



Uttlesford District Council

Chief Executive: John Mitchell

Planning Policy Working Group

Date: Thursday, 26 November 2015
Time: 19:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors Susan Barker, Paul Davies, Alan Dean, Stephanie Harris, John Lodge, Janice Loughlin, Alan Mills, Edward Oliver, Joanna Parry, H Rolfe.

AGENDA

Open to Public and Press

- 1 Apologies for absence and declarations of interest.**
To receive any apologies and declarations of interest

- 2 Minutes of previous meeting** 5 - 12
To receive the minutes of the meeting held on 29 September 2015

- 3 Matters Arising**
To consider matters arising from the minutes

- 4 Response to the PAS review of the 2014 Submission Local Plan** 13 - 54
To consider the Council's response to the Planning Advisory Service review of the 2014 Submission Local Plan

- 5 Preferred Options Guidelines and Recommendations** 55 - 136
To consider the guidance and recommendations for the preferred options stage of the Local Plan preparation

- 6 Evidence Base Review and Work Programme** 137 - 162
To receive an update on the evidence base work and forward work plan

7	Economic evidence - Stansted scenarios	163 - 168
	To advise on further work that the council has commissioned on employment forecasting, taking account of expansion plans for Stansted Airport	
8	Duty to cooperate update	169 - 212
	To provide an update on the Duty to Cooperate work	
9	Housing trajectory and 5 year land supply statement	213 - 230
	To note the latest update to the Housing trajectory and 5 year land supply	
10	Waste Local Plan additional consultation - Newport Quarry	231 - 234
	To consider an additional waste site as part of the Replacement Waste Plan consultation	
11	Issue and Options consultation document - minor amendments	235 - 238
	To advise of the minor amendment made to the public consultation version of the Issues and Options Consultation Document	

MEETINGS AND THE PUBLIC

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PLANNING POLICY WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.00pm on 29 SEPTEMBER 2015

Present: Councillor H Rolfe - Chairman
Councillors S Barker, P Davies, S Harris, J Lodge, A Mills, and E Oliver.

Also present: Councillors D Jones.

Officers in attendance: M Cox (Democratic Services Officer), S Nicholas (Senior Planning Policy Officer), M Paine (Planning Policy Team Leader) and A Taylor (Assistant Director Planning and Building Control).

PP24 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor A Dean and J Parry.

PP25 MINUTES

The minutes of the meeting held on 27 July 2015 were received and signed by the Chairman as a correct record.

BUSINESS ARISING

Minute PP18 – Presentation by the Planning Advisory Service (PAS)

The Chairman reported that the PAS review of the Submission Local Plan had been considered at the Scrutiny Committee meeting on 10 September 2015. The report had referred to Cabinet with a request that it take on board the recommendations in the report. Members were assured that officers had noted the relevant comments and these were being incorporated into the work going forward.

It was AGREED that the next meeting would receive a list of the issues raised in PAS report and the action taken to date.

PP26 STRATEGIC HOUSING MARKET ASSESSMENT

The Working Group received the completed Strategic Housing Market Assessment (SHMA) report which had been commissioned by Uttlesford's partner authorities, East Herts, Epping Forest and Harlow. The report detailed work on the Housing Market Area, demographic projections, housing mix and tenure and the calculation of the Objectively Assessed Need (ONS).

The SHMA had identified the ONS for housing in West Essex and East Hertfordshire to be 46,100 dwellings over a 22 year period 2011 - 33 and 13,291 affordable dwellings over the same period. For Uttlesford the number was 12,500 dwellings, 568 per year. The report would form part of the evidence base and would be used to feed into the development of the housing numbers and allocations.

Members said that the report was a thorough piece of work and had utilised the 10 year migration trend and 20% uplift in line with what the Inspector had suggested. However, they asked for assurance that the study was sufficiently robust to pass examination and asked what could be done to ensure that the information was kept up to date. Members were advised that the report had been produced following the requirements of the NPPF, PPG and technical advice from the Planning Advisory Service as well as taking on board the Inspector's decisions from recent examinations. Officers would continue to monitor any significant changes that needed to be reflected in the report.

It was noted that the ONS figure of 568 was slightly lower than the 580 per year figure currently used in respect of the 5 year land supply. Members asked whether this figure would now be used instead. Officers replied that the 568 figure had not yet been tested through examination and was unlikely to be the final figure in any event as it was the starting point and not the final delivery target.

In relation to the Duty to Cooperate, a question was asked about Epping Forest Council's ability to accommodate its own housing need given that a large part of the district comprised green belt land. It was explained that the situation would be clearer after the green belt review that was expected to be completed in March next year. However the onus was on each authority to endeavour to fulfil its own housing need or demonstrate why it was unable to.

The working group NOTED the published report, West Essex and East Hertfordshire Strategic Housing Market Assessment September 2015, and its adoption into the Local Plan evidence base.

PP27

ECONOMIC EVIDENCE TO SUPPORT THE DEVELOPEMNT OF THE OBJECTIVELY ASSESSED NEED

The working group received the Economic Evidence report commissioned by the four partner authorities, which reviewed the evidence for the joint area in relation to employment and job creation. It would underpin further work on the SHMA and the update of the employment land review.

The working Group NOTED the published report, Economic Evidence to support the development of the OAHN for West Essex and East Herts July 2015, and its adoption into the Local Plan evidence base.

ISSUES AND OPTIONS CONSULTATION

The Working Group received the proposed Issues and Options consultation questionnaire, which would be subject to public consultation during the autumn. The main focus of the consultation was the Areas of Search and Scenarios which had been supported by the working group at the last meeting. At that meeting members had asked for the potential for an additional search area to be investigated in the vicinity of junction 7a of the M11. It was explained that this area was within Epping Forest District but officers would continue to monitor the development of the neighbouring plan.

Jackie Cheetham from Takeley Parish Council raised issues around the plan timetable, speculative applications and officer meeting with developers. A summary of the comments and the officers' reply is attached as an appendix to these minutes

Councillor Dean had proposed four amendments before the meeting and it was confirmed that these would be included in the document. He had raised other issues around housing mix but it was agreed that these would be better addressed as part of the ongoing assessment.

The report would be referred to the Full Council meeting on 13 October 2015 seeking agreement to consult on the revised document.

AGREED that the Issues and Options Consultation questionnaire be supported as the basis for a public consultation in autumn within Regulation 18 of the Local Planning Regulations.

ENGAGEMENT STRATEGY

The Working Group received the Engagement Strategy, which set out the proposed approach to consultation and engagement with the community and key stakeholders. To formalise these arrangements was one of the recommendations of the PAS review. The Planning Policy Team Leader highlighted the main points in the report and circulated example leaflets and posters.

AGREED

- 1 That the Engagement Strategy contained at Appendix A be supported.
- 2 That the draft poster and leaflet contained at Appendices B and C be supported for printing.
- 3 That the dates for the start and close of the consultation be agreed.

PP30

EVIDENCE MAPPING

As part of the Local Plan process an exercise had been carried out to gather and map all the information held in the Local Plan evidence base.

The Working Group NOTED the Evidence Mapping report.

PP31

SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE AREAS OF SEARCH AND STRATEGIC SCENARIOS

The Working Group considered the Sustainability Appraisal for the Areas of Search and Strategic Scenarios. The appraisal was produced in parallel with the Local Plan and its purpose was to assess its policies and proposals in a consistent and transparent manner and test them against alternatives. The appraisal compared the Areas of Search and Scenarios on the basis of their differences than on their respective suitability as at this stage these were still strategic proposals.

In answer to a question, it was explained that the Sustainability Appraisal was the first phase of evidence gathering for the broad areas of search. It would be premature to apply weighting at this time as this would be subjective and give a false impression of suitability. The criteria for assessing sites would be developed at a later stage.

AGREED that the Sustainability Appraisal and Strategic Environmental Assessment of the Areas of Search and Strategic Scenarios Consultation is published for consultation alongside the Issues and Options Consultation questionnaire.

PP32

ASSESSMENT OF LARGE SCALE PROPOSALS AGAINST THE GARDEN CITY PRINCIPLES

Members were informed that the call for sites exercise during April – June 2015 had resulted in the submission of a number of proposals for larger scale sites. As part of the assessment process these proposals were being considered in more detail against the nine Garden City principles. All proposals for over 1000 units had been invited to present their schemes, discuss deliverability and how their schemes perform against the Garden City principles. The outcome would be brought to the Working Group as additional material in the Strategic Housing Land Availability Assessment and would provide supporting information for when formal decisions on site options were taken.

The Working Group NOTED the work being undertaken and that a Member workshop was planned to be held on Garden City principles.

GYPSY AND TRAVELLER UPDATE

The Assistant Director Planning and Building Control reported that in August 2015 the Government published its new Planning Policy for Traveller Sites. The changes mainly related to enforcement and to the definition (for planning purposes) of Gypsies and Travellers to limit it to those who had a nomadic way of life. This would impact the work on the evidence base and site selection for Gypsies and Travellers that the council had been progressing as part of the Local Plan process.

He said that in the light of this revised definition a new Essex wide Accommodation Assessment would likely be required. This would involve more in depth work in order to gain a better understanding of individual circumstances. There would be a reappraisal of the evidence base to ensure that the justification behind the emerging policy and site allocations accorded with this new guidance. It would be necessary to carry out a new call for sites and reassess all the submissions in the light the new figures and previous decisions would need to be revisited.

Public speaking

Rod Higgins, Chairman of Arkesden Parish Council and Joan Morgan, Parish Chair, Wicken Bonhunt spoke to the meeting about the suggestion to reassess all the proposed gypsy and traveller sites and their concern that this would affect the 5 Acre site, which had recently been rejected as unsuitable. They said that the reasons for the site being rejected would not change and asked the PPWG to confirm that the 5 Acre site would not be subject to any further discussion
A full copy of the statements is attached to these minutes

In reply to these comments the Chairman said that the council was required to comply with the new legislation and would be challenged if it did not follow due process. He had sympathy with the argument that if it wasn't right the first time then it wouldn't be again. However, as the new study could take some time, the situation with some sites might change so it was still prudent not to rule anything out at this stage.

The Assistant Director said the announcement of the new legislation was frustrating. An assessment of the entire Gypsy and Traveller population would be a long and problematic process. He thought that the new evidence base would need to be followed by an open and transparent appraisal of all the sites, although it was likely that the outcome would be the same in many cases if the site constraint characteristics had not changed. However, in terms of transparency it was important to assess all sites at the same base level of information.

During discussion the following points were raised:

Members commented on the potential problems with the new accommodation assessment and in particular how to determine the nomadic qualification. The Assistant Director said there had been no published guidance with the Policy. The

consultants were to meet with the DCLG to try to obtain more information and a methodology for conducting the assessment.

A member said it was premature at this meeting to say that all previous decisions on sites would need to be revisited. The new needs assessment could conclude that fewer sites were required and in that case a review of previous decisions might not be necessary. It was suggested that the decision on further action should be delayed until the updated Accommodation Needs Assessment had been received.

Other Members said that they were uncomfortable with going back to re-assess rejected sites, when the working group had already considered and determined the evidence. It also meant that residents would be left with uncertainty about the status of the sites in their area.

It was noted that the new arrangements would affect the progress on the Gypsy and Traveller element of the Local Plan. Further advice would be sought on how this should be addressed. Further clarification on the implications of the new policy was still required and the working group would be updated when further information was available.

The Working Group AGREED

- 1 To note the published report and seek further clarity around the new Gypsy and Traveller definition and the subsequent work required.
- 2 A new Accommodation Needs Assessment to be arranged and the final report to be reviewed by the Working Group.
- 3 The decision around the subsequent review of sites be brought back to the Working Group for discussion.

The meeting ended at 9.10 pm

PUBLIC SPEAKING

Item 6 – Issues and Options Consultation

Jackie Cheetham raised the following issues

- The new Local Plan will not be in place until 2017, and during the intervening period of uncertainty there is likely to be speculative development. She asked for assurance that these applications for development would be resisted in unsuitable locations.

Reply The council currently has a 5 year land supply but there is still at presumptions for development in the NPPF.

- It is understood that officers have meetings with developers in relation to larger site proposals. In terms of transparency could there be a public record of notes of these meetings.

Reply: Yes this could be done for discussions in relation to the local plan. The best applications are usually achieved when there is co-operation between all parties.

Where is the reference to the Countryside Protection Zone (CPZ) in the document?

Reply This will be considered through the Local Plan process but as with other policies there will be a review as to whether it is still required.

Item 11 – Gypsy and Traveller update

Joan Morgan - Parish Chair – Wicken Bonhunt

I should like to respond to Andrew Taylor's report

Paragraph 15 states-

Re-appraisal of our evidence base is required - to include in-depth fieldwork on the Gypsies and Travellers already in our area – presumably that won't take too long.....

Paragraph 17states-

Part of the re-assessing the evidence base, we will need to reassess all the submissions and revisit previous decisions.

Surely the only change that has to be considered is the definition of persons of Nomadic habit - whether they are, whether they used to be or whether they shall be in the future.

Surely it DOES NOT need any re-assessment of previous sites and the decisions made earlier – especially if they were declared unsuitable.

The sites will still be unsuitable whether nomadic persons are here, used to be here, or will be here in the future.

We are all familiar with the expression “we must stop meeting like this!”

I would rather we didn't, but that won't happen unless we get the Planning Policy's Working Group's assurance tonight that 5 Acres will NOT be up for discussion any time in the future as part of the Local Plan process.

Rod Higgins - Chairman Arkesden PC

Thank you Mr Chairman

I am speaking on behalf of the residents of Arkesden and FALCA.

My comments relate to the 5 acres G/T Site at Wicken Bonhunt.

Two months ago this working group agreed with the officers recommendation that this site was unsuitable for a number of reasons and should not be taken forward in the local plan process.

In August 2015 the government published it's new Planning Policy for Traveller sites. Officers have been in discussion with their consultants ORS since the publication of the new policy. The officers are recommending that a reappraisal of the evidence base is necessary to assess the new need. It is also evident that Officers believe it is necessary that all the sites previously put forward as part of the 'call for sites' will need to be revisited in light of the potentially revised need, even sites that have previously been rejected. No doubt at vast additional cost.

The officers and this committee should not confuse NEED with SUITABILITY. Only the definition of need may be changed by the governments new policy, not the suitability of sites.

The non - suitability of 5 acres has already been decided. On behalf of Arkesden Parish Council and concerned residents of Arkesden, I would like the working group tonight to confirm to us that 5 Acres will not be included as part of this new Local Plan Process.

Committee: Planning Policy Working Group

Agenda Item

Date: 26 November 2015

4

Title: Council Response to the Planning Advisory Service Review of the 2014 Submission Local Plan

Author: Martin Paine, Planning Policy Team Leader

Summary

1. The attached report sets out the Council's proposed response to the independent Planning Advisory Service (PAS) review of the 2014 Submission Local Plan, including the underlying processes which led to its withdrawal in January 2015 following Examination in Public.

Recommendations

2. That the proposed Council Response to the independent review of the 2014 Submission Local Plan, be supported.

Background documents

3. None

Impact

Communication/Consultation	Formal consultation as the Local Plan develops will be carried out in accordance with the Statement of Community Involvement.
Community Safety	None
Equalities	The Local Plan impacts on all sectors of the community.
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	Appraisal of alternatives to the emerging plan will be undertaken.
Ward-specific impacts	All.
Workforce/Workplace	Planning Policy Team and other officers as appropriate.

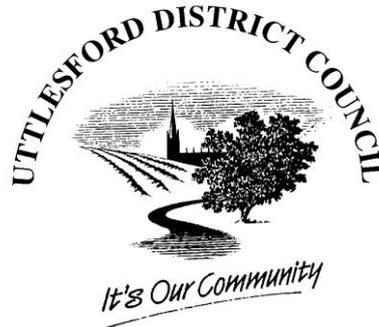
Situation

- 4. In a report of 19 December 2014 the Local Plan Inspector concluded that *“taken together, my soundness concerns about the OAN [Objectively Assessed Needs] and Elsenham policy 1 lead to my not being able to recommend adoption of the plan as submitted.”*
- 5. A Full Council in January 2015 the Council withdrew the 2014 Submission Local Plan and the following month requested PAS to undertake an independent review of the process since 2007.
- 6. The documents comprising the PAS review were presented to the Scrutiny Committee on [10 September 2015](#) (agenda item 8) as follows:
 - Executive Summary
 - Timeline of Uttlesford Local Plan Meetings
 - Review of Inspector’s letter
 - Review of Strategic Environmental Assessment and Sustainability Appraisal
 - Review of Site Selection Process
- 7. For ease of reference the PAS Executive Summary is attached to this report, together with the Inspector’s letter and the proposed Council Response. The Inspector’s report is also available at www.uttlesford.gov.uk/developinguttlesford.
- 8. The remainder of the documents can be viewed by following the link to the Scrutiny Committee above.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
If the Local Plan does not meet national policy requirements it is likely to be found unsound at Examination	2. Can be addressed and managed through the Working Group discussion forum.	4. The Local Plan is very likely to be found unsound.	Discussion at the Working Group to ensure that the requirements of soundness are met.

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.



Council Response to the Independent Review of the Local Plan Process

26 November 2015

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Introduction

This document draws together the key messages from an independent review of the withdrawn 2014 Submission Local Plan, and explains how these lessons have been incorporated into the new Local Plan process set up during 2015.

In inviting the Planning Advisory Service (PAS) to undertake a review of the processes around the 2014 Submission Local Plan, the Council's aim was to understand what lessons should be learned and incorporated into work on the new Local Plan.

The PAS reports provide a very helpful independent review of the critical issues and an honest appraisal of mistakes that were made. The Council's response to the review is to unflinchingly address these points and learn from them.

Preparation of the 2014 Submission Local Plan took place over a number of years, and culminated in the withdrawal of the plan in January 2015, following receipt of a report from the Local Plan Inspector that he was unable to recommend adoption of the plan as submitted. For reference the Inspector's report is attached and is also available at www.uttlesford.gov.uk/developinguttlesford

The documents comprising the PAS review were presented to the Scrutiny Committee on [10 September 2015](#) (agenda item 8) as follows:

- Executive Summary
- Timeline of Uttlesford Local Plan Meetings
- Review of Inspector's letter
- Review of Strategic Environmental Assessment and Sustainability Appraisal
- Review of Site Selection Process

The review addressed planning policy matters using terminology contained in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) and assumes some degree of familiarity with basic planning concepts.

