

Examination of Uttlesford Local Plan (ULP)

Inspector's invitation to participants to submit statements

Introduction

My note on procedures (EX102) explained that the Council (UDC) and others who made representations to the plan would be invited to submit written views on matters and issues that would be identified after UDC's response to my initial soundness concerns and questions (EX101). UDC's response has now been received and is at EX104.

This note sets out the matters and issues upon which responses are now invited. Participants, including UDC, are invited to submit any responses by 17 October.

The matters and issues are not here set out in any priority order but generally follow the order of ULP.

Matters and issues

Matter 1 Duty to co-operate (DtC)

My note EX101 (part1) indicates the nature of the DtC. UDC's compliance statement (L103) gives the Council's view that it has appropriately engaged with the relevant bodies on strategic matters. L103 has now been augmented by EX105, concerning co-operation with Harlow Council.

Matter 1, issue 1

Are there any specific reasons to suggest that UDC has not met the DtC in terms of the requirements of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)?

Matter 2 Sustainability appraisal

UDC addresses the questions posed in my initial concerns and questions at EX104 part 2 & appendix 2.

Matter 2, issue 1

Does the UDC report demonstrate adequate compliance with the requirement for sustainability appraisal?

Matter 3 Settlement classifications (Local Plan paras 7.1-7.8)

As explained in the Council's response (EX104), the emerging Local Plan takes a different approach to settlement classification from that in the present adopted plan, basing it more closely on the level of facilities present (see appendices 12 and 13 to EX104).

Matter 3, issue 1

Is this a sound, well-evidenced approach? Does the table below para 7.8 of the plan set out a sound settlement categorisation?

Matter 4 General Development Principles (Local Plan part 8)

Matter 4, issue 1

Does policy DES 1 set out sound design principles?

Matter 4, issue 2 [also concerns policies HO4, EN8 and EN10, as well as DES1]

The consultation on the Government's review of Housing Standards, launched on 12 September 2014, makes clear that it proposes major rationalisation of the many present national/local approaches to policy on these matters. From early 2015 a new Government policy statement will set out how such standards should be applied in Local and Neighbourhood Plans.

At EX104 (7.1.1) In UDC's view it is beneficial for the standards contained in policies DES1 to be retained until the content of the Government statement is known. However, should a sound plan signal the coming change in national policy on these matters (which could occur before adoption) by inserting references at the policies identified above, identifying relevant parts likely to be overtaken by the new national approach in early 2015?

Matter 5 Employment Strategy (Local Plan part 9, including part 42 of the plan, in particular Stansted Mountfitchet policy 9: land north east of Bury Lane)

Matter 5, issue1

Is the employment strategy founded on convincing evidence? Are the issues identified at para 9.9 the key ones and do the allocations (9.11 to 9.18 and policy SP3) make appropriate responses to those issues?

Note:

Matter 5, issue 2

Does the plan (paras 9.27 to 9.29 & policy SP4 and part 42 including policies Stansted Mountfitchet 9 and Stansted Airport 1-8) take a sound approach to Stansted Airport and its employment implications?

Matter 6 Retail strategy (Local Plan part 10)

Matter 6, issue 1

Is the retail strategy founded on convincing evidence and are the relevant policies (SP5, RET1-RET3, and the retail-related parts of policies Saffron Walden 1, Great Dunmow 5 &12, Stansted Mountfitchet 1&7 and Elsenham 1)

appropriate responses to that evidence? Is the impact threshold appropriate for the circumstances of Uttlesford?

Matter 7 Housing strategy (Local Plan part 11)

Matter 7A The relevant Housing Market Area (HMA)

My note EX101 asked (part3) 'what is the relevant HMA for the purposes of the plan?' UDC's response indicates the considerable complexity of HMA geography in the wider area including Uttlesford. It states (3.21) that the plan does not treat the District as a single HMA but that the complexity of travel to work areas and migration patterns, which do not fit neatly with an HMA structure based on local planning authority boundaries, is 'reflected in the Council's local plan growth distribution strategy', taking account of the economic development ambitions of the London Stansted Cambridge Consortium and the potential of the corridor's growth sectors.

However, it appears that the plan does (??) treat the District as a single 'housing market area' from the standpoint of adopting a housing need figure only for Uttlesford District derived from the Greater Essex Demographic Forecasts (GEDF), rather than one based upon any wider combination of whole/parts of Districts. Bearing in mind the complexity of factors involved and the number of adjoining authorities with very different linkages to their neighbours this is perhaps not surprising. The plan's approach then appears to be to distribute growth within that single-District quasi-HMA largely along the London-Stansted-Cambridge corridor and the linked A120 corridor (see the key diagram at p22 of ULP).

