through FY 2015/16 and into FY 2016/17. The minimum budget provision required will be similar to that in the current year. It may be necessary to draw on the

Planning earmarked reserve to resource any exceptional work that needs to be commissioned. It had been anticipated that the Inspector would have needed to recommend modifications to the submitted Plan to provide for an early review to address the new housing market assessment findings even if he had felt able to recommend adoption as so modified. Consequently the overall financial implications of the Examination findings may not be greatly different from what is needed to ensure that the Council always has an up to date Plan.

Background Papers

- The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

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Communication/Consultation	Consultation will be an integral part of the process of preparing revisions to the Plan as submitted in 2014
Community Safety	None directly
Equalities	Any equality and diversity issues will be assessed during the process
Health and Safety	None
Human Rights/Legal Implications	The council is required under the Planning Acts to prepare a Local Plan
Sustainability	A Local Plan is required to be compliant with the National Planning Policy Framework which is the Government's policy for achieving sustainable development
Ward-specific impacts	All
Workforce/Workplace	A review of resources will be required. Some reliance on external resources will be required for specialist technical advice.

Situation

8. The Local Plan examination was concluded early by the Inspector on Wednesday 3 December. A copy of his summary statement is appended, and the full statement may or may not be available in time for this meeting.
9. There are two principal reasons. Firstly he considered that the Council's objectively assessed housing need (OAN) required an uplift of at least 10% from 2011 to take into account such matters as affordable housing needs, employment issues and market signals. Secondly he expressed severe concerns about the suitability of land to the north east of Elsenham as a strategic allocation because of a lack of evidence to demonstrate the suitability of the local roads and the capacity of junction 8 on the M11. He was also of the view that further assessment of the claims of other new settlement options is required. Unless these matters are addressed then he could not recommend adoption of the Plan.
10. Officers agree with the Inspector that the work necessary to address these issues will take longer than the normal 6 month period of a suspended examination, and this is why the Inspector closed the examination rather than suspending it. However, in his very carefully worded statement he has not declared the whole plan to be unsound and Officers are taking legal advice on whether to withdraw the plan from its submitted status while the necessary revisions are carried out.
11. The principal risk is that an increased build rate of 580 houses per year backdated to 2011 (up from 523) quickly eats into the council's 5 year housing land supply, opening up a window of opportunity for speculative planning applications for new developments in the district while the revised plan is prepared. The next steps are therefore:
 - a. Reassess the 5 year land supply requirement based on OAN of 580 homes a year from 2011. It will take at least six months before the new housing market assessment is concluded as it needs to take account of new official household projections which are overdue.
 - b. Complete a new Strategic Housing Market Assessment to form a basis for Duty to Cooperate discussions with East Herts, Epping Forest, and Harlow District Councils through the mechanism of the inter authority Cooperation for Sustainable Development Group that has been set up. Duty to Cooperate discussions will also need to take place with Braintree, Chelmsford and South Cambs Councils, and with the Greater London Authority.
 - c. Review the Strategic Environmental Assessment methodology in the light of recent case law to ensure it is fit for purpose.
 - d. Seek to ensure that M11 J8 modelling and other technical assessment work is brought to a conclusion to confirm scope for improvement works and capacity that can be created, together with estimated costs. Duty to Cooperate discussions will take place on this and other relevant transport related matters with Essex, Hertfordshire and Cambridgeshire County Councils, together with the Highways Agency.

- e. Issue a call for sites focusing on a new settlement once the Council's OAN is determined. Given the Inspector's comments on the nature of some of the proposals that have been put forward in the past it is currently considered that if responses are to be credible they will need to be accompanied at the very least by a master plan, a transport assessment, a Strategic Environmental Assessment, a flood risk assessment and a water cycle study.

12. Progress will be overseen by a Working Group. The Leader has indicated that this will be open to cross party involvement, broadcast and made open to the public. Consultation will continue to be meaningful, extensive and inclusive. One of the key early tasks of this Group will be to assess the implications of the Inspector's full statement in detail and to recommend interim measures to minimise the risk of "planning by appeal".

Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
The pattern of new development is relatively ad hoc with no strong coherent spatial logic.	3 The absence of an up to date adopted Plan until a revised plan is in place means that planning applications will be determined principally on the basis of the National Planning Policy Framework and not necessarily steered by the council's interpretation of that national policy to local circumstances	3 The resulting pattern of development may not reflect a coherent strategic approach. The provision of services and infrastructure to support development may be less integrated	Prepare revised Plan as expeditiously as possible whilst complying with due process.
The council cannot demonstrate that it has a 5 year supply of deliverable housing sites	4 A higher objectively assessed housing need increases the 5 year requirement	3 Sites considered to be sustainable development are likely to be allowed on appeal in the absence of a demonstrable 5 year supply of land	Further sites not allocated for development may need to be granted planning permission in the interim.

<p>The preparation of local plans across the housing market area needs to be coordinated to show that the full needs of the market area as a whole are being met</p>	<p>3 Dependent on ability of the four councils to progress their respective plans in concert</p>	<p>2 A future examination finds Uttlesford Local Plan is still not proposing enough development to meet housing needs because of lack of progress in a neighbouring authority</p>	<p>Member Inter authority Cooperation for Sustainable Development Group needs to resolve issues and ensure each respective council can accept its recommendations.</p>
<p>Strategic infrastructure to support the scale of development needed to meet the objectively assessed housing need does not exist</p>	<p>3 Significant capacity improvements to the strategic highway network cannot be funded from development without affecting its viability</p>	<p>3 Congestion or non-delivery of strategic sites</p>	<p>Strategic transport modelling needs to be progressed.</p>

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.

Appendix: Summarised Conclusions of the Inspector, 3 December 2014.