The Council response (this document) cites both the PAS review documents and the inspector's report extensively in order to draw out the main themes and to enable the lessons to be drawn out. In order to assist in this process key passages and recurrent themes have been underlined for emphasis.

The conclusions of this document (pages 18-19) include a table showing the main issues raised by PAS in their comments, together with the actions taken by the Council in response. More detailed officer comments are set out in the grey boxes within each section.

PAS Task 1: Timeline of Uttlesford Local Plan Meetings

For this task PAS reviewed the minutes of 49 meetings held between 2007 and 2014 at which the Local Plan was progressed. It should be noted that PAS did not review the evidence base which supported the 2014 Submission Local Plan. The report is quite dense and by its nature picks up repeated issues and concerns across multiple meetings.

Careful reading identifies four broad themes as set out below and illustrated with quotations from the document.

Theme 1: The importance of an evidence-led approach

- *“Although rejected, this motion suggests that some Members were aware that not all the evidence was available to make the decision to select a preferred option. Certainly not the option that was chosen, as it did not have the same level of assessment as the other 3.” Environment Committee (Oct 2007)*
- *“The rationale appears to be that putting most of the growth in one place allows the infrastructure to come along at the same time/in advance. However, it is also acknowledged that any benefits of development at other centres would be lost, notably affordable housing, by having it all in one new settlement. The mitigation required to make a new settlement work, does not appear to have been considered as an option to help deliver sites elsewhere. The lack of capacity at the school in Saffron Walden for example appears as an ultimate constraint, rather than something which could be mitigated. It therefore seems as though the same considerations have not been applied equally to assess each option.” Preferred Options Consultation, Nov-07*
- *“There is no substitute for an evidence-led plan. The Council had created more work for itself in putting forward an option which required evidence after the event” LDF Working Group (Aug-09)*
- *“Again, it appears as though decisions are being made in advance of detailed evidence.” (LDF Working Group (Nov-09)*
- *“It is not the case that absolutely everything should be lined up and available prior to consultation, but key evidence must be ready. It is unclear that this is the case at the time.” Extraordinary Environment Committee (Nov-09)*
- *“Some of this language suggests that not all the work required to assess option 4 has actually been done. This means the Council has chosen a preferred option in advance of knowing the impact and sustainability of it. I believe it is this approach which comes back to bite them later on, when the decision to go for ‘dispersal’ rather than concentrate in a new settlement, is made. (LDP Task group, May -08)”*
- *Realisation that the Council had to run with new numbers (the ones that went into the examined plan) based on the latest evidence. That was a good decision. However, some worrying language around the selection of the strategy for delivery. Is it ‘continued dispersal’ or is it ‘as you are, plus Elsenham’? Cabinet Meeting (Nov-13)*

Evidence-led approaches: Officer Comment

The Council should be led by consideration of up-to-date evidence, national policy requirements, and keeping to a clear process of justification throughout the process. It should avoid knee-jerk responses driving changes to the emerging strategy, especially if such changes are not based on carefully considered and tested evidence. There should be equal assessment of all the options. Clearly if new options are introduced late in the day, this is very difficult.

At paragraph 4.4 of his report the Inspector stated that: *“There appeared to me to be fairly widespread recognition that some form of ‘new settlement(s)’ may form an appropriate means for catering for the future long-term growth of the District... However, I do not consider it for me to comment further upon this matter.”* In preparing its new plan the Council should reserve judgement about the merits or otherwise of a new settlement approach until the necessary evidence has been assembled to allow a sound judgement to be made, in light of national policy, sustainability and deliverability issues seen as a whole.

Areas of Search and Scenarios were introduced as part of the Issues and Options consultation in autumn 2015 in order to provide a framework to assist this process of equal appraisal. However, there may be pressure to steer the solution in favour of one strategy or another, and this should be firmly resisted. The Council should try to do what is right rather than what is popular. This means adhering to a transparent, evidence-led process based on sound planning principles.

A report to the Working Group entitled *“Preferred Options: Guidelines and Recommendations”* (PPWG, 26 November 2015) provides pointers on the way forward in this respect.

Theme 2: Duty to Co-Operate

- *Ad hoc, reactive response to a plan consultation rather than the proactive, ongoing discussions that are supposed to be held. Early warning about the Duty?* LDF Working Group, Feb-13
- *Revising the SCI [Statement of Community Involvement] highlighted potential areas for improvement in communicating with Parishes, although officers disagreed. N Herts plan consultation again highlights potentially slightly ad hoc way of dealing with 'cooperation'. It may be that the 'monitor progress and review as necessary' is sufficient. But it may also explain why the Inspector raised DtC and said 'only just'.* LDF Working Group, (March-13)
- *On the duty to cooperate it appears as though the cross boundary impacts are being looked at. With regard to East Herts the statement about 'ongoing discussions' is helpful, but there does not appear to be Member involvement.* Local Plan Working Group (Aug 13)

Duty to Co-Operate: Officer Comment

Engagement must be constructive, active, and ongoing, should involve Members as the decision-makers on the plan, and should be systematic rather than ad-hoc.

The Council is now formally represented at Member-level on the Co-Op Board and minutes of meetings with Duty-to-Co-Operate partners are published once agreed. The Council is focusing on the critical cross-boundary strategic planning issues. The Council will prepare a Duty to Co-Operate statement using template e.g. from PAS.

Theme 3: Housing Numbers

- *This serves to highlight Member awareness of affordability issues in Uttlesford. The decision made later not to adjust for market signals seems out of kilter with this discussion, and many subsequent ones.* LDF Working Group (July 09)
- *"It is not clear from this that they had come up with a truly robust figure, as there are some assumptions which appear 'dodgy'. These seem to stem from the mandate to drive the number down."* LDF Working Group (Feb-11)
- *"Once again this is a realisation that the proposed figure does not take account of inward migration and is not apparently compliant with emerging national policy."* Cabinet Meeting (Aug-11)
- *The reduction in housing number immediately made the choice of a single settlement option less sustainable. My initial thought is, how do you demonstrate that 900 houses equals the tipping point? Or is that the 'economic growth' factor is the driver?* Cabinet meeting (May-12)
- *"The Council has been aware of the task at hand for over a year and has failed to come up with a number, or range of numbers."* Cabinet Meeting, (Dec-11)
- *"New evidence was being taken into account and the sensible approach of apparently not waiting until all new projections from the Census had been*

finalised, noting the length of time it would be before these were ready. A good decision!" LDF Working Group, Nov-12

- *One of the slightly off-topic points about affordable housing being recognised as a still-large issue. Conflicting with the later point about not seeking to increase the number at all to respond to market signals.*
- *Realisation that the Council had to run with new numbers (the ones that went into the examined plan) based on the latest evidence. That was a good decision. (Cabinet Meeting, Nov-13)*

Housing Numbers: Officer Comment

Evidence on housing numbers is complex but it must respond to national requirements, for example taking account of inward migration. The Council should consider the relationship between the strategies for housing and economic development, and ensure that they are aligned. It is also important that the housing strategy is internally consistent: is the Council's priority to deliver more affordable housing? How does that square with thinking about sustainable development 'in the round'?

Many Local Planning Authorities have struggled with calculating their housing numbers, a new responsibility which in the past was undertaken by Regional Assemblies. However, the Council has worked closely with the other authorities in the Housing Market Area to prepare the new NPPF-compliant Strategic Housing Market Assessment (SHMA) and this was published in September. These concerns have now been addressed.

A thorough application of the framework provided by the strategic scenarios contained within the Issues and Options consultation document will help the Council to consider the implications of a higher level of growth for the overall spatial strategy, and avoid a situation where additional sites need to be added into the plan at the last minute. The Council needs to be able to demonstrate positive planning, not seeking to 'drive the numbers down'.

Theme 4: Clarity and transparency

- *"The task of setting out options and impacts is not easy. However, it appears an unnecessarily complicated means of setting this out. Options are described as 'the best against some things, but not others'." Policy Choices and Options for growth assessment of growth options (August 07):*
- *There is a realisation that the single settlement option is unpopular. However, the statement that capacity should drive scale of growth is now clearly not NPPF compliant. At the time, such thinking may have been more common. The ranking of various factors really ought to have been settled as part of a visioning exercise, along with setting of sustainability objectives, long before this point. Such an exercise would have been referred to here to remind Members how they had got to this point.*

Clarity and Transparency: Officer Comment

Clarity and transparency should be intrinsic to the process. The Council needs to be very clear how the balance of considerations was made in reaching decisions.

The Council has made great efforts to improve this aspect of work on the plan, including holding all meetings in public through the cross-party Planning Policy Working Group. All the evidence is published on the Council's website. A regular Local Plan Update is sent to all Members and to all Town and Parish Clerks for circulation to all Parish Councillors which draws attention to the key documents.

A report to the Working Group entitled "*Preferred Options: Guidelines and Recommendations*" (PPWG, 26 November 2015) provides pointers on the way forward in this respect. It is recommended that the Council should first narrow down the options through an interim stage, and then use an 'Interim Development Strategy Report' to provide a clear narrative of how draft Local Plan strategy was reached.

PAS Task 2: Review of Uttlesford Local Plan Inspector’s Letter

This short report provided some clarification of the main issues raised by the Inspector. The majority of the report provides a summary of the main points covered by the Inspector.

PAS Review	Officer Response
<i>“With regard to OAN, the Inspector highlighted that further work needed to be done in order to clarify the level of need.”</i>	This further work has been done and published in the Strategic Housing Market Assessment (SHMA, September 2015). The SHMA addresses national policy requirements but the Council will need to closely monitor challenges through the appeals system.
<i>“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.”</i>	These concerns are acknowledged. The Council has set out mechanisms to ensure that deliverability is addressed early in the process, and has also engaged a transport consultant to advise in relation to the Areas of Search and other transport planning matters.
<i>“Other issues were more about some details and less about the overall strategy... Other points relating to other settlements related to the need for clarity in some of the details, again usually expressed through the supporting evidence.”</i>	The need for greater clarity is acknowledged. The new Local Plan process is based around ensuring a clear audit trail of evidence and explanation of how this feeds into decision-making.
<i>“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.”</i>	This point is at the heart of the new Local Plan process and is about ensuring that the new Local Plan is fully justified (one of the ‘tests of soundness’ in NPPF Paragraph 182).
<i>“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.</i>	<p>Agree that this was a reasonable conclusion. It is anticipated that the new Local Plan will be submitted in 2017, at least two years after the examination hearings.</p> <p>The Council has incorporated the lessons from the examination into a new process, and is in a strong position to ensure that the new Local Plan is sound.</p>

The remainder of the report focuses on positive messages coming out of the review: *“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...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."

PAS refer to the settlement hierarchy and the Employment Land Review as good examples mentioned by the Inspector, who also endorsed the approach to windfall (unplanned development) at 50 dwellings per year as "*reliably based upon well-evidenced research and consistent with para 48 of the NPPF*" (paragraph 3.7).

Task 2: Officer Comments

PAS' review of the Inspector's letter indicates two main concerns: evidence for the level of Objectively Assessed Need (OAN) and the justification of the proposed Elsenham site allocation. PAS agreed with the Inspector that it was likely to take more than six months to address these points.

Nearly a year on from the Inspector's report, it is clear that these conclusions were reasonable, and the Council has used the intervening time to ensure a thorough response to these key points, both by establishing a robust Strategic Housing Market Assessment to identify a well-evidenced housing figure, and also through the Issues and Options consultation (Autumn 2015) which ensures that the Council will give thorough consideration to a wide range of options before making any decisions on a preferred option next year.

Not cited by PAS, but nevertheless of central importance in the Inspector's letter in this context, is paragraph 4.3 which states: "*The brief for the new SHMA [Strategic Housing Market Assessment] , currently being prepared for Uttlesford and its 3 neighbour authorities in the 'Harlow/M11 corridor' requires that it should be PPG [Planning Practice Guidance] -compliant. If it is, it should provide up-to-date OAN [Objectively Assessed Needs] assessments for these authorities both individually and jointly. This could provide a platform to take forward complementary Local Plans for these areas which are fully consistent with the NPPF and PPG and able to be prepared with full regard to any DtC and/ or SA issues which may arise.*"

This somewhat dense passage is of crucial importance to understanding how cross-boundary strategic planning and the OAN are interlinked. The Council will need to understand the plans for other areas as well as its own.

PAS' point about 'banking' some aspects of the plan is important. Whilst on the two fundamental issues of the OAN and the equal assessment of alternative options required a considerable amount of extra work, the plan does not need to be fully reworked from 'scratch'. The settlement hierarchy approach, for example, was 'soundly set out' according to the Inspector. Clearly, if a new strategy and new growth locations are identified then the settlement hierarchy would need to be updated to reflect this, but the general approach and methodology is still considered sound. The Issues and Options consultation includes a question on this and these responses can then be taken into account.

PAS Task 3: Review of the Strategic Environmental Assessment and Sustainability Appraisal

This section formed an appendix to a report on the Sustainability Appraisal of the Areas of Search, which subsequently formed part of the Issues and Options Consultation (Autumn 2015). See Planning Policy Working Group, [29 September 2015, agenda item 9](#)

1. An independent review of the process used to create the 2014 Submission Local Plan (withdrawn January 2015) was carried out by the Planning Advisory Service (PAS) and reported to the Scrutiny Committee on September 10th 2015.
2. The PAS review covered a number of aspects of the previous Local Plan process, including a summary of the main issues from the Local Plan Inspector's report, and a review of the site selection process.
3. As part of this package of work, PAS also undertook a critical friend review of the Pre-Submission Local Plan Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) Environmental Report (April 2014) and addendum (June 2014).
4. Officers have shared this document with the Council's consultants (Place Services at Essex County Council) and have discussed the implications for the sustainability appraisal of the new Local Plan.
5. The table below is based on the central findings of the PAS review, and demonstrates how the findings have been incorporate into a robust SA process going forward.

SEA Directive Requirements	PAS comment: Is the SEA Directive Requirement met?	Officer Comment
a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes.	Yes , although the review of plans, programmes and policies should be updated, and consideration given to extending its scope to include international and European plans and programmes, in addition to those already considered at the national, county and local level.	Addressed by Place Services in the new SA Framework.
b) The relevant aspects of the current state of	Yes , although the baseline analysis will need to be	Addressed by Place Services.

SEA Directive Requirements	PAS comment: Is the SEA Directive Requirement met?	Officer Comment
the environment and the likely evolution thereof without implementation of the plan or programme.	reviewed and updated as appropriate. Further information could be provided in respect of trend based data and the evolution of baseline without the ULP.	
c) The environmental characteristics of areas likely to be significantly affected.	Partially. The environmental characteristics of those areas likely to be significantly affected by the ULP are implicitly rather than explicitly described.	The environmental characteristics of areas are described at a high level in the SA of the Issues and Options, and this will be reviewed and refined in the SA of the Draft Plan.
d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.	Yes	Subject to ongoing monitoring.
e) The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.	Yes , although the review of plans, programmes and policies should be updated.	Review of plans, programmes and policies has been updated.
f) The likely significant effects on the environment, including on issues such as biodiversity, population,	Partially. Whilst the LDP vision, objectives, policies and site allocations have been assessed, there is	The initial SA (Issues and Options) assesses the Scenarios which addresses cumulative impacts. The next stage of the SA (Draft

SEA Directive Requirements	PAS comment: Is the SEA Directive Requirement met?	Officer Comment
human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects).	considered to be an overall lack of assessment of the cumulative effects of the ULP both alone and in combination with other plans and programmes.	Plan/Preferred Options) will assess the cumulative impact of proposed sites on settlements. The Council is working closely with neighbouring Local Planning authorities to consider the impacts of their emerging Local Plans and this information will inform the next stage.
g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.	Yes. The Environmental Report does identify specific mitigation measures.	Approach carried forward into the new process.
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.	No. The Environmental Report does not adequately set out the reasons for the selection of the alternatives dealt with, for the rejection of reasonable alternatives and for the selection of the preferred options. The Environmental Report does not describe the difficulties encountered during the assessment.	The Areas of Search and the Scenarios has been developed by the Working Group as a framework to address this deficiency. At the next stage of SA this will provide a firm basis to enable a clear narrative to be provided of why the preferred options were either taken forward or rejected, with consideration of the reasonable alternatives.
i) A description of measures envisaged concerning monitoring in accordance with Art. 10.	Yes. The Environmental Report includes a monitoring framework.	Approach carried forward into the new process.
j) A non-technical summary of the	Yes. A non-technical summary is provided.	Approach carried forward into the new process.

SEA Directive Requirements	PAS comment: Is the SEA Directive Requirement met?	Officer Comment
information provided under the above headings.		

Task 3: Officer Comments

When assessed against the 10 SEA requirements the PAS critical friend review highlighted that the main area of concern related to the explanation of the reasons for selecting or rejecting alternative options.

This concern was summarised and elaborated in the presentation delivered at the Scrutiny Committee meeting on 10th September 2015. The presentation delivered at the meeting identified three concerns about the previous SA process, namely that it:

- Did not clearly tell the story of how sites were identified
- Did not effectively provide narrative around Elsenham as a site
- There were an excessive number of options for policies

The third point relates to development management policies rather than site allocations, for example in relation to general environmental or other policies. This has been discussed with Places Services and it is agreed that alternative policy approaches will only be considered where there is a clear justification for doing so. If there are no clear alternatives, or where alternatives are insufficiently distinct, then no options will be elaborated. However, this is a case-by-case judgement and a pragmatic approach will be taken.

The first two points both address the consideration of alternatives and the way in which this process is explained. In the case of the 2014 Submission Local Plan the failing related to the selection of Elsenham as a preferred location for development, but it is important going forward that the Council should avoid this pitfall in terms of the selection of sites for inclusion in the new Local Plan.

This critical point relates not only to the legal requirements of the SEA Directive, but also to the tests of soundness at examination in public, particularly in terms of the requirement to prepare a justified Local Plan. This matter has been addressed at length in a methodology paper supported by the Planning Policy Working Group ('Preparing a Justified Local Plan', PPWG 27 July 2015, item 5) and which has subsequently been rolled out as part of the Issues and Options consultation. It is considered that this represents a robust basis on which to ensure that the necessary legal requirements are met.