Matter 7A, issue 1

Does this approach raise any soundness issues?

Matter 7B Objectively-assessed housing need

The Council's statement EX104 gives details of the recent draft Phase 6 outputs of the Greater Essex Demographic Forecasts (GEDF) which can be compared with the housing provision made in the submitted plan (523pa).

As indicated at ULP's Para 4.6, the Phase 6 outputs for Uttlesford range from 508-549pa (ave 529pa) for the scenario based on the Sub-National Population Projections 2012. 529pa represents the average between the recession-based 2011-based household formation rates (508pa) and the higher pre-recession based 2008-based household formation rates (549pa).

Matter 7B, issue 1 (for UDC and representors to address)

Does the plan's provision of 523pa represent a sound objectively-assessed need for housing in Uttlesford? If not, what specific reasons are there to suggest that it does not?

Matter 7B, issue 2 (for UDP to address)

A number of representations make criticisms of the Council's calculation of need, some examples being Countryside Properties (1515), Crown Estate (1782), Icen Projects (1865), Perfect Properties (1870), K McDonald (275), Elsenham PC (601), Gladman (1889).

What specific reasons does the Council advance to indicate that representors' criticisms are unfounded and that other estimates of housing need are unsound in evidential terms?

Matter 7C The housing strategy

UDC accepts that table 5 and policy SP7 do not make it clear how housing growth would be distributed across the District between the various settlements. EX104 paras 9.1.3-4 propose changes to make the plan effective in terms of communicating its strategy.

Matter 7C, issue 1

Subject to the above changes proposed by UDC (and recognising that the amount of as yet uncommitted development has reduced since the base date of this revised table), does the plan provide a sound distribution of development over the period to 2030/31? Would the above changes make the plan effective in terms of communicating its strategy?

Matter 7C, issue 2

Is the proposed windfall allowance of 50 dwellings pa justified by sound evidence which is consistent with NPPF para 48?

Matter 7D 5-year land supply

Document H108 (Housing Trajectory and a 5-year land supply, April 2014) suggests the existence of a 6.2 year supply of 'deliverable' housing sites. Does the evidence support this view?

Matter 7D, issue 1

Do the sites forming part of the 5-year supply (see the schedule at the back of H108) meet the definition of deliverable sites in footnote 11 of para 47 of the NPPF? Are they suitable for development now, achievable in the sense that there is a realistic prospect that housing will be delivered on the site within 5 years, and are they viable? In the particular case of planning permissions, is there clear evidence that any will not be delivered within 5 years because of issues of viability, lack of demand for the type of units proposed or issues of long-term phasing?

Matter 7E Policy HO1 (Housing density)

Matter 7E, issue 1

UDC (EX104 para 9.2.3) suggests additional text to para 11.20 of the Local Plan. From the final sentence of 11.20 the ranges in policy HO1 are intended to be indicative. Is this policy consistent/inconsistent with the general thrust of NPPF part 7 (requiring good design)?

Matter 7F Policy HO2 (Housing mix)

Matter 7F, issue 1

UDC (EX104 para 9.3.1) suggests additional text to para 11.21 of the plan. Subject to such change, does the plan adopt a sound approach to housing mix?

Matter 7G Policy HO4 [see matter 4, issue 2 above]

Matter 7H Policy HO6 (Replacement dwellings in the countryside)

Matter 7H, issue 1

UDC (EX104, paras 9.5.1 to 9.5.3) proposes changes to para 11.25 and policy HO6 of ULP. Do these make the policy effective by explaining its purpose and clarifying (simplifying) its terms?

Matter 7I Encouragement to self-builders (NPPF para 50)

UDC (EX104, paras 9.6.1 to 9.6.3) suggests two approaches which could be followed in order to modify ULP to make it consistent with the requirement of the NPPF.

Matter 7I, issue 1

Would either of these suggestions, or some other approach, bring consistency with the NPPF?

Matter 8 Environmental Protection (Local Plan part 12)

Matter 8A Policy EN1

Matter 8A, issue 1

The Council suggests a change to policy EN1 to make its purpose clear (see EX104, para 10.1). Is this change appropriate?

Matter 8B Policies EN8 and EN10 [see matter 4A, issue 2 above]

Matter 9 Development in the countryside (ULP part 13)

Matter 9, issue 1

Does the evidence show that policy SP9 is sound and should be retained?
[Note: ULP's response at EX104 part 11.1 explains the origin of the Countryside Protection Zone and the Council's view of its continuing purpose.]

Matter 9, issue 2

[To note: EX104 accepts that the recent changes to the General Permitted Development Order have overtaken this policy, so UDC proposes to delete it.]

Matter 10 *The historic environment (ULP part 14)*

Matter 10, issue 1

UDC suggests changes to policy HE3 (see EX104, para 12.3.1) concerning archaeological issues. These appear to more accurately reflect the gist of NPPF part 12, except that ULP para 14.16 would perhaps be more consistent if it stated: '.....need to take account of the contents of the English Heritage Register of Scheduled Monuments and the HER respectively and understand and assess any impacts of the development upon the heritage asset.'

Matter 11 *The natural environment (ULP part 15)*

UDC suggests changes to policies NE1 & NE2 (see EX104 paras 13.2.1 to 13.2.5) concerning the natural environment. These better reflect the NPPF in terms of seeking net gains in biodiversity and promoting coherent and resilient ecological networks of green infrastructure. They also reflect the importance of Hatfield Forest.

Matter 11, issue 1

Do these changes make for a sound UPL chapter on the natural environment?

Matter 12 *Access Strategy (ULP part 16)*

Note: Access issues concerning policy Elsenham 1 are raised at matter 15G.

On the wider transport impacts of the overall ULP proposals, particularly on the strategic network, the Highways Agency (HA) (1817) does not consider that sufficient investigation has been undertaken of the cumulative impact upon the strategic network of development in Uttlesford, East Herts, Harlow and Epping Forest; it is concerned that there is a risk that sites have been identified before it is clear that measures to manage impacts are deliverable.

The DtC statement (L103) para 5.15 indicates that in April 2014 Essex and Herts CCs and the HA signed off a predictive regional model for assessing traffic flows on strategic and local roads using housing and employment growth data up to 2036. According to EX104 (para 14.8) the model so far provides an indication that material impact could occur at a number of critical locations on the strategic network. The HA recommends further modelling 'as the plan progresses' to identify what mitigation measures may be required and is concerned at the risk that later more detailed evidence could determine that impacts are greater than

acceptable and/or that necessary infrastructure to manage the impacts is not deliverable. HA states that M11 (J8) is at/near capacity and up to 2000 additional dwellings may not be deliverable without yet to be identified improvements, albeit many are not proposed to come forward until the plan period, giving time to devise an appropriate mitigation strategy.

EX104 details possible necessary options for improvement of M11 (J8) which vary from levels considered unlikely to pose concerns to the deliverability of planned development, subject to developer contributions, to costs of a different order of magnitude potentially in the range £50-75m. EX104 details work by the South East and Greater Cambridge Local Economic Partnerships which would need to bear fruit to deliver Government/LEP investments on this scale.

Matter 12, issue 1

Is there a sound evidential basis for concluding that there is a realistic prospect that the transport impacts of ULP, combined with the development plans of neighbouring authorities, are sound?

Matter 13 Infrastructure (ULP part 17)

Matter 13, issue 1

As submitted, policy SP14 appears to be inconsistent with national policy and the Community Infrastructure Levy Regulations in that it requires new development to 'take account of the needs of new and existing populations' with the apparent implication that the scope of contributions sought could go beyond the needs generated by the development itself. Is change required to the terms of SP14?

Matter 13, issue 2

Apart from SP14, this chapter is heavily focused on recreational issues. UDC accepts (see EX104 part 15.2) that INF2 & INF3 more appropriately fit within the countryside policies and can be merged into a single policy. Changes to that effect are set out in EX104. Subject to such changes, would the ULP be sound on these issues?

Matter 13, issue 3

The Council says (EX104 part 15.3) that policy INF4 is the culmination of over 2 years of effective joint working and liaison between itself and the NHS, yet representations have been made against its current terms by health bodies. This is an issue requiring resolution by the authorities concerned, including agreement about any changes to the plan that may be necessary.

**Matter 14 Removal of references to Supplementary Planning
Guidance (policies DES1, SP10, HE1, SP11, and NE1)**

To be noted: EX104 accepts that such references should be removed and proposes appropriate deletions from SP10, HE1, SP11, and NE1. Are there any other references to SPD in other policies of ULP?

Matter 15 Strategic allocations

EX104 lists (below para 5.1) the Site Allocations where all or part of the site is not subject to planning permission. This shows that the great majority of the 'allocations' are already covered by an extant planning permission or are the subject of a resolution to grant permission subject to the completion of an agreement. The issues identified below therefore necessarily focus on the soundness or otherwise of the much smaller number of Site Allocations which are not yet committed or wholly committed.