PAS Task 4: Review of the Site Selection Process

Based on the Inspector's concerns about the accessibility of the Elsenham site, PAS recommended that additional attention should be given to consideration of physical constraints at an early stage in the site selection process. The key parts of this analysis and recommendations are quoted below:

"In all cases sites will possess a range of attributes and constraints. Aside from the transparency of the process through which the Elsenham growth option emerged, the Inspector's comments on the weaknesses of the allocation are informative. They suggest a refinement to the Council's environmental sieving to identify the physical implications of development as well as any policy compromises that will need to be made."

"In particular, the inspector expressed concern about:

- *The scale of the proposed development (badged as a strategic extension) in relation to the size, character and function of the village taking into account already committed proposals to extend its boundaries;*
- *The ability of the allocation to integrate with and to take advantage of services in the existing settlement given the intervening influence of the railway line and the sporadic nature of access across the level-crossing;*
- *The accessibility of the allocation given the length, quality and environmental issues associated with transport routes to the strategic highway network.*

"These views imply that the sites only clear attribute was that it has been promoted and was available. If constraints had been identified at a more strategic level, then early conclusions can be drawn about the potential of Elsenham (or parts of Elsenham) and by extension therefore, about sites being proposed there."

"Mapping the accessibility of locations to highlight the implications of existing settlements and for the rural area. This would form a combination of barriers and opportunities which could inform site assessments in the SHLAA [Strategic Housing Land Availability Assessment]:

- *The barriers presented by natural and physical features – e.g. the M11 and the railway at Elsenham and Newport;*
- *The standard of the existing road infrastructure*
- *The incidence of 'pinch point' and potential associated capacity/environmental impacts on the network"*

Task 4: Officer Comment

The key point arising from the PAS review for this task was that the Local Plan process should have included a mechanism to ensure that matters of deliverability were picked up at an earlier stage in the process. In the case of the 2014 Submission Local Plan, such a mechanism would probably have flagged up potential difficulties with Elsenham.

PAS did not review the evidence supporting the 2014 Submission Local Plan and therefore the document adds the qualification that *“these views imply that the sites only clear attribute was that it has been promoted and was available”* is important (underlined for emphasis). But this concern is in general consistent with the main point about the importance of a transparent comparison of the options, and the reasons for choices between options, including in refinement of the spatial strategy.

The Council has modified its approach to the SHLAA in order to introduce such a mechanism. In particular, the assessment of achievability has been expanded to including consideration of *“constraints, for example flooding, noise, and physical features which need to be overcome and where the cost of mitigation measures may prejudice viability”*

In order to improve quality control early on, the SHLAA assessments will be published in draft for comment, and comments from key stakeholders including Town and Parish Councils and site promoters will be sought, and will be added to the assessment forms.

Paragraph 2.27 of the Inspector’s report states *“PPG on ‘transport evidence in plan making’ indicates (54-005) the importance of having a robust transport evidence base for local plans in place at submission in order to identify any potential measures that may be required to mitigate the negative impacts, particularly those affecting a wider area than a single authority. In the light of all the above I cannot conclude that the plan is effective in this respect.”*

Taking account of this and the PAS recommendations, the Council has appointed transport consultants to review each Area of Search and advise on the transport implications of development in each. This advice will inform the strategy and site selection process.

A report to the Working Group entitled *“Preferred Options: Guidelines and Recommendations”* (PPWG, 26 November 2015) suggests how a Development Strategy report, in balancing the options, could make use of a proforma approach to consider the constraints, opportunities, and deliverability (see especially Appendix A).

PAS Task 5: Review of Consultation and Duty to Co-Operate processes

The final PAS Task was a review of the 2014 Submission Local Plan consultation and Duty to Co-Operate processes. Although not presented in a separate document, a synopsis of this work was presented to the Scrutiny Committee in the Executive Summary report on 10 September 2015 as follows:

“A desktop review of the Consultation and Duty to Cooperate documentation and required processes has been undertaken. The information reviewed was collated from the publicly available documents on the Uttlesford Council website which relate to the ULP [Uttlesford Local Plan].

“The key message emerging from the review is that a range of significant documents do not appear within the materials available. It would have been of advantage to have provided a consultation strategy for the development of the ULP and its required stages. It would also have been of benefit to provide consultation delivery plan to help inform the inspector of the approach taken to engage with the public and key stakeholders for each of the required stages.

“With regard to the Duty to Cooperate much the same can be said for the documentation that appeared to be lacking. A stakeholder management strategy and a respective plan for fulfilling the duty to cooperate would have been of significant benefit to the Inspector when reviewing this element of the Local Plan production.

“Although speculative, it is felt that if the Inspector had continued with inspection these would have likely formed further issues that would have been raised as part of the examination process.”

Task 5: Officer Comment

The PAS review highlights a number of documents which could be prepared to fill gaps in explanation of the involvement of key bodies in the preparation of the plan. These include a ‘consultation strategy’, ‘consultation delivery plan’, and ‘stakeholder management strategy’ and ‘a plan for the fulfilment of the Duty to Co-Operate. At the Scrutiny Committee on 10 September 2015 PAS staff gave a presentation in which all these different documents were drawn together under the umbrella term of ‘Engagement Strategy’. In summary, this is about explaining how the Council will work with organisations with an interest in the plan.

The Council has addressed these points through the preparation of an Engagement Strategy (Planning Policy Working Group, 29 September 2015). The Engagement Strategy document should be updated over time and the latest version should be submitted to the Planning Inspector for Examination, together with a completed Duty to Co-Operate Statement, using the template provided by the Planning Advisory Service (see *Preferred Options: Guidelines and Recommendations – PPWG 26* November 2015).

Conclusions

Five key points emerge from the PAS review as set out in Table 1 below. The table relates each of these points to the separate tasks undertaken by PAS.

The Inspector's main concerns were set out in paragraph 4.1 of his report as cited by PAS:

“Taken together, my soundness concerns about the OAN [Objectively Assessed Needs] and Elsenham policy 1 lead to my not being able to recommend adoption of the plan as submitted. Nor, given the extent of change that would be likely to be required to the overall strategy, can I recommend Major Modifications under S20 of the Act to overcome these soundness issues.”

Whilst the Council has already prepared a new Strategic Housing Market Assessment to address the first point, the second point about Elsenham is a wider point about the process needed in terms of assessing alternatives and preparing a justified plan. The Council has agreed a robust approach to ensuring that this is done in accordance with all the legal and national policy requirements, and which all those with an interest in the plan rightly expect. The Council recognises the implications of this for the Local Plan timeline.

As mentioned under Task 2, PAS commented that notwithstanding these major issues which the Council should address:

“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...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.”

Table 1: Council summary of PAS comments and Actions

PAS comments	Council summary of PAS comments	Actions
<p>Task 2: Accessibility issues with Elsenham should have been flagged earlier. Cross-boundary strategic highways issues.</p>	<p>Need greater certainty about delivery of key pieces of strategic transport infrastructure</p>	<p>Appoint transport consultants. Strategic Housing Land Availability Assessment (SHLAA) process amended to take account of constraints early on.</p>
<p>Task 1; Task 5: duty to co-operate met 'only just'. Stakeholder management strategy etc.</p>	<p>Explain how Council will work with organisations with an interest in the plan</p>	<p>'Engagement Strategy' and Duty to Co-Operate Statement.</p>
<p>Task 1; Task 2: need for a robust housing figure for the whole housing market area. Member engagement in formal processes. Duty to co-operate met 'only just';</p>	<p>Better cross-boundary planning of strategic issues e.g. housing figures, transport.</p>	<p>Strategic Housing Market Assessment prepared jointly to establish robust housing need; joined formal groupings of Local Authorities (Co-Op Board). Duty to Co-Operate Statement</p>
<p>Task 1: decisions about the new strategy must be led by the evidence, carried through in accordance with the agreed process in a transparent fashion, a step at a time.</p>	<p>Evidence-led plan making</p>	<p>Cross-party Working Group set up, all evidence posted to Council's website. <i>Preferred Options: Guidelines and Recommendations</i> report (PPWG 26 November 2015)</p>
<p>Task 1; Task 3: concerns about lack of clear justification of Elsenham ('only merit was that it was promoted and that it was available'). Equal appraisal of all the reasonable options.</p>	<p>Alternatives must be appraised and a clear narrative provided (i.e. plan must be justified)</p>	<p>New approach based on 'Areas of Search'. Development Strategy Report to provide a clear narrative. Sustainability Appraisal to accompany this.</p>

Examination of the Uttlesford Local Plan (ULP)

Inspector's conclusions

At the hearing on 3 December 2014 I summarised the conclusions I had reached about the soundness of ULP and cancelled further hearings. I indicated that I would write more fully before Christmas. These are my fuller conclusions.

1 Objectively assessed need for housing (OAN)

1.1 Para 47 of the National Planning Policy Framework (NPPF) requires that, in order to achieve a significant boost in housing supply, Local Plans should meet the full OAN for market and affordable housing in the Housing Market Area (HMA) as far as consistent with the policies in the NPPF.

1.2 Looking at the most recent (phase 6) demographic work by Edge Analytics using the SNPP-2012 data, the assumed net migration flows are somewhat lower than the annual average for Uttlesford over the period 2003/4-12/13 and more so compared with the average over the past 5 years. It has been argued that the SNPP-2012 projections underestimate the migration component, particularly the very recently experienced levels of net international migration. However, flows of this type can be dynamic and unpredictable. Overall I am not convinced that there is evidence to demonstrate the necessity in Uttlesford of departing from the current ONS approach to a national control total. However, I return briefly to the question of future migration from London in the final paragraph under this heading (ie the OAN).

1.3 The phase 6 work indicates an annual dwelling requirement of 508 based upon 2011 household formation rates or 549 using 2008 rates. The average of the two rates gives a requirement of 529pa. My view is that 529 represents an appropriately modelled demographic projection, allowing for some return towards very long-term pre-recession trends in household formation rates and avoiding embedding the post-recessionary conditions judged to have been reflected in the 2011 Census.

1.4 In itself, increasing the plan's provision by 6pa to 529pa would not be a major issue. However, Planning Practice Guidance (PPG) 2a-019 recognises that various factors may require some adjustment to be made to demographically-modelled household projections. PPG 2a-20 gives guidance on how plan makers should respond to such signals, indicating that comparisons should be made with longer term trends and that (where these worsen) upward adjustment will be required to planned numbers compared with those based solely on household projections.

1.5 PPG 2a-020 suggests a number of market signals which should be taken into account. In terms of the median price of housing, Uttlesford is within the top 15% of local authority areas in England. The percentage change in the median price in the period 1998-2013 has been slightly below those for Essex and England but from a very much higher base. Turning to rental levels, only limited time-series information is available, but median rents are higher than Essex and England and have risen by 7% in the period Q2 2011 to Q3 2013 compared with 3% in Essex and 4% in England. Uttlesford is marginally outside the top 25% authorities in England in terms of rental levels.

1.6 The above housing cost factors are reflected in affordability issues. Measured in terms of the ratio between lower quartile house prices/lower quartile earnings, Uttlesford is within the top 10% least affordable local authorities, significantly above the ratios for Essex and England. A CLG live table shows UDC's ratio rising to a much sharper peak than these comparators (at about 12) just prior to the recession in 2007, before it fell and then resumed rising in the past few years whereas Essex and England have remained largely flat.

1.7 Turning to homelessness, the number/1000 households accepted as homeless and in priority need is modest in Uttlesford compared with Essex and England but a CLG live table shows that Uttlesford experienced a rise in the incidence per 1000 households between 2004/5 and 2012/13 whereas in the comparators the incidence more than halved.

1.8 PPG 2a-020 advises that any necessary upward adjustment in relation to market signals should be set at a level that is 'reasonable' and in scale with the strength of the indicators. Precision is not to be attempted in estimating the impact upon housing supply. Any uplift is to be on a scale which, on reasonable assumptions and consistent with the principles of sustainable development, could be expected to improve affordability.

1.9 In addition, PPG 2a-029 indicates that an increase in the housing provision in the plan should be considered where it could help to deliver the required number of affordable homes. The OAN is defined in the NPPF as including the full needs for both market and affordable housing. However, the best current available estimate of need for affordable housing is that expressed in the updated SHMA (2012), which identifies it as 54% of total need. Plainly that total could not be achieved through the operation of ULP policies HO7 & HO8 even if no viability issues arose to prevent delivery at 40/20% according to site size. However, it is clear there will be such instances (eg see below in relation to the example of Great Dunmow where policies 2-4 will require a significant number of affordable homes to be foregone in favour of education contributions).

1.10 A number of participants at the examination separately advanced cases for an increase in provision of about one-third on the basis of the above factors. That would bring provision to about 700pa, or an additional 3,500 dwellings during the plan period. I find no convincing evidence to support an increase on that

substantial scale. I also accept that the objective of improving affordability could be difficult to achieve within the confines of one local authority area and that affordability is affected by many more factors than land supply. However, taking all the above factors in the round, I conclude that it would be reasonable and proportionate, in Uttlesford's circumstances, to make an upward adjustment to the OAN, thereby increasing provision with a view to relieving some of the pressures. In my view it would be appropriate to examine an overall increase of around 10% to about 580pa (an additional total of 1,120 dwellings).

1.11 Concerning the type of economic factors referred to in PPG 2a-018, the phase 6 work does not suggest that household growth scenarios based upon Uttlesford's forecast population of working age would exceed the housing provision in the plan based upon the East of England Forecast Model which is the one used in the Local Plan. Another scenario (Oxford Economics) shows a different outcome, but it is clear that a significant part of Uttlesford's expected employment growth will be focused on the airport where over 80% of employees are drawn from across a wide area outside Uttlesford. Evidence on the overall commuting patterns into and out of the District also makes it hard to draw any firm conclusion that housing provision on the above scale would hinder economic aspirations.

1.12 Finally, returning to an aspect of migration, Uttlesford has consistently been a recipient of in-migration from London and this will already be reflected in the migration assumptions behind the SNPP 2012 projections. The future unmet needs of London discussed in the Further Alterations to the London Plan may give added impetus to this potential pressure over coming years. However, it is unclear whether or what mechanisms will emerge to address this complex issue following the Mayor's overtures to authorities in the Greater South East, still less what kind of solutions (eg concentration at certain locations or wider dispersal) may be adopted. Pending wider consideration of this matter I am not convinced that it can bear much weight in assessing the OAN for Uttlesford as a single local planning authority among many within London's orbit.

2 Elsenham policy 1 – land north east of Elsenham

2.1 This policy is by far the largest allocation in ULP, providing for 2,100 homes, a local centre (retail and employment uses and community and health buildings), primary education (and possibly secondary education, dependent upon future decisions concerning an existing school), and recreational uses. First included in the original options stages of the plan in 2006/7, the scheme has been described by the Council for much of the intervening period as a 'new settlement'. However, the submitted plan (para 22.1) describes it as 'a large strategic allocation' with 'the potential to expand in the future to continue to meet housing requirements beyond the current plan period'. The longer term potential for scaling-up development within the land controlled by the promoters is said to extend to some 3,000-3,500 homes.

2.2 On the basis of its size and level of services the plan regards Elsenham as one of 7 'key villages', the function of which is 'to act as a major focus for development in the rural area, suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area'. In principle there is no reason why ULP should not propose a step change in the size and status of a key village provided that this would be consistent with national policy (NPPF para 182) in securing the delivery of sustainable development in accordance with NPPF policies.

2.3 Bearing in mind the siting of the strategic allocation, ULP effectively proposes a major village expansion; the earlier tag 'new settlement' is not really an apt description. Looking at the present context of Elsenham, other ULP proposals (Elsenham 3-6) are already mostly commitments. These will add about 550 homes to a village which in 2001 (according to EX117) had 922 households. Adding a further 2,100 homes to a village of perhaps about 1,500 existing and committed homes (on the basis of the above figures) would bring Elsenham to a total of about 3,600 homes. Potential future extension of the allocation to 3,500 homes after 2031 would increase the overall size of the village to as much as 5,000 homes. Expansion on either of these scales would bring major change in Elsenham's place in the hierarchy of Uttlesford's settlements. Before embarking upon any part of the Elsenham policy 1 proposals it is therefore crucial to ensure that this is an appropriate location for such expansion.

2.4 NPPF para 34 says that 'Plans should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes will be maximised.'

2.5 It is of course a considerable benefit that residents would have the opportunity to use London-Cambridge stopping trains calling at Elsenham. These services operate half-hourly at peak periods and hourly at other times and also serve other destinations such as Harlow and Bishops Stortford. However, as noted in the Highway Impact Assessment of the Draft Local Plan to 2031 (HIA) (March 2014), there has been some reduction in passenger use at Elsenham since 2011/12 when the introduction of Stansted Airport Express brought an extra train per hour to Stansted Mountfitchet and Bishops Stortford, giving these nearby places shorter journey times and increased passenger numbers. Moreover, on all the evidence, travel by train only accounts for a small minority of total trips.

2.6 Another aspect of the railway as a sustainability benefit is that the railway line itself forms a major barrier between the existing village which lies mainly on the western side of the track and the expansion area situated on the eastern side. The only links between these two areas are at High St/Henham Rd at the southern end of the village and the level crossing and footbridge at the junction of Station Road/Bedwell Road at the northern end of the present village. The illustrative master plan for the new development places the proposed local cen-

tre and interchange immediately to the east of this crossing. However, the crossing is closed for 20 minutes or so every hour and has been the site of fatalities. This makes for an unfortunate interface between the western and eastern parts of the village especially as movements across the railway take place at precisely the point which would become the strong focal point of the expanded village. While the allocation could be expected to increase such movements considerably, the future policy of Network Rail towards the continued existence of the crossing appears to be full of uncertainty.

2.7 If the crossing is required to close, vehicles would have to detour via High Street and Henham Road through the southern end of the village and the spine route through the new development. Pedestrians and some cyclists would need to use the challenging existing footbridge linking the station platforms. Although it has been suggested that lifts could be installed it is highly questionable how far this would prove an attractive or acceptable solution or meet the safety concerns of many members of the public, especially after dark. It has also been suggested that other solutions for crossing the railway could be explored. However, the plans being advanced for an early phase of 800 houses would fix the layout of the village extension at this point, especially areas around the local centre/ interchange thus leaving it very uncertain whether or not satisfactory longer-term solutions to growing longer-term issues could be physically and/or viably provided as the expansion proceeded. Opportunity to build in satisfactory integration between the two parts of the village would have been lost.

2.8 There is scope to improve the current infrequent bus services by extending an existing local route to Elsenham, thus providing a 30-minute frequency service to destinations such as Stansted Airport, Bishops Stortford and Harlow with all dwellings within the Elsenham extension within a 400m walk of a stop.

2.9 As for the matters referred to in paras 35, 37 & 38 of the NPPF, appropriate master-planning could help to reduce the need to travel away from Elsenham to access as many services as can be provided viably within the scale of the development, albeit these could still meet only a limited range and quality of requirements. Facilities could also be designed to encourage safe on-site walking and cycling although the attractions of cycling to destinations off-site (already low) would be further reduced by increased traffic on the network.

2.10 However, the HIA records that Uttlesford (and especially Elsenham) residents have above-average car ownership levels and are more likely to use them to travel to work on journeys that are also of greater length than the national average. It concludes that despite the advantage of potential train travel and improvements to bus services, traffic would increase significantly on the local network of rural roads within which Elsenham is embedded. The distance to the strategic road network is identified as (going west via Grove Hill and Stansted Mountfitchet) 3.5 miles to the A120 at Bishops Stortford and 5 miles to M11(J8) and (going south via Hall Road) 4.5 miles to the A120 and 6.3 miles to M11 (J8).

It also notes a number of more minor, tortuous roads which could be used to avoid the Lower Street area of Stansted Mountfitchet particularly during peak periods. These latter options are not significant sustainability 'assets' for the allocation.

2.11 It is widely recognized that a range of physical features including the local topography, the presence of bends with restricted visibility and width, and on-street parking mean that travel via Grove Hill and Stansted Mountfitchet is not, and cannot be rendered, a suitable route for this level of additional traffic. However, the allocation would inevitably cause increased pressures along the route and within the village. The HIA raises the option of bypassing much of the village (although not that part fronting Lower Street) through the construction of a western link from a point west of Elsenham to the B1383. This is estimated at £7.5-10m excluding land. However, the wider implications of such a route, including its environmental impacts, have not been assessed and the HIA recognises that its provision could divert traffic passing along the B1383 towards destinations to the south east via Hall Road.

2.12 The HIA notes that promoters of the scheme have suggested measures to discourage traffic travelling through Stansted Mountfitchet and encourage movements southwards via Hall Road. It notes that journey times by that route may be similar although the distance is greater. The overall conclusion of the HIA is that a more detailed study using a detailed highway assessment route choice model would provide a more confident prediction of the site allocation's impact and enable testing of future routeing proposals.

2.13 Before the hearing sessions the HA, Essex and Herts County Councils and Uttlesford and East Herts District Councils agreed a statement of common ground (SoCG). This mainly covered issues to do with the wider impacts of the allocation on the strategic network which I deal with below. However, it also noted that 'satisfactory alternatives to reducing congestion between Elsenham and Stansted Mountfitchet and discourage use of more minor routes have yet to be identified' (para 12) and confirms (para 26) that 'the cost effectiveness and deliverability (of the mooted western link) needs to be compared with alternative proposals which remain a concern for the highway authority as no satisfactory alternatives have yet been put forward'.

2.14 Recognising the inadequacies of the more direct routes to the strategic network via Stansted Mountfitchet, the promoter's strategy is to encourage traffic to use the longer route via Hall Road. This is not an ideal route to serve a settlement of the size that Elsenham would become. Traffic moves quite fast in places along this rural road which has variable widths and a number of tight bends one of which is said to be an accident cluster. I note that a condition suggested in the context of the application for a first phase of 800 houses (now subject to a decision by the Secretary of State) would require widening of the entire length of the road between Elsenham and the Coopers End Roundabout to 'a

minimum of 6.5m where feasible and appropriate treatment of any accident clusters identified in the Transport Assessment.’ However, it is unclear how far it would be ‘feasible’ to achieve such improvements within present highway limits along the considerable length of Hall Road as far as the roundabout or onwards to Takeley. Having travelled the length of this road on several occasions in both directions (at different times of day and in a range of weather conditions) I am not at all convinced that the approach of such heavy and uncertain reliance on Hall Road is a sound basis for embarking upon large-scale expansion of the village, turning it into one of the principal settlements in the District in terms of its size.

2.15 It is also to be noted that Hall Road runs almost entirely through the ‘Countryside Protection Zone (CPZ)’, a long-standing special policy in Uttlesford’s successive local plans aimed at maintaining Stansted as an ‘airport in the countryside’. The policy aim is to restrict development which could cause coalescence between the airport and surrounding development but large-scale improvement of Hall Road would be unlikely to assist the aims behind the CPZ.

2.16 It is therefore a major disadvantage of the plan’s policy for Elsenham that the village lies at some distance from the strategic network in a location embedded within a network of rural roads acknowledged as currently unfit to serve expansion on the scale proposed. Public transport is available and can be improved to some degree and the planned growth of local facilities would help to reduce transport demands. Benefits of the latter point would increase with the scale of the planned development. Nonetheless, the development would place substantial increased pressures upon existing unsuitable rural routes. Various proposed mitigation measures and solutions have been proposed for overcoming this disadvantage but these have not been shown either to be clearly able to secure their objectives or to be deliverable. My overall conclusion on the evidence is that there are severe doubts that Elsenham could overcome the connectivity disadvantages of its location sufficiently to be regarded as consistent with national policy or effective in being able to secure sustainable development.

Wider transport implications of Elsenham policy 1

2.17 Further concern about the highway-related soundness of the allocation of 2,100 homes at Elsenham (and any possible future expansion of the allocation) arises from uncertainties raised in the representations by the Highways Agency (HA) and Essex and Hertfordshire County Councils. The HA’s concerns focused on the capacity of M11 (J8). In its view there had been insufficient investigation of the cumulative impact on the strategic network of development in Uttlesford, East Herts, Harlow and Epping Forest. It therefore expressed concern about the risk that sites had been identified before it was clear that deliverable measures to manage any unacceptable impacts were available.

2.18 Essex County Council expressed similar concerns. Two models, the Harlow Stansted Gateway Transportation Model and a local junction model of M11 (J8), do not yet fully determine the operation of the strategic network following the implementation of all the local plan development but indicate that a material impact could occur at a number of critical junctions on that network. The HA and Essex CC recommended further modelling work 'as the plan progresses' to identify the likely extent and location of any necessary mitigation measures. For its part, Herts CC highlighted that traffic increases would have an impact on Bishops Stortford as well as J8.

2.19 After I raised these matters in my initial soundness concerns and questions, UDC indicated that a predictive regional model had been signed off by HA and the County Councils. This was intended to assess traffic flows on strategic and local roads using housing and employment growth data up to 2036. So far this had indicated that material impact could occur at a number of critical locations on the strategic network.

2.20 Before the hearing session on this matter the HA, Essex and Herts County Councils and Uttlesford and East Herts District Councils agreed the SoCG referred to above. This states (para 8) that the representations on the plan represent 'a point in time' but recognises that all the parties in the Duty to Co-operate meetings on transport acknowledge that assessments need to be refined and that 'this is happening'.

2.21 Para 9 of the SoCG refers to interim outputs from a separate piece of work (the M11 J7&8 Headroom Study). This includes allowances for 'all the committed schemes and proposed local plan growth' from ULP, together with schemes included in the emerging versions of the East Herts, Epping Forest and Harlow plans, except for those indicated in para 14 of the SCoG. The study identifies that an interim solution for capacity issues at J8 can be achieved at a combined estimated cost of £5m 'but should not be seen as an overall solution'. It is expected that all developments impacting on the junction would contribute to these works and thereby provide for up to 10 years growth, ie until the mid-2020s. [I note in passing Essex CC's comment in its hearing statement that if the current model had been available earlier it is likely that further contributions would have been sought from the first phase of 800 dwellings at Elsenham and the Bishops Stortford North development. This may illustrate the risks inherent in decision-making on the basis of incomplete evidence.]

2.22 The SoCG records (para 15) that VISUM modelling of the strategic network is to be undertaken over a wide area but will not be fully signed off by HA until 2015. Paras 17 and 18 refer to work being undertaken to assess the impacts of major development proposals at Bishops Stortford just to the west of J8 and close to the East Herts/Uttlesford border. If further improvements were shown to be required beyond those identified above the cost could be 'of a very different magnitude. potentially exceeding £50m and possibly significantly more'.

This would need to be part of the Government's co-investment programme between the South East Local Enterprise Partnership and Greater Cambridge/ Greater Peterborough Local Enterprise Partnership Growth Deals.

2.23 Para 24 states that since delivery of more than 800 houses at Elsenham 1 is profiled from 2024/25, this gives the opportunity for highway scheme development and the preparation of business cases underpinned by the required level of highway assignment modelling to enable appropriate mitigation to be identified and provided by the site promoters.

2.24 At para 25 the SoCG acknowledges the risk identified by the HA representations and states that further modelling work will be completed 'within the next 12 months'. This will 'determine the infrastructure requirements to manage the impacts of more than 800 homes north east of Elsenham including definition of the road hierarchy between Elsenham and the strategic route network sought by Essex CC. Cost and other deliverability constraints will then determine the long-term phasing of the development beyond 2024/25.' Reference is made to improvements which may become necessary at some stage if Stansted Airport expands beyond its present cap and which may bring in additional resources for J8 improvements. However, the timing of that is uncertain and could be subject to wide variation from the Airport's present aspirations.

2.25 Para 25 suggests that 'if phasing issues impact on delivery of development north east of Elsenham this can be addressed through monitoring and review of the Local Plan to ensure an adequate supply of deliverable housing land in the period 2024 to 2031. It is important though to have a clear agreed long term objective as a basis for co-operation between the Councils, the HA and the LEPS to find the solution'.

2.26 My initial soundness concerns (EX101) summarised the representations on this matter, together with relevant material in the Duty to Co-operate statement, and observed that these prompted the question: is the present state of evidence sufficient to demonstrate that (when the models under development have been run) the Uttlesford allocations, taken together with those in nearby Districts, will be sound in the sense of being compatible with the capacity of the road network? I am unable to conclude that this question has been answered sufficiently positively. ULP is not constructed on the kind of contingent basis which appears to be suggested in para 25 of the SoCG and in any case Local Plans are intended to convey certainty that their proposals can be implemented within their timespans. This is an essential element of their effectiveness.

2.27 PPG on 'transport evidence in plan making' indicates (54-005) the importance of having a robust transport evidence base for local plans in place at submission in order to identify any potential measures that may be required to mitigate the negative impacts, particularly those affecting a wider area than a single

authority. In the light of all the above I cannot conclude that the plan is effective in this respect.

3 Other matters

3.1 I set out below my views on the other principal topics considered during the examination in order to assist the Council in taking matters forward.

The Duty to Co-operate (DtC)

3.2 Some of the evidence of a clear audit trail in UDC's DtC statement is rather thin and patchy and some is focused rather more on arrangements which will govern future work than what occurred in the period between the dates when the DtC came into operation and the submission of the plan. The DtC statement could also have had greater focus on genuinely 'strategic matters having a significant impact on at least two planning areas' (S33A of the Act) as opposed to some more peripheral matters.

3.3 Past SHMAs covering much wider areas of Essex/North London/ Hertfordshire/Cambridgeshire demonstrate that the history of trying to define and get to grips with Housing Market Areas hereabouts has been rather complicated. This gave scope for argument about the extent to which UDC did or did not show evidence of joint working with other authorities to meet development requirements which cannot wholly be met within their own areas (NPPF para 179). However, all UDC's neighbours expressed satisfaction that the duty had been met.

3.4 My overall judgement is that the Council did fulfil its obligation under S33A, albeit somewhat narrowly.

Sustainability Appraisal (SA)

3.5 The Elsenham strategic allocation was chosen as part of the favoured option very early in what has since become a very extended plan making process. This was contrary to the procedure then recommended by the officers for selecting a favoured growth option (ie concentration, dispersal, or a new settlement, and then for selecting a site for a new settlement if that were the option chosen). Transparent consideration of any other 'new settlement' options did not seem to take place before the very high level, broad brush comparative SA of January 2010, acknowledged by the Council as 'not a full SA'. More formal SA of other possible 'new settlements' (ie those discarded as not 'reasonable' in 2010) took place in June 2014 after ULP had been submitted. However, by then the scale of some of the proposals promoted in respect of the other rejected options (as well as those of the Great Chesterford option, the only other 'new settlement' site assessed as 'reasonable' in 2010) were in some cases very different (in terms of proposed housing numbers) with what was considered in the June 2014 SA. The outdated nature of the information considered therefore limits the relevance of the June 2014 SA as a comparative assessment tool, whether or not this retrospective appraisal of options long since rejected was needed or meets the requirements of the SEA Regulations as interpreted by subsequent case law.

3.6 All in all it may be questionable whether the various successive SAs together provide a really transparent audit trail of the endorsement/rejection of the claims of the very many other smaller 'reasonable' candidate locations for growth. It would certainly be an understandably difficult task to maintain a clear thread of narrative between the successive SAs given the length of time the plan took to evolve, the changing background circumstances, the very large number of sites identified in the plan and the fact that so many schemes have evolved from proposals to planning permissions and on to construction throughout the period. Mention at the hearing of the difficulty in following the reasoning behind the adoption/rejection of some specific candidate 'reasonable' option sites seemed to me to show the possible difficulty which could occur in tracing sites' histories by use of reference numbers taken from the SHLAA. However, since it does not appear possible for the examination to proceed to a successful outcome there is little point in my discussing the SA process in any more detail other than to note that future SAs need to ensure that the requirements of the Regulations and the principles established by case law are built-into the process transparently from the outset.

5-year land supply

3.7 My conclusion that the plan needs to address an increased OAN will clearly affect any future assessment of the 5-year supply of deliverable housing land required by para 47 of the NPPF. However, looking at other important aspects of UDC's evidence on 5-year supply I conclude that:

-the table at EX149 indicates that housing delivery performance over the past 13 years has not fallen significantly below appropriate targets for the years in question. The buffer discussed in the NPPF therefore does not need to be increased beyond the 'standard' 5%:

-there is no local or contemporary evidence which would justify the application of a standard 'lapse rate' for outstanding residential planning permissions:

-the Council's evidence on the windfall allowance (set out at H109) uses the stringent criteria of the Essex County Council definition and, at 50pa, is reliably based upon well-evidenced research and consistent with para 48 of the NPPF:

-there is no requirement, as some have urged, to add to the OAN to cater for any 'backlog' calculated against years preceding the 2011 base-year of the plan (see *Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority* [2014] EWHC 758 Admin):

-the Council's housing trajectory (H108) provides a generally sound view of the years during which deliverable/developable land can be brought forward over the plan period, while the high level of potential completions shown in years 3-5 reflects a generally healthy current land-supply situation, with deliverable sites of

various sizes controlled by a wide range of house-builders across a good range of locations. Indeed, the controllers of some sites took a more optimistic view of potential delivery than H108. If the out-turn in delivery during years 3-5 were to prove slower than indicated in H108 the evidence does not suggest that this would be due to constraints in-built within the plan (eg unresolvable infrastructure issues or the over-dominance of allocated sites by a small number of house-building companies). It is also notable that the situation reflected in H108 does not rely upon completions on the land north-east of Elsenham during the 5-year period.

Saffron Walden policy 1

3.8 This large 59ha allocation is clearly of strategic importance in the context of Saffron Walden and includes a range of facilities including primary school provision, a local centre, and recreational facilities in association with the nearby leisure centre as well as 800 dwellings including a retirement village. The policy requires development to be implemented in accordance with 'the master plan'.

3.9 In strategic terms this is a sound allocation, although there appear to be some risks to its effectiveness in the way that the scheme is being brought forward. The northern section of the site is subject to a resolution to grant planning permission, while the southern part is the subject of an appeal which is not being contested by UDC although it will be by some third parties. As for the central section, the SoCG signed by UDC and the owners/controllers of the land states that this part of the site will be available for development within the plan period in a manner compatible with the other parts of the site.

3.10 The subsequent outcomes of Development Plan policy resulting from decisions on planning applications are not matters for me. However, from the evidence placed before the hearing there appear to be uncertainties about way that the master plan is evolving in terms of the precise function intended to be performed by the required 'link road' between Thaxted Road and Radwinter Road, two of the main radials leading into and out of the town. I am concerned that the policy is not founded upon a clear enough explanation/understanding by the County and District Councils about this issue. This raises questions about the policy's precise aims and effectiveness and whether or not it provides the authorities with the means necessary to secure their objectives in a situation where the policy is being implemented incrementally by developers with different focuses and timescales for their individual sites.

3.11 The new link's function and specification is unexplained in the explanatory material to the policy although it seems to be regarded as an extension of the present cross-town route between London Road/Audley End Road and Thaxted Road, thus providing increased opportunities for traffic to avoid the historic centre. The potential role of the link (and therefore the need for its route and design to complement that role) could be increased if, as was suggested at the hearing, options are taken forward for traffic management measures in more central areas, including partial road closures.

3.12 The policy's lack of clarity and content about this issue raises concern about the plan's effectiveness. However, if the necessary evidence and clarity about this matter could have been brought forward and a sound approach outlined, this could potentially have been resolvable by consultation upon an appropriate Major Modification.

3.13 Although questions were raised about whether the policy can secure appropriate integrated provision of on-site primary education facilities, in my view the terms of the policy are sufficiently clear about this matter. Again, the out-working of the policy is not a matter for me, but I note that the education authority is satisfied that a workable solution can emerge.

Great Dunmow policies 2-4

3.14 Taken together these policies provide for 400 dwellings and a health centre south of Stortford Road (policy 2), a site for secondary education use on adjoining land (policy 3) and 100 dwellings on the site of Helena Romanes School when it has moved to the replacement site (policy 4).

3.15 From the evidence before me, including that in the first SoCG, I had some concern about the effectiveness of these policies in terms of the financing of the new school which is heavily dependent on S106 contributions from these and other local schemes. However, the second SoCG sets out a more convincing plan of implementation. This appears to offer more reasonable prospects of delivery, albeit this would require foregoing the provision of affordable housing on an as-yet unknown, but definitely substantial, proportion of the total number of dwellings allocated through these policies. This is a material disadvantage of the policies but I consider them generally sound.

The employment strategy (part 9 of the plan)

3.16 The plan's employment target set out in policy SP3 is 9,200 additional jobs for the period 2011-31. This derives from table 27 'predicted Uttlesford job changes by type 2011-2031' in the Employment Land Review (ELR) of April 2011, which is itself based on the East of England Forecasting Model of Autumn 2009. It is unclear what part the expected growth of employment Stansted Airport plays in that total, but current estimates by new owners Manchester Airport Group (MAG) indicate that Stansted could itself provide growth in jobs of that order if its traffic were to increase to 35mmpa over the plan period.