Matter 15A (Saffron Walden 1: land between Radwinter Road and Thaxted Road)

This development has been the subject of many representations, but it appears that, of a total of 800 dwellings, some 200 dwellings plus a retirement village are subject to a resolution to approve while a further 300 are subject to an appeal which the Council has decided not to defend. Para 20.1 of the plan says that the aim is to secure a comprehensive development over the whole site including a link road from Thaxted Road to Radwinter Road and provision of formal open space south of the Leisure Centre and west of Thaxted Road.

Is the policy sound? Does it require an appropriate mix of development? Is there evidence that the relevant developers/landowners are working together to ensure a truly 'comprehensive' development? Is there a reasonable prospect that the development is viable and achievable and that all of its elements will be delivered within a known timeframe? Does the appendix to H108 set out a realistic delivery timetable for this site?

Matter 15B (Saffron Walden 6: Ashdon Road Commercial Centre)

It appears that the residential part of this site is subject to a resolution to approve with negotiations over an agreement at 'an advanced stage'. However, the policy lays stress on the 'linked employment allocation' which should come forward as part of a master plan. Is there a mechanism in place to ensure provision of the employment element of the allocation?

Matter 15C (Great Dunmow 1: Land north of Stortford Road/west of Woodside Way)

Most of the site is subject to a resolution to grant planning permission. Only a small part in separate ownership is not in that position. Does this policy provide a sound and viable mix of development and is there any reason to suggest that the part of the site without planning permission could not be developed in

accordance with the required master plan? Can the site be completed in accordance with the timeframe shown in H108 (2016/17 to 2029/30)?

Matter 15D **(Great Dunmow 2: West of Great Dunmow/south of Stortford Road)**

Is the policy sound and does it specify an appropriate mix of development? Is the land in single ownership? Is the requirement for a health centre deliverable and is it consistent with the (somewhat lukewarm?) support offered by the West Essex Clinical Commissioning Group (rep 1458 para 15)? Is it a reasonable expectation of H108 that delivery will occur from 2024 onwards?

Matter 15E **(Great Dunmow 3 & 4: land adj Buttleys Lane and land at Helena Romanes School)**

Are these linked policies sound? Is there firm evidence that part-funding from development at GD4 (not expected by H108 until 2029) will enable the completion of the new school at GD3?

Matter 15F **(Great Dunmow 5: land west of Chelmsford Road)**

Although residential development at this site is subject to a resolution to approve, the policy includes other elements including junction improvements, the construction of a primary school, recreational space, retail floorspace and an employment site. Is there assurance that provision of these elements is viable and that they will take place in accordance with the master plan? Is it likely that H108's timetable for the residential completions (2016-22) will be met?

Matter 15G **(Elsenham 1: land north east of Elsenham)**

Issue 15G/1 Is the choice of Elsenham justified as the most appropriate location for new development, considered against the reasonable alternatives, if some form of new settlement is required to meet the District's needs? [EX104 part 17 summarises the factors behind the choice of this allocation over extensions to other towns or a new settlement at another location.]

Issue 15G/2 Is the content of policy Elsenham 1, including all the elements within it (local centre, education provision, employment land, recreational provision and a set of transport improvements) sound and viable? What assurance is there that all these elements can be effectively secured in accordance with a master plan and completed to the timetable suggested in H108 (2019-31)? NPPF para 52 states 'The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities' Would the Elsenham development fit this description?

Issue 15G/3 Concerning the access strategy for Elsenham 1, my questions at EX101 part 14 noted the statement of Essex CC in March 2014 that formal assessments of the cumulative transport impacts of Elsenham had not been undertaken. The CC considered that more detailed study was required, noting

that there were limited options to reduce impact, hinging on demand management, reducing demand for travel and providing high quality alternative means of doing so. Is there evidence providing the necessary degree of confidence that the various transport-related measures set out in policy Elsenham 1 (at bullet points 2 and 6-8) would deal adequately with the traffic impacts of the whole development of 2100 dwellings? Do these bullet points cover all the general categories of transport pre-conditions for a sound policy concerning the transport impacts of Elsenham 1, or are any omitted? Are they costed (and if so what are the costs?) and has it been shown that such costs are capable of being borne by the development? [Responses should deal with issues related to the whole of the local plan proposal for 2100 dwellings, not those raised only by the first 800 proposed dwellings].

Matter 15H **(Newport 3: land west of London Road)**

Is this a sound allocation and is it deliverable (as stated in H108) by 2021/23?

Matter 15I **(Henham 1: land at Blossom Hill Farm)**

Is this a sound allocation and is it deliverable (as stated in H108) by 2019/20?

Matter 17 **Monitoring**

Matter 17, issue 1

Objective 1 is inconsistent with the NPPF in referring to only allowing development in 'the most exceptional' circumstances – the test is 'very exceptional circumstances'.