3.17 The ELR indicates that there is little if any discernible linkage between the quantity of housing allocated in the plan and the number of jobs likely to be created over the plan period in recognised 'employment' uses (offices, industry and warehousing), especially given the nature and location of Uttlesford and its travel-to-work patterns.

3.18 More importantly, therefore, the ELR (which is a good example of its kind) provides a clear market-based picture of the types and locations of sites which should (a) be newly allocated, (b) continue to be allocated/safeguarded, or (c)

be re-allocated for different uses. The main recommendations of the report are generally taken forward into the plan.

3.19 Stansted Mountfitchet policy 9 allocates 18ha of land to the north east of Bury Lodge Lane for non-aviation business, industry and non-strategic warehousing. This approach is supported in the ELR and consistent with MAG's emerging Sustainable Development Plan. The land in question has long remained vacant or underused and MAG considers it surplus to the operational requirements necessary to facilitate growth of the airport to its current permitted extent of 35mppa and beyond to the full capacity of the single runway, assumed to be 43mppa.

3.20 There is no evidence to suggest that the allocation would have an adverse effect on airport operations and the proposal would make positive use of land which is brownfield in nature and excluded from the Countryside Protection Zone around the airport. Studies for East Herts District Council have concluded that the allocation would not have a negative impact on deliverability of the designated employment areas at nearby Bishops Stortford while some other candidate sites for employment allocations close to the M11 would require the release of Green Belt. As for access, the SoCG referred to above in relation to Elsenham concludes that M11(J8) could cater for movements from development at Bury Lodge Lane subject to junction improvements which are considered deliverable. This is therefore a sound proposal.

3.21 ULP departs from the ELR recommendations in its approach to temporary non-airport uses of buildings in the South Side Ancillary Area. The plan states (Stansted Airport policy 4) that this area shall be 'principally reserved for activities directly related to or associated with the airport'. MAG's emerging plan (Land Use) shows at p38 that 3 buildings have a very high level of vacancy. Indeed a recent appeal decision records that one building (Endeavour House) has had a persistent vacancy level of about 33% since it was built in 1998. However, MAG's document takes a more bullish view of the future, recording increased enquiries for on-airport accommodation and foreseeing the possibility of the existing stock of accommodation being let within the next 5-7 years.

3.22 Development Plan policy must ensure no risk to airport expansion by preventing blocking of on-site accommodation where there is a realistic expectation of a demand from genuine airport-related users. However, it is also important not to hamper the local economy by wasteful and unnecessarily long-term reservation of underused buildings with potential to serve a useful temporary purpose. Even if the evidence on vacancy levels may suggest a degree of past over-caution, policy 4 does provide the necessary flexibility to make appropriate judgements on this matter by inclusion of the phrase 'principally reserved for'. That stance is reasonable and the plan is sound on this issue. Future application of the policy is a matter for determination in the prevailing circumstances of the time.

3.23 Turning to the plan's proposals for employment sites in Saffron Walden, the general effect of ULP's policies 1, 2, 3, 5 and 6 for the town is to replace a stock of sites for heavier or outworn employment uses with more mixed schemes providing for a wider range of uses, including those catering for different types of employment and providing smaller, more flexible units which are more likely to be taken up by the market, given the limited attraction of premises on the eastern of the town for uses dependent on heavier traffic. This is a sound and practical approach.

Settlement classification (within part 7 of the plan)

3.24 The settlement classifications in table 2 of ULP are based broadly on the level of services available at each settlement. This is a more appropriate evidential base than the system underlying the classification of settlements in the present local plan. There will always be scope for debate about how much weight to apply to one factor or another and the appropriate categorisation for individual towns or villages where their services are at the margin between different classifications. However, the content of table 2 (and the resulting roles of the particular settlements) is generally soundly set out.

3.25 Having said this, where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (eg locally identified demographic and other needs, local constraints and opportunities, patterns of bus services, and inter-relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward.

3.26 Concerning Stansted Mountfitchet, this clearly supplies significantly fewer local services than Saffron Walden and Great Dunmow but more than most of the other key villages. However, in view of the fairly limited nature of its service role and its proximity to the much larger town of Bishops Stortford there is no particular case for amending its place within table 2.

Further matters

3.27 A limited range of other further matters were raised in my initial soundness concerns and at other points during the examination. These would all have been capable of resolution through appropriate Major Modifications along the general lines put forward by the Council, mainly in its response to my initial soundness concerns but also in further discussions at the hearings. These include the present lack of clarity in the presentation of the information in policy SP7/table 5, issues concerning policies HO1 HO2, HO6 and the need to encourage site availability for self-builders, policy C2, policy SP10, policy HE1, policy HE3, policies SP11 and NE1 and NE2, and policies INF2 and INF3. As for those policies touching upon matters concerning the Government's review of housing

standards, these will be clarified when the full outcome of the review is known in 2015.

4 Overall conclusions and the way forward

4.1 Taken together, my soundness concerns about the OAN and Elsenham policy 1 lead to my not being able to recommend adoption of the plan as submitted. Nor, given the extent of change that would be likely to be required to the overall strategy, can I recommend Major Modifications under S20 of the Act to overcome these soundness issues.

4.2 As I indicated on 3 December, my normal strong inclination would be to keep an examination of a Development Plan moving forward wherever possible in order to minimise any disruption to the planning process. However, the scale of work which the Council would need to undertake to propose and consult upon changes to deal with the above matters would (a) be considerably greater than could be completed within the normal maximum 6-month period of a suspended examination and (b) result in a plan fundamentally different in character from that submitted. Suspension would therefore not be appropriate.

4.3 The brief for the new SHMA, currently being prepared for Uttlesford and its 3 neighbour authorities in the 'Harlow/M11 corridor' requires that it should be PPG-compliant. If it is, it should provide up-to-date OAN assessments for these authorities both individually and jointly. This could provide a platform to take forward complementary Local Plans for these areas which are fully consistent with the NPPF and PPG and able to be prepared with full regard to any DtC and/or SA issues which may arise. In Uttlesford's case the plan would no longer need to include the large historical catalogue of allocations that are now commitments, thus simplifying and speeding up the process.

4.4 There appeared to me to be fairly widespread recognition that some form of 'new settlement(s)' may form an appropriate means for catering for the future long-term growth of the District and, if so, that this should be on a scale bold enough to achieve maximum possible sustainable critical mass and a long term solution, especially if there are judged to be limits as to how far relatively small towns with the characters of Saffron Walden and Great Dunmow can grow sustainably, attractively, and in an integrated way through successive phases of peripheral expansion. However, I do not consider it for me to comment further upon this matter.

4.5 Nor is it necessary or appropriate for me to comment on the comparative claims of any of the very many potential alternative development sites, large and small, promoted in representations to the submitted plan or indeed at the other stages during the 8 years which it took for the plan to evolve against changing background circumstances.

4.6 I recognise that my statement on 3 December and the contents of this letter represent unwelcome news to the Council. However, in view of all the above it seems to me that the options for the Council, after it has considered this letter, are either to ask me to continue the examination but with the inevitable conclusion that I will not be able to recommend changes which would make the plan sound, or to consider withdrawing the plan.

Roy Foster
Inspector

19 December 2014

Executive Summary

Timeline

This section looks at the minutes of every meeting held between 2007 and 2014 where the development plan was discussed. It is important to note that this work did not review any of the papers that were sent to the meetings. It simply reviews all the minutes. The process involved calling up each meeting on the Uttlesford website and reviewing the minutes. Where there was a discussion on the development plan, this was noted and considered in the context of the overall process.

It is clear that the mechanisms were in place for the council to make decisions on the plan, from working groups, through Environment and Scrutiny committees to Full Council. However, the review also shows that the groups were not always represented in a way which is common in most councils across the country. The timeline provides a commentary, intended to show how the decisions made play out as the plan progresses. This should provide the council with some useful points to consider as future work gathers momentum.

Inspectors' Letter

This report sets out the main recommendations from the Inspector. It provides a brief summary of the role of the Inspector and the 'Tests of Soundness' and also the options open to him when considering how to deal with a plan which requires further work.

In writing this report, PAS looked at other examples from around the country. Whilst not specifically referenced, they were used to help determine whether the Inspector can be seen to have behaved in a manner consistent with other Inspectors faced with similar issues.

Uttlesford Local Plan SEA/SA Review

This review intends to support the Council in determining a response to the Planning Inspectors letter (dated 19 December 2014) regarding the conclusions of the Examination of the Uttlesford Local Plan (ULP), specifically it seeks to consider the final comment by the Inspector:

"that future SAs need to ensure that the requirements of the Regulations and the principles established by case law are built-into the process transparently from the outset."

In consequence, the review identifies recommendations and actions to minimise the risk to the Council of non-compliance with the requirements of European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, referred to as the SEA Directive when undertaking future SEA/SA work.

Table 2.1 of the report presents the requirements of Annex I of the SEA Directive and then summarises where, and to what extent, this is covered in the Environmental Report. A third column highlights whether the information provided is sufficient to meet the SEA Directive requirements. A final column outlines further actions that are required to address any issues identified in any subsequent Environmental Report.

Uttlesford Local Plan Site Selection Review

The Site Selection review considers the process of site identification considering Objectively Assessed Need and the required process that must take place of an assessment of suitability, viability and availability and development options can, to a degree, be prescribed by the sites put forward by the development industry.

In the context of ULP the Inspector raised concerns on a number of issues. These views imply that the sites only clear attribute was that it had been promoted and was available. If constraints had been identified at a more strategic level, then early conclusions can be drawn about the potential of Elsenham (or parts of Elsenham) and by extension therefore, about sites being proposed there.

Further to this the review considers the relationship to the Strategic Housing Land Availability Assessment (SHLAA) to plan making, the importance of interim arrangements and 5 year land supply.

Uttlesford Local Plan Consultation and Duty to Cooperate processes

A desktop review of the Consultation and Duty to Cooperate documentation and required processes has been undertaken. The information reviewed was collated from the publicly available documents on the Uttlesford Council website which relate to the ULP.

The key message emerging from the review is that a range of significant documents do not appear within the materials available. It would have been of advantage to have provided a consultation strategy for the development of the ULP and its required stages. It would also have been of benefit to provide consultation delivery plan to help inform the inspector of the approach taken to engage with the public and key stakeholders for each of the required stages.

With regard to the Duty to Cooperate much the same can be said for the documentation that appeared to be lacking. A stakeholder management strategy and a respective plan for fulfilling the duty to cooperate would have been of significant benefit to the Inspector when reviewing this element of the Local Plan production.

Although speculative, it is felt that if the Inspector had continued with inspection these would have likely formed further issues that would have been raised as part of the examination process.

Committee: Planning Policy Working Group

Agenda Item

Date: 26 November 2015

5

Title: Preferred Options – Guidelines and Recommendations

Author: Martin Paine, Planning Policy Team Leader

Summary

1. The attached report sets out guidelines and recommendations for the Preferred Options stage of Local Plan preparation.
2. Also attached to the report are two guidance notes prepared by the Advisory Team for Large Applications (ATLAS) which are likely to be helpful when considering large-scale development options.

Recommendations

That the Local Plan Preferred Options: Guidelines and Recommendations, together with ATLAS guidance on deliverability, be noted.

Background Papers

3. None

Impact

Communication/Consultation	Formal consultation as the Local Plan develops will be carried out in accordance with the Statement of Community Involvement.
Community Safety	None
Equalities	The Local Plan impacts on all sectors of the community.
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	Appraisal of alternatives to the emerging plan will be undertaken.
Ward-specific impacts	All.

Workforce/Workplace	Planning Policy Team and other officers as appropriate.
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Situation

4. The Issues and Options consultation will shortly close, and the Council will rapidly need to turn its attention to the next stage in Local Plan preparation, known as the Preferred Options stage. Preferred Options is the draft Local Plan stage, and requires the Council to make a number of very difficult decisions, particularly relating to the location of future development allocations.
5. In undertaking this daunting task, the Council should ensure that it has closely followed the requirements set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
6. The attached reports are intended to assist the Council in understanding the implications of these national requirements, and how they may be applied in practice.
7. A summary will be provided in the next issue of the Local Plan Update.

Risk Analysis

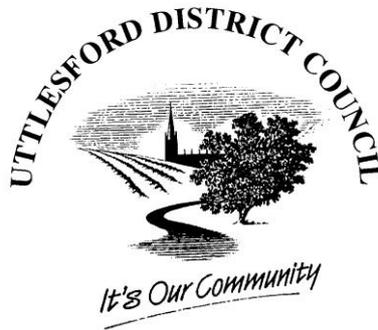
Risk	Likelihood	Impact	Mitigating actions
If the Local Plan does not meet national policy requirements it is likely to be found unsound at Examination	2. Can be addressed and managed through the Working Group discussion forum.	4. The Local Plan is very likely to be found unsound.	Discussion at the Working Group to ensure that the requirements of soundness are met.

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.



Local Plan Preferred Options: Guidelines and Recommendations

26 November 2015

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Executive Summary

1. This document sets out guidelines and recommendations to Uttlesford District Council, in particular the Planning Policy Working Group, on how to approach the 'big decisions' around selecting sites to include within the draft local Plan, anticipated in the second half of 2016. There is no 'one size fits all' standard methodology available to guide Local Planning Authorities through the process.
2. *Chapter 2: Review of National Policy and Guidance* contains the following guidelines drawn from reading of the text of the National Planning Policy Framework and Planning Practice Guidance.

Sustainable Development: Guidelines

3. Local Plan-makers should seek economic, social, and economic gains jointly and simultaneously. In practice this is likely to mean difficult judgements about how much weight to attribute to various factors. This is more of an art than a science, although it should be informed by evidence.
4. National policy seeks to minimise adverse impacts, but acknowledges that these may nevertheless occur. The presumption tips the balance in favour of development rather than no development, provided that overall the net effect is positive in planning terms and there are no 'showstoppers'.
5. This means that mitigation and compensatory measures are likely to be embedded within Local Plan policies.

Soundness: Guidelines

6. The four 'tests of Soundness' for Local Plans (that they should be positively prepared, justified, effective, and consistent with national policy) set the overarching framework for putting together the Local Plan and the Council's efforts should be dedicated to showing how the new Local Plan meets each of those requirements.
7. 'Positive preparation' requires that the Council needs to demonstrate that it has made every effort to meet objectively assessed needs, i.e. it has 'left no stone unturned'. If the Council is asked by another authority to consider taking its unmet housing or other needs, then it is reasonable to expect that authority to be able to demonstrate that it has done the same. On this basis both Councils should try to agree whether the request is reasonable. Failure to do so could result in both plans failing to meet the requirements of the Duty to Co-Operate.

8. 'Justification' of the Local Plan means that there needs to be a clear rationale behind the selection of the options carried forward, and equally importantly, of the rejected options. In part this is the role of the Sustainability Appraisal, but the Council will need to take account of other factors such as deliverability in documenting its reasons.
9. Effective plans must be able to show that there is a 'reasonable prospect' of delivery. In some cases it is not possible to fully tie down funding pots for infrastructure 10 or 15 years ahead, but a commitment from the delivery bodies is important.
10. Ensuring that the plan is fully consistent with all the requirements of the NPPF is very difficult, but the Planning Inspector is there to provide that check and may recommend modifications to the Plan. Therefore plan-makers should not delay the plan unnecessarily for fear that it is not 'perfect', so long as it is confident that the main tests of soundness have been met.

Housing Needs: Guidelines

11. Local Planning Authorities must make every effort to 'boost significantly' the supply of housing over what has been achieved to date.
12. Calculation of the housing trajectory, including whether a 5% buffer or a 20% buffer should apply, will have a major impact on the amount of development to be planned for in the first five years.
13. There is a difference between the requirement for 'deliverable' sites in the first five years (see footnotes 11 and 12), which for larger sites is generally equated with sites with planning permission or where planning applications are at an advanced stage, and 'developable' sites later in the plan period.

Constraints: Guidelines

14. Local Plan-makers should take account of constraints but in some cases the presumption in favour of sustainable development will be a determining factor in deciding whether to allocate a site for development.
15. Where constraints exist, mitigation or compensation measures should be considered.
16. Plan-makers must be able to demonstrate that they have followed a clear and transparent process in producing their plans, show how the various constraints have been addressed, and whether or not it is possible to resolve them through the Local Plan or potentially through subsequent planning stages.

17. Local Plan-making should take care not to be seen to be erecting barriers or finding excuses for limiting development.

Deliverability: Guidelines

18. There is a difficult balance to be struck between ensuring that the infrastructure is provided to support development, and ensuring that the demands on the landowner and developer are not set so high as to make the land unattractive for them to develop.
19. There will need to be an iterative process of testing the impact of costs on the deliverability of development in order to ensure that the policies are viable. This may include a need to test the impact of potential developer contributions towards costly pieces of infrastructure.

Green Belt: Guidelines

20. Local Planning Authorities should undertake a criteria-based approach to assessment of Green Belt when undertaking a review of their Local Plans, based on the five criteria set out in Paragraph 80 of the NPPF.
21. Housing and economic needs do not alone override national constraints such as Green Belt.
22. 'Exceptional circumstances' set out in paragraph 83 are not defined in the NPPF, but relate to the overall development strategy and consideration of 'sustainable patterns of development' set out in Paragraph 84. Other key considerations in this respect are likely to involve cross-boundary strategic planning issues and the Duty to Co-Operate.

Cross-boundary planning: Guidelines

23. Councils should diligently explore all the options for delivering a planning strategy within their own planning area before approaching other authorities to address their unmet needs.
24. Legitimate justification for failing to meet development need within the area could be, for example because of lack of physical capacity or because of significant harm to the principles of the national planning policy framework.
25. In cases of cross-boundary planning where agreement is not reached, Local Planning Authorities should discuss their particular circumstances with the Planning Inspectorate prior to submitting the Local Plan.

Preparing Local Plans: Guidelines

26. Local Plans are a 'framework and a starting point' and attempts to provide exhaustive evidence and policy detail is unnecessary and likely

to cause long delays. This requires a judgement about what the main issues and evidence gaps are in relation to the plan area.

27. Many local issues can be addressed at planning application stage through careful layout and design. For example, a site-level drainage plan can address most flood risk issues. Green Infrastructure networks can usually protect the majority of local wildlife assets, and the context and setting of heritage assets can also usually be protected through careful design as part of a planning application. Robust policy wording can help to secure these protections.
28. Assessment of housing, economic and other strategies should be integrated. In putting together the plan, the Council must identify the main strategic issues and not lose sight of these at any point during the process.

Recommendations

29. **Recommendation 1: Interim 'Options Sieving' stage:** it is recommended that the Council carry out an interim 'sieve' of the options based on a limited number of key pieces of evidence.
30. **Recommendation 2: Prepare a Development Strategy Report:** The Council should prepare a report which details the key factors and decisions taken at each stage in the decision-making process which led to the preferred options set out in the draft Local Plan.
31. **Recommendation 3: Prepare a housing topic paper** including a housing trajectory set out in 5-year blocks.
32. **Recommendation 4: Prepare an Infrastructure Delivery Plan:** An Infrastructure Delivery Plan (IDP) is a high-level document which sets out broadly what infrastructure is needed, where it is needed, when it is needed, an estimate of how much it is going to cost, what the anticipated funding sources are, and who is going to be responsible for delivering it.
33. **Recommendation 5: Ensure that evidence is proportionate.** The Local Plan is a framework and a starting point for the consideration of planning applications. Local Plans should be based on proportionate evidence, and should not try to assemble evidence which is properly addressed through planning applications.
34. **Recommendation 6: clearly set out and explain the 'planning balance'.** Set out the critical issues in a format such as a table which will enable a consistent approach and clear justification for the decisions taken.
35. **Recommendation 7: Consider planning history (i.e. applications and appeal decisions) within a strategic context.** When considering a planning application, decision-makers assess the specific proposal

before them. By contrast plan-making must take account of the principles of development in an area.

36. **Recommendation 8: Demonstrate that the plan is deliverable.** There are useful guidance notes published by the Advisory Team for Large Applications, including a note on build-out rates on strategic sites.
37. **Recommendation 9: Prepare a Duty to Co-Operate Statement** using the template provided by the Planning Advisory Service
38. **Recommendation 10: Soundness should be the main consideration in driving the pace of the work programme.** If the Council submits a plan which is of uncertain soundness then there is a high risk of failing at Examination.

1. Introduction

- 1.1 This document sets out guidelines and recommendations to Uttlesford District Council, in particular the Planning Policy Working Group, on how to approach the 'big decisions' around selecting sites to include within the draft local Plan, anticipated in the second half of 2016. There is no 'one size fits all' standard methodology available to guide Local Planning Authorities through the process.
- 1.2 The main aim of this document is to help the District Council to achieve a sound plan following Examination in Public. Reflecting this aim, the advice contained within this document is heavily oriented towards interpretation and application of the National Planning Policy Framework (NPPF), which sets the requirements against which a Planning Inspector will assess the soundness of the submission version of the Local Plan.
- 1.3 The Council has already made a good progress towards achieving a sound plan, ensuring that it has a framework in place to enable a range of options to be considered in an objective manner, based on an evidence-led approach.
- 1.4 It is important that the Council follows through this process, ensuring that decisions on the final plan accord with sound planning principles. If the Council can achieve this then there is a good chance that the Local Plan will be found sound at Examination.
- 1.5 This document is intended to provide the Council with general principles which need to be met and should inform ongoing work, and also to provide some more specific recommendations as to some of the key work which will need to be undertaken.
- 1.6 More detail on specific work-streams can be found in the Local Plan Work Programme and Risk Assessment ([PPWG, 13 July 2015, agenda item 4](#)).

2. Review of National Policy and Guidance

- 2.1 Planning policy can be perplexing for those who are not familiar with the planning system, because it contains many words and phrases which may appear to be lacking in precision. This is because policy needs to be capable of interpretation in relation to a wide range of types and scales of development, each with their own local considerations.
- 2.2 Planning is quasi-judicial in nature and a large number of appeal decisions around the country hinge on the Planning Inspectorate's interpretation of words and phrases within the document. The aim of this section is to identify the main requirements, drawing on the experience of Uttlesford's own Local Plan examination and that of other Local Plan examinations around the country.
- 2.3 The Planning Advisory Service has published four very useful [legal updates](#) on major areas of plan-making case-law, on housing numbers, green belt, sustainability appraisal, and the Duty to Co-Operate. These four reviews were all prepared by No. 5 Chambers in November 2014. The Council may wish to seek further legal advice in relation to aspects of the strategy at appropriate points in preparing the Local Plan.

The Presumption in Favour of Sustainable Development

- 2.3 The definition of sustainable development in the NPPF poses a challenge for Local Plan-makers seeking a way into the process because it requires them to consider a very large number of separate requirements:

“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.” (NPPF Paragraph 6)

- 2.4 The NPPF (paragraph 14) explains that this interpretation is designed to support development rather than hinder it, as set out in the 'presumption in Favour of Sustainable Development':

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*

- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
or
 - *specific policies in this Framework indicate development should be restricted.*⁹

9. For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.”

2.5 In terms of the further application of the presumption, the section on Local Plans includes this:

“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.”
[\(NPPF Paragraph 151\)](#)

“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.” [\(NPPF Paragraph 152\)](#)

Sustainable Development: Guidelines

39. Local Plan-makers should seek economic, social, and economic gains jointly and simultaneously. In practice this is likely to mean difficult judgements about how much weight to attribute to various factors. This is more of an art than a science, although it should be informed by evidence.

40. National policy seeks to minimise adverse impacts, but acknowledges that these may nevertheless occur. The presumption tips the balance in favour of development rather than no development, provided that overall the net effect is positive in planning terms and there are no ‘showstoppers’.

41. This means that mitigation and compensatory measures are likely to be embedded within Local Plan policies.

Ensuring that the Local Plan is ‘Sound’

- 2.8 Four ‘tests of soundness’ are the focus of the Examination in Public. Local Plans should be, positively prepared, justified, effective, and consistent with national policy:

Examining Local Plans

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

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.*

(National Planning Policy Framework, [Paragraph 182](#))

- 2.9 To be **positively prepared**, Local Planning Authorities must demonstrate that they have made every effort to meet development needs. This is one of the ‘core principles’ set out in Paragraph 17: *“Planning should...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.” ([NPPF Paragraph 17](#))*. The often-remarked implication of this is that Local Planning Authorities should not regard the housing requirement or ‘objectively assessed need’ as maximum ‘targets’, but as **minimum figures to achieve**. In other words, if there are sites available which meet the requirements of sustainable development as defined in the NPPF, the Local Planning

Authority should not seek to restrict development. In practice this means that the Council's development strategy needs to be supported by very strong evidence if it wishes to restrict development in certain locations. It could mean, for example, over-delivering in areas which accord with the strategy.

- 2.11 The requirement to include 'unmet requirements from neighbouring authorities where it is reasonable to do so' requires Local Planning Authorities to understand the evidence base and the constraints faced by their neighbours, in order to understand whether their requests are reasonable. It is likely that Officers in the event of such a request, Officers will need to closely scrutinise the evidence base of the requesting authority and advise Members accordingly. This is potentially a huge political challenge and a number of Local Plans have failed on these grounds.
- 2.12 **Justification** of the Local Plan means that it must be clear how all the reasonable alternatives have been assessed. This was the main criticism of the 2014 Submission Local Plan identified by the Planning Inspector in his report of December 2014. Through the Issues and Options stage the Council has addressed this problem by setting out an assessment framework based on Areas of Search and scenarios which should enable the Council to demonstrate that it has met this requirement, subject to preparing a draft Local Plan which is demonstrably based on and justified by the consideration of these alternatives.
- 2.14 To be **effective** the Council must be able to demonstrate that the plan can be implemented. This means that there must be a 'reasonable prospect' that the necessary infrastructure can be delivered through to 2033, and that there are willing landowners and developers ready to deliver the plan. The requirements for effectiveness are much more stringent in the first five years of the plan.
- 2.15 A list of strategic priorities is contained in paragraph 156 of the NPPF, and can include homes, jobs, and infrastructure, as well as retail, leisure, and other commercial development. In developing its Local Plan the Council will need to discuss these with its neighbouring Local Planning Authorities to identify what issues there are, and take appropriate measures to address them.
- 2.16 The last test of soundness is '**consistency with national policy**' and this catch-all requirement can be challenging because it requires plan-makers to ensure that they have tested their emerging proposals against the full range of national requirements in the round.
- 2.17 Planning Inspectors are able to recommend 'minor' and 'major' modifications through their Examination Reports, which provide additional reassurance that plans are fully consistent with national

policy. Inspectors suggest changes in the majority of cases where plan are found sound.

- 2.18 However, in the case of some 'major' modifications, the Inspector may recommend that further consultation should be carried out before the plan is found sound. For this reason it is highly recommended that the Council should pay great attention to ensuring that the plan meets the NPPF requirements set out in this document before it submits the Local Plan to the Planning Inspectorate. Furthermore, the Secretary of State has recently urged the Planning Inspectorate to be 'pragmatic' dealing with Local Plans.

Soundness: Guidelines

The four 'tests of Soundness' for Local Plans (that they should be positively prepared, justified, effective, and consistent with national policy) set the overarching framework for putting together the Local Plan and the Council's efforts should be dedicated to showing how the new Local Plan meets each of those requirements.

'Positive preparation' requires that the Council needs to demonstrate that it has made every effort to meet objectively assessed needs, i.e. it has 'left no stone unturned'. If the Council is asked by another authority to consider taking its unmet housing or other needs, then it is reasonable to expect that authority to be able to demonstrate that it has done the same. On this basis both Councils should try to agree whether the request is reasonable. Failure to do so could result in both plans failing to meet the requirements of the Duty to Co-Operate.

'Justification' of the Local Plan means that there needs to be a clear rationale behind the selection of the options carried forward, and equally importantly, of the rejected options. In part this is the role of the Sustainability Appraisal, but the Council will need to take account of other factors such as deliverability in documenting its reasons.

Effective plans must be able to show that there is a 'reasonable prospect' of delivery. In some cases it is not possible to fully tie down funding pots for infrastructure 10 or 15 years ahead, but a commitment from the delivery bodies is important.

Ensuring that the plan is fully consistent with all the requirement of the NPPF is very difficult, but the Planning Inspector is there to provide that check and may recommend modifications to the Plan. Therefore plan-makers should not delay the plan unnecessarily for fear that it is not 'perfect', so long as it is confident that the main tests of soundness have been met.

Making every effort to meet Housing Needs

- 2.21 Compliance with housing requirements set out in the NPPF continues to be one of the main difficulties facing Local Plans at Examination. The housing requirements are an extension of the test of soundness relating to ‘positive planning’ in paragraph 182 and paragraph 17 (cited above).
- 2.22 [Paragraph 47](#) is frequently cited as a key area where Councils trip up at Examination, and it contains a number of technical requirements which should be addressed as part of the draft plan (Preferred Options) stage, because failure to do so can necessitate major changes to the plan prior to submission.

“To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- *identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- *for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- *set out their own approach to housing density to reflect local circumstances.”*

“11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

“12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

Housing Needs: Guidelines

1. Local Planning Authorities must make every effort to ‘boost significantly’ the supply of housing over what has been achieved to date.
2. Calculation of the housing trajectory, including whether a 5% buffer or a 20% buffer should apply, will have a major impact on the amount of development to be planned for in the first five years.
3. There is a difference between the requirement for ‘deliverable’ sites in the first five years (see footnotes 11 and 12), which for larger sites is generally equated with sites with planning permission or where planning applications are at an advanced stage, and ‘developable’ sites later in the plan period.

Constraints

- 2.23 With a few exceptions for nationally/internationally designated assets, constraints to development must be viewed in the context of the presumption in favour of sustainable development, as shown in the examples below.

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” (NPPF Paragraph 32, bullet point 3)

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” (NPPF Paragraph 112)

“In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.” (NPPF Paragraph 110)

“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.” (NPPF Paragraph 122)

“Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.” (NPPF Paragraph 124)

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.... Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property...” (NPPF Paragraph 100),

Constraints: Guidelines

1. Local Plan-makers should take account of constraints but in some cases the presumption in favour of sustainable development will be a determining factor in deciding whether to allocate a site for development.
2. Where constraints exist, mitigation or compensation measures should be considered.
3. Plan-makers must be able to demonstrate that they have followed a clear and transparent process in producing their plans, show how the various constraints have been addressed, and whether or not it is possible to resolve them through the Local Plan or potentially through subsequent planning stages.
4. Local Plan-making should take care not to be seen to be erecting barriers or finding excuses for limiting development.

Deliverability

- 2.23 Ensuring that plans are 'effective' includes provision of evidence of matters collectively known as 'deliverability'. These considerations are bound up together, as set out in paragraphs 173 and 177 of the NPPF:

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable." ([NPPF Paragraph 173](#))

"It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage, where possible, and kept under review." ([NPPF Paragraph 177](#))

Deliverability: Guidelines

1. There is a difficult balance to be struck between ensuring that the infrastructure is provided to support development, and ensuring that the demands on the landowner and developer are not set so high as to make the land unattractive for them to develop.
2. There will need to be an iterative process of testing the impact of costs on the deliverability of development in order to ensure that the policies are viable. This may include a need to test the impact of potential developer contributions towards costly pieces of infrastructure.

Green Belt

- 2.26 Green Belt is often a politically challenging topic for Local Planning Authorities. The key parts of the NPPF relating to Local Plans are as follows:

“Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”* (NPPF Paragraph 80)

“Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.” ([NPPF Paragraph 83](#))

“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset

within the Green Belt or towards locations beyond the outer Green Belt boundary.” ([NPPF Paragraph 84](#))

- 2.27 However, the Planning Practice Guidance makes clear that housing and economic needs do not in themselves override [‘footnote 9’](#) constraints such as Green Belt: *“The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.”* ([PPG, Housing and Economic Land Availability Assessment, Paragraph 44](#))

Green Belt: Guidelines

1. Local Planning Authorities should undertake a criteria-based approach to assessment of Green Belt when undertaking a review of their Local Plans, based on the five criteria set out in Paragraph 80 of the NPPF.
2. Housing and economic needs do not alone override national constraints such as Green Belt.
3. ‘Exceptional circumstances’ set out in paragraph 83 are not defined in the NPPF, but relate to the overall development strategy and consideration of ‘sustainable patterns of development’ set out in Paragraph 84. Other key considerations in this respect are likely to involve cross-boundary strategic planning issues and the Duty to Co-Operate.

Cross-Boundary Strategic Planning and the Duty to Co-Operate

- 2.28 Regional Plans have been abolished and replaced with a requirement to work together across administrative boundaries on matters of common interest:

“Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in [paragraph 156](#). The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.” ([NPPF Paragraph 178](#))

“Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within

their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework.” (NPPF Paragraph 179)

2.29 [Section 3 of the Planning Practice Guidance on the Duty to Co-Operate](#) states:

“If another authority will not cooperate this should not prevent the authority bringing forward a Local Plan from submitting it for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved and this will be thoroughly tested at the examination. Local Planning Authorities should discuss their particular circumstances with the Planning Inspectorate prior to submitting the Local Plan.”

“Prior to submitting a Local Plan in these circumstances Local Planning Authorities should have explored all available options for delivering the planning strategy within their own planning area. They should also have approached other authorities with whom it would be sensible to seek to work to deliver the planning strategy.”

Cross-boundary planning: Guidelines

1. Councils should diligently explore all the options for delivering a planning strategy within their own planning area before approaching other authorities to address their unmet needs.
2. Legitimate justification for failing to meet development need within the area could be, for example because of lack of physical capacity or because of significant harm to the principles of the national planning policy framework.
3. In cases of cross-boundary planning where agreement is not reached, Local Planning Authorities should discuss their particular circumstances with the Planning Inspectorate prior to submitting the Local Plan.

Preparing a Local Plan

- 2.28 As will be apparent from the above review of national requirements, preparing a Local Plan is a complex task. National policy and guidance on this is provided as follows:

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.” (NPPF, Paragraph 158)

- 2.29 [Section 10 of the Planning Practice Guidance on Local Plans](#) asks ‘how detailed should a Local Plan be?’ and states: *“While the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability.”*)

- 2.30 [Section 14 of the Planning Practice Guidance on Local Plans](#) asks “What evidence is needed to support the policies in a Local Plan?” and states the following:

“Appropriate and proportionate evidence is essential for producing a sound Local Plan, and [paragraph 158](#) onwards of the National Planning Policy Framework sets out the types of evidence that may be required. This is not a prescriptive list; the evidence should be focused tightly on supporting and justifying the particular policies in the Local Plan. [Evidence of cooperation](#) and considering different options for meeting development needs will be key for this process.

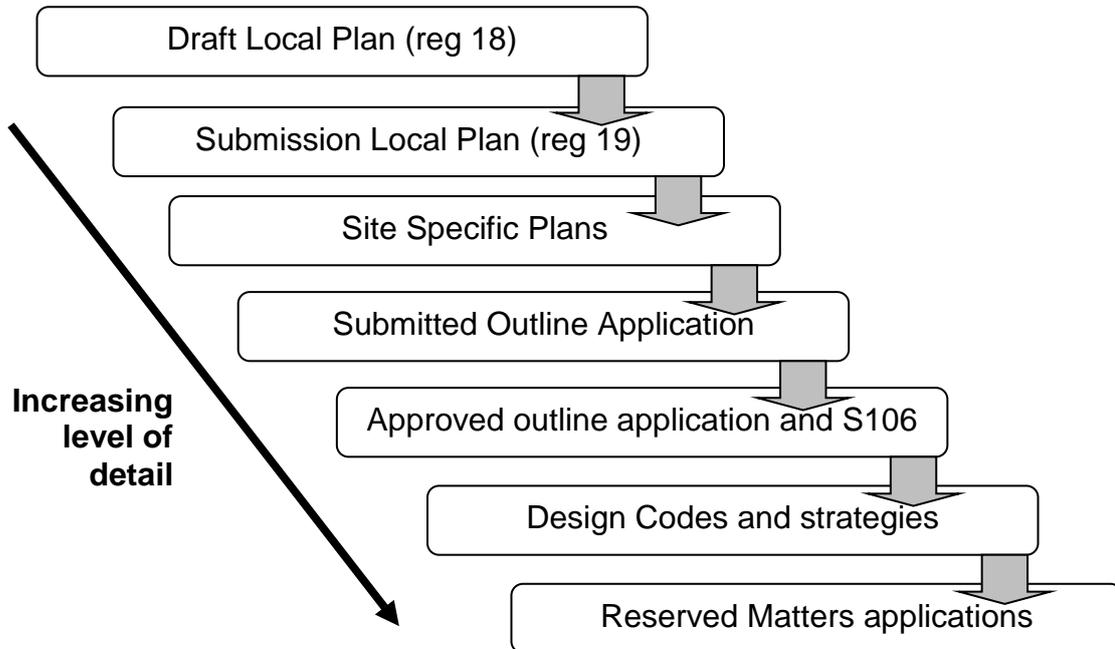
The evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan. It will also help communities bringing forward [neighbourhood](#)

plans, who may be able to use this evidence to inform the development of their own plans.”

2.31. Preparation of the Local Plan is part of an end-to-end Planning process, as shown in Figure 1. Appropriate detail should be sought at each stage.

Figure 1: Stages in the planning process



Preparing Local Plans: Guidelines

1. Local Plans are a ‘framework and a starting point’ and attempts to provide exhaustive evidence and policy detail is unnecessary and likely to cause long delays. This requires a judgement about what the main issues and evidence gaps are in relation to the plan area.
2. Many local issues can be addressed at planning application stage through careful layout and design. For example, a site-level drainage plan can address most flood risk issues. Green Infrastructure networks can usually protect the majority of local wildlife assets, and the context and setting of heritage assets can also usually be protected through careful design as part of a planning application. Robust policy wording can help to secure these protections.
3. Assessment of housing, economic and other strategies should be integrated. In putting together the plan, the Council must identify the main strategic issues and not lose sight of these at any point during the process.

3 Recommendations

- 3.1 Having reviewed the key themes in terms of national policy and guidance, the following recommendations are made to Uttlesford District Council as it embarks on the next stage of plan preparation. These recommendations are not intended as an exhaustive 'to do' list and the Council will need to ensure that it has prepared the necessary supporting evidence base.

Recommendation 1: Interim 'Options Sieving' stage

- 3.2 The Council has developed a wide range of options and consulted on options including new settlements, urban extensions, and extensions to villages. In reality only a very small proportion of the original Areas of Search are likely to be required as part of the Local Plan. If the Council were to equally appraise all the Areas of Search then this could lead to very large amounts of unnecessary work which would considerably delay the progress of the plan.
- 3.3 To avoid this scenario, it is recommended that the Council carry out an interim 'sieve' of the options based on a limited number of key pieces of evidence. For example, the Green Belt assessment could suggest that some areas of the Green Belt perform a very important function and therefore should not be released, or there may be evidence from key infrastructure or service providers that there are significant obstacles to development in some locations.
- 3.4 At this stage the Council should consider the deliverability of the options, in particular whether each Area of search is being promoted by the landowner(s), taking account of whether any fresh interest has been expressed through responses submitted as part of the Issues and Options consultation. If the land is not being promoted, the Council will need to make a decision as to whether it is prepared to explore the feasibility of a special purpose delivery vehicle in partnership with the landowners, or other appropriate mechanism. A special purpose vehicle is only likely to be appropriate for a strategic site. Depending on the decision, the deliverability of the option would be in doubt and it would be advisable to drop the option from further consideration at this stage.
- 3.5 Given the importance of this interim stage it is recommended that a decision on which options (if any) to drop should be taken by Full Council. Public consultation at this stage is not necessary because any options dropped as part of the interim 'sieve' will be set out for consultation alongside the draft Local Plan as part of the Preferred Options consultation.
- 3.5 As part of the report the map should be updated to show any Areas of Search proposed for deletion and those proposed for retention, perhaps by removing the fill colour from those proposed for deletion whilst leaving

an outline of the shape. This map will help to demonstrate the 'audit trail' of decisions made and form part of a narrative explanation of the preparation of the Local Plan.

Recommendation 2: Prepare a Development Strategy Report

- 3.6 The Council should prepare a report which details the key factors and decisions taken at each stage in the decision-making process which led to the preferred options set out in the draft Local Plan. This document will form a key part of the evidence submitted to the examination in public in order to demonstrate that the plan meets the tests of soundness set out in Paragraph 182 of the NPPF.
- 3.7 The document should set out how the housing strategy, economic development strategy, delivery of key pieces of infrastructure, and any other key components of the plan relate to each other as parts of an overall development strategy. For example, the report should set out where jobs are anticipated to be provided in relation to housing (whether within or outside the district) and what the implications of this will be for sustainable transport. It should also set out the key cross-boundary planning issues, and consider whether there are any strategic matters which would constitute the 'exceptional circumstances' necessary to release Green Belt.
- 3.8 The report should explain how the vision for the District in 2033 was produced, and how this relates to the development strategy. It should also set out how the development strategy and vision relates to the settlement hierarchy, the implications for the existing settlements, and how these impacts will be managed and mitigated. It should also be where the 'planning balance' is addressed (see Recommendation 6 below).
- 3.9 It is recommended that the Council prepare an 'interim' development strategy report to publish as part of the Preferred Options consultation alongside the draft Local Plan. This report can then be updated and adjusted as necessary for the Pre-Submission consultation and finally for Submission. A draft of the Development Strategy Report should be provided to the Council's consultants for Sustainability Appraisal, and the recommendations from the Appraisal should then be reported and addressed in the published version of the development strategy report.

Recommendation 3: Prepare a housing topic paper including a housing trajectory

- 3.10 Housing is one of the most complicated areas of Local Plan development and one which is likely to come under most scrutiny at Examination in Public, in particular relating to Paragraph 47 of the NPPF. It is therefore recommended that the Council prepare a Housing

Topic Paper which sets out a clear audit trail of the evidence which sits behind the housing strategy component of the Local Plan.

- 3.11 The centrepiece of the housing topic paper should be a housing trajectory along the lines of the template set out in Appendix A. This should show the expected contribution to housing supply from all sources over the plan period, set out in 5 year blocks. Completions and commitments can be shown in a single line, perhaps supported by an appendix containing tables providing details.
- 3.12 The topic paper should explain the approach taken to calculating the housing trajectory, including for example the approach taken to windfall (unexpected permissions), the buffer, and how any shortfall is to be addressed.
- 3.13 The topic paper should provide a synopsis of the Housing Market Assessment and how this evidence has been taken on board as part of the overall development strategy, including whether there are any unmet housing needs within the housing market area and if so how these will be addressed.
- 3.14 The first five years of the housing trajectory is likely to come under particular scrutiny and so the Topic Paper should set out how it intends to meet this requirement. This might involve setting out evidence of whether planning applications are in preparation or are likely to be capable of obtaining permission in the short term (1-3 years).
- 3.15 The starting point for consideration of the housing trajectory should be that the Council will try to deliver a continuous pipeline of development throughout the plan period. If the Council decides to 'back-load' the trajectory to focus on a new settlement later in the plan period, it is recommended that the Council should discuss this approach thoroughly with a Planning Inspector and secure some written advice before public consultation to minimise the risks of being found unsound at examination.
- 3.16 Finally, the Housing Topic Paper should set out contingency arrangements in case one or more sites runs into problems with delivery, for example if the developer fails to build at the anticipated pace, or goes bust. This consideration is likely to be particularly important if the strategy involves a 'new settlement' approach.

Recommendation 4: Prepare an Infrastructure Delivery Plan

- 3.17 An Infrastructure Delivery Plan (IDP) is a high-level document which sets out broadly what infrastructure is needed, where it is needed, when it is needed, an estimate of how much it is going to cost, what the anticipated funding sources are, and who is going to be responsible for delivering it.

- 3.18 The IDP should include an infrastructure schedule which could include the following columns within a spreadsheet and a row for each item:
- Date record updated
 - Category (schools, GP surgeries, new roads etc)
 - Description (e.g. 2 FE Primary school etc)
 - Phasing (which 5-year block)
 - Site Specific (strategic infrastructure may not be site specific)
 - Site
 - Location
 - Justification (must be linked to delivery of development)
 - Main provider
 - Estimated total cost
 - Funding source
 - Funding source contribution (amount)
 - Delivery start date
 - Delivery End date
 - Local Plan policy reference (if applicable)
 - Status (feasibility assessment, programmed, underway, etc)
- 3.19 This schedule should be a 'live' document which can be updated as the Local Plan is implemented over time, to assist the Council in monitoring and managing development. It is likely that over time the schedule and IDP will become more sophisticated as the process beds in.
- 3.19 The IDP should focus in particular on the 'big-ticket' items of infrastructure such as transport, schools, and healthcare. Other smaller items may be addressed through planning applications and section 106 negotiations (see recommendation 5 below). The cost estimates in the draft IDP will be helpful in ensuring that the policies in the draft Local Plan are viable and comply with NPPF in this respect (see above paragraph 2.23). Depending on the emerging plan, the Council may consider appointing a cost consultant to advise on likely infrastructure costs.
- 3.20 Utilities provision can be very expensive but utilities companies in general do not release cost data and this is negotiated on commercial terms between developer and provider. Both for utilities and other infrastructure and service providers one of the key components of the IDP will be signed letters of agreement stating that there is a reasonable prospect that the necessary infrastructure is capable of being delivered on the timescale set out in the draft Local Plan.

Recommendation 5: Ensure that evidence is proportionate

- 3.21 As set out in section 2 above, the Local Plan is a framework and a starting point for the consideration of planning applications. Local Plans should be based on proportionate evidence, and should not try to

assemble evidence which is properly addressed through planning applications.

- 3.22 Local Plans have to address contentious development issues and there is a risk of the evidence base developing into an 'arms race' with developers or an attempt to placate local critics. Both scenarios are likely to result in unnecessary delays and expense.
- 3.23 If the Council is unsure whether sufficient evidence has been assembled for the purposes of Examination then it could consider inviting an independent review from an external party, for example the Planning Advisory Service or the Planning Officers Society.

Recommendation 6: clearly set out and explain the 'planning balance'

- 3.24 There is no 'off the shelf' process or template to follow when preparing a draft Local Plan. Many Local Authorities reach their preferred options plan through a rather tortuous process and none of the recent examples can be held up as a 'model' process. This is attributable to the complexity of the issues involved and shifting interpretations of national policy.
- 3.25 National policy and guidance is clear that Local Authorities should focus on the critical issues. This is a matter of planning judgement and therefore it is important that the Council should focus on an approach based on explaining the rationale behind everything it does. There is often no unequivocally 'right' answer, but there are 'reasonable' ones.
- 3.26 For this reason Local Authorities should try to ensure that the planning balance is clearly articulated. In order to do this it may be helpful to set out a table (for example as set out in **Appendix A** below) which will enable the main issues to be addressed and compared. This kind of systematic approach is necessary to reassure the Planning Inspector (as well as all the interested parties) that sound judgement has been exercised. This could be set out in the Development Strategy Report (see Recommendation 3 above).
- 3.27 A judgement is also required about the appropriate means of approach to different parts of the assessment. A large number of different types of evidence will be considered as the Council makes its decisions, and they will involve different approaches.
- 3.28 Some of these approaches may use a simple criteria-based approach. This is the approach commonly taken to Sustainability Appraisal and Strategic Housing Land Availability Assessments, both of which are accompanied by methodologies explaining the criteria (the SA Scoping Report). Green Belt Assessment is undertaken using the five criteria set out in national policy.

- 3.29 However, whilst comparison between options is necessary for the purposes of consistency, criteria-based approaches are not helpful for some technical areas of assessment. One example of this may be around transport modelling and mitigation, where there needs to be evidence that particular solutions can be delivered. Matters of deliverability are usually not capable of being addressed through criteria-based approaches, and instead rely on Memoranda of Understanding with providers, supported by proportionate evidence as appropriate.
- 3.30 Planning is an art rather than a science, and ‘false precision’ is a pitfall to be avoided. Slavish adherence to criteria-based approaches necessitates weighting and scoring charts, which quickly become very complex and arbitrary, and therefore open to challenge. Instead, the Council should apply the guiding principles set out in the NPPF, which will be the subject of the Examination in Public.

Recommendation 7: Consider planning history (i.e. applications and appeal decisions) within a strategic context

- 3.31 As Local Planning Authority the Council exercises the function of determining planning applications (called ‘decision-taking’ in the NPPF), either by Case Officers under delegated powers or through the Planning Committee, as well as its plan-making function. In cases where permission is refused, some applicants may seek to challenge the decision through the appeals system, and the Planning Inspectorate may either dismiss or allow the appeal depending on a range of factors including the Council’s reasons for refusal.
- 3.32 When considering a planning application, decision-makers assess the specific proposal before them. By contrast plan-making must take account of the principles of development in an area. Plan-makers therefore need to consider whether any of the reasons for refusal or dismissal amount to in-principle reasons why a site cannot be allocated in the Local Plan, or whether the reasons could be addressed through a future planning application.
- 3.33 When considering the decisions of the Planning Committee or the Planning Inspectorate, plan-makers should address a range of factors including whether:
- the provision of a new piece of infrastructure could make the location suitable in planning terms;
 - land assembly agreements between separate landowners and developers are in place;
 - there are other more suitable locations elsewhere which are capable of delivering the overall housing requirement for the District;

- constraints could be addressed through high-quality design and layout;
 - satisfactory mitigation or compensation measures could be provided;
 - *“any adverse impacts of [development] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”* (NPPF Presumption in Favour of Sustainable Development, paragraph 14)
- 3.34 Such matters are likely to affect not only whether a location is suitable in principle, but also what the phasing of a site could be, whether early in the plan period or later on.

Recommendation 8: Demonstrate that the plan is deliverable.

- 3.35 Demonstrating deliverability involves a wide range of factors and evidence. The Advisory Team for Large Applications (ATLAS) has prepared a **‘Deliverability Advice Note’** which draws on experience from Examinations of Local Plans around the country and could help inform the Council’s approach.
- 3.36 ATLAS has also prepared a useful **Note on Build Out Rates from Strategic Sites** which indicates that there is generally a variation between the peak rate of development and the average rate, which in most cases is between 200 and 300 dwellings per year. Consideration of the rate of development is an important aspect of deliverability, because when promoting sites developers are often over-optimistic about how quickly their site could deliver housing. The Council may wish to use the ATLAS note as a benchmark against which proposals can be considered when seeking input and justification for development rates from site promoters.
- 3.37 Deliverability does not mean that development will necessarily occur in accordance with the plan. It means that the Council has considered, and has allowed enough flexibility in the plan to accommodate some degree of changes in circumstances, for example taking account of the economic cycle, and included some consideration of contingencies.

Recommendation 9: Prepare a Duty to Co-Operate Statement

- 3.38 Cross-boundary strategic planning must be carried out ‘constructively, actively, and on an ongoing basis’. All Local Planning Authorities need to be able to demonstrate to the Planning Inspector that this has been achieved. The Planning Advisory Service has prepared a useful template, contained at **Appendix C**, which the Council could use to document that the requirements have been met.

Recommendation 10: Soundness should be the main consideration in driving the pace of the work programme

- 3.39 Local Plans have been criticised for the length of time taken to prepare them. Particularly when Local Planning Authorities have suffered a number of adverse appeal decisions there may be considerable pressure from the community to get the Local Plan in place as quickly as possible.
- 3.40 However, if a Local Planning Authority is insufficiently diligent in achieving a satisfactory resolution of the critical issues, the risks of being found unsound at Examination are very high.
- 3.41 It is therefore of great importance that the Council should focus on these critical issues as the principal driver of the Local Plan. This can be frustrating, particularly if for example the Council is reliant on a third party infrastructure provider to agree a Memorandum of Understanding or to provide other critical evidence. To expedite progress with the Plan, the Council must try to anticipate any potential blockages and devote energies up-front to resolving these with the relevant parties.
- 3.42 In doing so the Council will be aware of the Ministerial Statement by Housing and Planning Minister Brandon Lewis (July 2015) which stated that:
- “As stated in the Productivity Plan we will publish league tables setting out local authorities’ progress on their Local Plans. In cases where no Local Plan has been produced by early 2017 – five years after the publication of the NPPF – we will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan.”*
- 3.43 ‘Production’ of a Local Plan is not defined, but since according to Planning Inspectorate figures a very large number of Local Planning Authorities have not yet produced a draft Local Plan (Regulation 18) it is to be hoped that reaching this stage, or if possible Pre-Submission stage (Regulation 19), combined with the ability to demonstrate sustained and diligent efforts to address the critical issues, should reassure the government that intervention is unnecessary.
- 3.44 **Appendix D** contains charts and tables based on data published by the Planning Inspectorate, which shows that if league tables are published, currently many Local Planning Authorities would be seen as particularly tardy. It remains to be seen whether league tables will make a difference to improving the speed at which Local Plans are produced.

Appendices

Appendix A: Balancing the options

Area of Search	Key considerations	Interim conclusions	Recommendation
1. Description of area	Strategy and vision	<i>How could the option contribute to the achievement of an overall development strategy and vision for the district? How could the sites proposed relate to the existing built-up areas and the landscape?</i>	e.g. Carry forward into the draft Local Plan, do not carry forward into the draft Local Plan, suggest phasing towards the beginning or end of the plan period.
	Constraints	<i>Can local constraints be adequately addressed through layout and design?</i>	
	Opportunities	<i>Are there potential opportunities associated with development in the area, for example to contribute to the vitality and viability of communities, to provide opportunities for walking and cycling to key services and facilities, or to provide leisure and recreation facilities?</i>	
	Deliverability	<i>Is the option deliverable, and can the infrastructure be provided? Can the cumulative impacts of development on existing infrastructure be adequately managed?</i>	
	Phasing	<i>Are there any factors which suggest that development could not happen during the first five years? (e.g. prior mineral extraction, provision of critical infrastructure). What phasing is considered realistic?</i>	
	Cross-boundary planning	<i>Does joint work to date suggest that the cross-boundary implications can be managed? What would the impacts on infrastructure and development outside the district be?</i>	

Appendix B: Sample Local Plan Housing Trajectory

Source of Supply	2011-16	2016-2021	2021-2026	2026-2031	TOTAL
Completions	X				X
Commitments (current planning permissions)		X			X
Windfall (x per year)		X	X	X	X
Site x		X			X
Site y			X	X	X
Site z				X	X
TOTAL Supply					X
Requirement (x per year)					X
Adjustments					
5%/20% buffer brought forward		+X		-X	
Shortfall from 2011-16		+X			

Appendix C: Duty to Co-Operate Statement -Template



PAS Duty to Cooperate Statement Template

August 2015

PAS Duty to Cooperate Statement Template

Under the Localism Act and the National Planning Policy Framework ('the Framework') local authorities have to address strategic planning matters in their local plans. The duty to cooperate is the mechanism for ensuring that this happens. As part of the examination process local authorities should demonstrate how they have **managed strategic planning matters in the local plan in a concise and focused statement.**

The likelihood is that effective cooperation will be critical in relation to:

- defining the appropriate strategic planning area (SPA)
- agreeing the appropriate plan period
- quantifying development needs within the SPA
- agreeing on the distribution of development within the SPA
- establishing what strategic infrastructure is essential to deliver the required development
- agreeing how and when the essential infrastructure will be provided

The most important aspect of demonstrating the Duty to Co-operate is the outcomes: what was the result of the strategic cooperation and how has this influenced the plan?

We hope that this note and template will help local authorities to prepare their statements. It should be adapted to individual needs and used as a prompt to ensure that the relevant information is available for the Inspector.

Your Duty to Cooperate statement

1: Strategic context

Briefly describe your

- strategic geography in a pen portrait. This may be different for different issues;
- strategic development strategy and priorities
- key relationships and bodies you have worked with on strategic issues, particularly links with other local authorities and strategic bodies such as Local Enterprise Partnerships and Local Nature Partnerships;

2: Strategic planning priorities

The list of strategic objectives in the Framework (Paragraph 156) is a useful starting point, but your strategic planning priorities must be linked to your local plan's overall objectives.

Within these overall objectives there may be implications for specific policy areas, such as housing provision, strategic infrastructure needs and employment growth. Your strategic planning priorities may also be narrower in nature, such as provision for traveller sites or delivery of a strategic site which impacts on neighbours.

What are the key policy issues that have been addressed/managed on a strategic basis? For each identified issue set out the following in a short and focussed summary (see appendix 1):

- Define the issue
This must be done in the most specific way possible e.g. the strategic site of XXXX lies on the borders of this authority and two other authorities (X and X). It will provide a significant number of jobs and homes for all three authorities and is therefore considered to be a key strategic issue within the local plan. Vague general statements such as "delivering sustainable long term growth" are not helpful.

Evidence base

What is the evidence used to develop the plan's strategic priorities?

- Actions
What actions did you take to address and manage the strategic issue?
e.g. cooperated with X and X to produce an agreed Master Plan for strategic site XXXXX

Was there any joint evidence developed? Who was involved?
eg a joint SHMA or employment land study. Include timescales for the evidence in an annex to demonstrate how and when key decisions were made (see appendix 2).

- Governance and working arrangements:

Who has been involved/ is affected by these issues and how has the LPA cooperated with them?

What are the governance arrangements for strategic working?

How have the LEP and other strategic partners been involved (there may be different stakeholders involved in different issues)?

Are there any agreements/MoUs to underpin joint working?

The strategic response/arrangements may be different for different issues.

The arrangements must provide confidence that the strategic cooperation will be effective.

- Outcomes from strategic working

What was the result of the strategic cooperation and how has this influenced the plan?

The outcome of the strategic cooperation is the most important element of Duty to Cooperate statement. Specific references to relevant policies should be included where possible. It should be clear where any issues remain unresolved and how the authority plans to manage these.

e.g. agreed approach to providing 15,000 dwellings in the SHMA over 15 years, agreed that District A would accommodate X dwellings etc, Agreed strategic infrastructure priorities which are LP strategy reflects LEP strategic economic plan priorities

- Managing strategic issue on an ongoing basis

How will the strategic issue be managed on an ongoing basis? What are the mechanisms/structures being used to do this? How will this be monitored?

All strategic planning priorities should have a clear delivery plan (including any relevant links to other plans and strategies e.g. LEP's Strategic Economic Plan) and monitoring framework.

Appendix 1
Strategic Planning Issues (suggested template)

<p>1. Strategic Planning issue <i>Define the issue</i></p>
<p>2. Evidence base <i>What is the evidence used to develop the LP's strategic policies?</i></p>
<p>3. Strategic Partners <i>List of bodies engaged with (details of each, make up and constitution etc, to be listed in appendix 3)</i></p>
<p>4. Actions <i>How have you worked collaboratively with your partners? What actions did you take to manage the strategic issue? Was there any joint evidence developed e.g. SHMA? Who was involved? Include timescales for the evidence in an annex to demonstrate how and when key decisions were made (appendix 2).</i></p>
<p>Action : Partners Outcome: Date :</p>
<p>Action : Partners : Outcome: Date :</p>
<p>5. Outcomes from strategic working <i>What was the result of the strategic cooperation and how has this influenced the plan (include specific references to relevant policies where possible)? Include any issues that remain unresolved and how the authority plans to manage these. Outline what the implications are of these unresolved matters</i></p>
<p>6. Ongoing cooperation <i>How will the strategic issues be managed on an ongoing basis? What are the mechanisms/structures being used to do this? How will this be monitored?</i></p>

APPENDIX 2

1. Audit trail of key decisions and processes

Set out the audit trail for local plan preparation, highlighting where key decisions were made on strategic issues and include link to relevant documents/reports. Use flow charts or other pictorial representation as an aid to the Inspector and others. Where the LPA is relying on regular working groups or similar as part of their governance and working arrangements, ensure that minutes reflect the outcome or action arising from any relevant discussions and include web links to the relevant minutes. **Do not include minutes/notes of meetings where there is no specific outcome.**

Include summary of timelines for evidence used to support joint work eg SHMA, strategic framework.

Sample

1. *Officers agree joint project (objectives and project management arrangements)*
2. *Establishment of project governance/technical support*
3. *Project Inception*
4. *Stakeholders workshops (dates and purpose of workshops)*
5. *Officer meeting to consider draft report (outcome of meeting)*
6. *Officer meeting to finalise draft report*
7. *Joint member meeting to sign-off final report (and agree next steps/outcome)*

APPENDIX 3

Organisations engaged

List of key groups which played a role in developing the strategic policies of the local plan and details of how their commitments to actions/outcomes are embedded. Demonstrate how agreements reached between organisations are if not binding, then real commitments and that authorities have member level commitment.

APPENDIX 4

Map of strategic planning area

APPENDIX 5

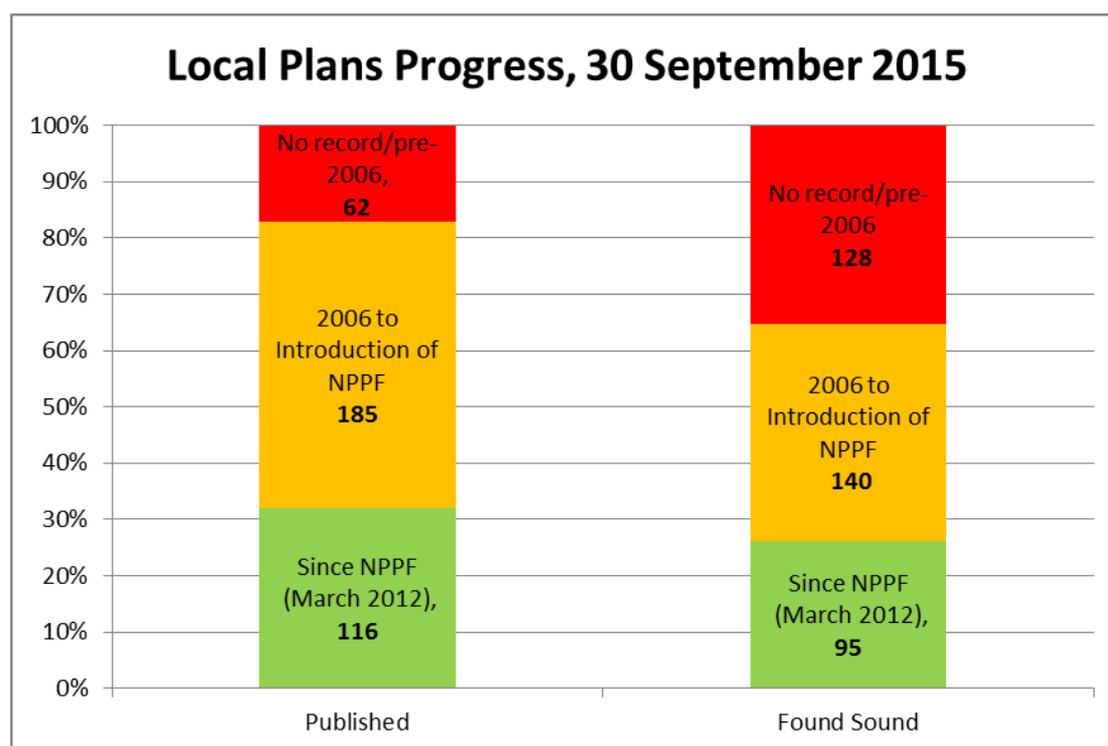
References to key documents

Include references and web links to key evidence, including minutes of relevant meetings. You do not need to include copies of everything in your statement eg legislation, national planning policy and guidance

Appendix D: Progress with Local Plans

'Published' means that a draft Local Plan has been put out to consultation (Regulation 18). The figures here are to the end of September 2015.

	Published	Published %	Found Sound	Found Sound %
Since NPPF (March 2012)	116	32%	95	26%
2006 to Introduction of NPPF	185	51%	140	39%
No record/pre-2006	62	17%	128	35%
TOTAL	363	100%	363	100%
Since 2006	301	83%	235	65%



Based on data published by the Planning inspectorate from the excel spreadsheet of 'Core Strategy progress' maintained by the Planning Inspectorate at <https://www.gov.uk/guidance/local-plans> (see under 'Monitoring Local Plans')

Local Plans 'Found Sound'

Year	Quarter	Found Sound	Running total found sound since introduction of NPPF	Total per year			
2015	July- September	7	95	16			
	April-June	4	88				
	January-March	5	84				
2014	October-December	13	79	38			
	July-September	8	66				
	April-June	9	58				
	January-March	8	49				
2013	October-December	7	41	20			
	July-September	6	34				
	April-June	5	28				
	Jan-March	2	23				
2012 NPPF March	October-December	11	21	28			
	July-September	6	10				
	April-June	4	4				
	January-March	7					
2011	October-December	16	140	48			
	July-September	9					
	April-June	10					
	January-March	13					
2010	October-December	14		140	32		
	July-September	9					
	April-June	5					
	January-March	4					
2009	October-December	4			140	18	
	July-September	6					
	April-June	2					
	January-March	6					
2008	October-December	4				140	21
	July-September	4					
	April-June	7					
	January-March	6					
2007	October-December	4	140				14
	July-September	3					
	April-June	5					
	January-March	2					
Total since Jan 2007		235		65%			235
No records/pre-2007		128		35%			
Grand Total		363		100%			
Total Found Sound since NPPF		95		26%			

Local Plans 'Published'

Year	Quarter	Published	Running total since introduction of NPPF	Total per year			
2015	July- September	2	116	14			
	April-June	2	114				
	January-March	10	112				
2014	October-December	8	102	37			
	July-September	4	94				
	April-June	14	90				
	January-March	11	76				
2013	October-December	7	65	32			
	July-September	11	58				
	April-June	3	47				
	Jan-March	11	44				
2012 NPPF March	October-December	10	33	44			
	July-September	9	23				
	April-June	14	15				
	January-March	11					
2011	October-December	4	185	31			
	July-September	7					
	April-June	4					
	January-March	16					
2010	October-December	14		185	53		
	July-September	15					
	April-June	9					
	January-March	15					
2009	October-December	17			185	32	
	July-September	7					
	April-June	4					
	January-March	4					
2008	October-December	8				185	22
	July-September	7					
	April-June	3					
	January-March	4					
2007	October-December	4	185				17
	July-September	2					
	April-June	5					
	January-March	6					
2006	October-December	6		185			19
	July-September	5					
	April-June	4					
	January-March	4					
Total since Jan 2006		301			83%		301
No record/pre-2006		62			17%		
Grand Total		363			100%		
Total Published since NPPF		116			44%		

Notes on Build out rates from Strategic Sites (July 2013)

- There will be many influences on a forecast housing trajectory from a strategic site. It will essentially be dictated by the rate of sales that the site's developers want and are able to achieve in light of site conditions, business strategies and wider market demand.
- These notes are focussed on greenfield urban extension/new settlement type projects as opposed to inner urban high density flat/apartment type schemes which have particular build and purchaser considerations. The key influences on greenfield sites include:
 - The location, nature and scale of the site, as well as its layout and phasing approach. This will influence how many separate housebuilders could be on site at any one time;
 - The scale of demand within the wider housing market, General economic conditions such as job security and job mobility, and general consumer confidence about buying/moving, as well as mortgage availability;
 - The business strategy and physical capacity of the homebuilder, Each housebuilder would build out units at a rate that fits their business plan, and short/long term approach to their strategic land portfolios; and
 - The type and variety of products, pricing, and extent of competition from other properties for sale both within the site itself and wider geographic area.
- A large site would typically involve multiple developers who would be active at any one time. The precise number of active sales outlets at any one time could vary, but would typically start with a few (especially when creating a new 'place') and increase over time to a steady state. How many active outlets exist on one site will vary depending on the influences set out above. For well established sites in strong areas this could get as high as 10-15. Some of the larger national builders can even operate more than one outlet off a single site, and running these as entirely separate construction and sales outlets under different brands or aimed at different market segments.
- As the number of separate sales outlets grow, the overall build rate will increase. However, doubling the size, the number of outlets or the number of developers may not directly lead to a doubling of the build rate. Ultimately, there will be a finite number of purchasers able and willing to purchase properties in any particular geographic location irrespective of the degree of range and choice of product that can be made available.
- Recent activity has seen developers limiting the number of unit completions from a single outlet to around 30 units per annum, as this allows them to sustain quality and prices and reduce prelim costs by having a single site team. When the market was stronger the figure may have been more within the 40-50 range. Whether the market goes back to these levels is debatable. Recent annual reports from the housebuilders have talked about a focus on "margin not volume" and they appear to now take a more measured approach to new supply. However, this approach could change in light of anticipated increase in demand due to measures in the 2013 Budget such as Help to Buy, and the ongoing role of Funding for Lending to stimulate greater bank lending and mortgage availability.
- Our experience indicates that developers and promoters often tend to overstate trajectories and underestimate the timescales required to bring sites forward. Forecasts could be based upon an ambitious "best case scenario" and/or presented in a positive way to fit to Local Authority land/housing supply needs and aspirations. Care is needed to independently verify whether forecast trajectories would be realistic.
- There is available evidence of large site build out rates to enable a considered and reasonable position to be adopted. Current evidence suggests that annual completions on any one site have very seldom gone higher than 500 units pa even under very strong market conditions.
- It is impossible to provide a standard average rate, but evidence would suggest that forecast trajectories for the very largest sites (say 4,000 units+) may be in the range of 300-500 units pa, and for the smaller strategic sites could be more in the range of 150-300 units pa.
- Some specific examples are set out below and in the table at the end of this document.



East of England Research

- A useful research study by Colin Buchanan in 2005 provides a good overview of the progress of large sites (over 1,000 units) across the East of England from 1980 to 2005. This research was commissioned by Countryside Properties and investigated the length of time required to obtain planning permission and begin construction, the time required to fully develop sites, and the maximum delivery rates at specific locations.
- The research showed a very varied picture. The best performing site was Chafford Hundred in Thurrock which peaked at 677 units in 2002/03, albeit the average over that development's lifetime was only 300 pa. Cambourne peaked at 620 units in 2003/04 with an average of 243 pa.
- The report concluded that the overall rate of development from strategic sites overall was only around 200 dwellings per annum across all the identified individual sites.

Broughton Gate, Milton Keynes

- MK has several large expansion areas that have been building out over recent years and will continue to go forward. It's Core Strategy was examined in July 2012, with Inspectors Report issued May 2013. Information on trajectories for strategic sites was produced for and debated at the Examination.
- Of particular note, the Broughton Gate (and adjoining Brooklands) strategic sites with a combined total of 4,000 units, showed average annual completions of 248 pa with a peak of **439 pa**, when there were 15 active outlets on site. Future forecasts set out a peak of max 400 pa.

The Wixams, Bedford

- Wixams is a planned new settlement of 4,500 units being built on the former Elstow Storage Depot, straddling the Borough boundaries of Bedford and Central Bedfordshire Council areas. The proposals comprise of four new interlinked villages, each retaining its own local village character and feel..
- Gallagher Estates are the master developers for the site. The first village under development is known as Lakeview with active developers including Bloor Homes, Careys New Homes, Lagan Homes, Leech Homes, Miller Homes and Taylor Wimpey.
- In terms of completions to date - 8 dwellings completed in 2008/09. 189 dwellings completed in 2009/10. 159 in 2010/11, and 138 in 2011/12. Future completions forecast approx. 200 per year thereafter.

Northstowe, South Cambridgeshire

- This example illustrates the need for caution on adopting an overly ambitious assumption. The original AAP (adopted 2008) included an anticipated housing trajectory of 150 units in year 1 (08/09), then 400 units, 600, then 650 for the following years, 750 for the following two years, then 850. On these assumptions Northstowe should have delivered approx. 2,500 units by 2013. To date it but has delivered none.
- An outline planning application for the first phase (for 1500 units) has recently been approved in 2013, and the accompanying planning statement makes reference to a completion rate of 100 units Yr1 (2014), then 175, then 275 then peak at 360 the following year, then reducing back down. The document acknowledges that as phase 2 comes forward this would maintain a steady level of provision, albeit this is not set out.

Peterborough

- Hampton is a newly developing township in Peterborough, England. There are currently two neighbourhoods within Hampton - Hampton Hargate and Hampton Vale, still growing. A third area, Hampton Hempsted is now under construction and a fourth, Hampton Leys, has been approved
- Analysis from Peterborough Council indicates that there have been a total of 3,793 unit completions in the period Apr 01 to March 12 (an average 345 pa), with 854 for the 3 years Apr 09 – March 12 (285 pa).



Example Site Specific Housing Completions 1996/97 – 2011/12

Note each individual site will have unique locational, physical and delivery contexts. The information below sets out available data from a variety of sources. Users of this information should reflect carefully upon the specific circumstances influencing their local situation.

Local Authority	Site Name	Ref.	Capacity	Average pa	Highest pa	Start	End	96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	010/11	2011/2012
Thurrock UA	Chafford Hundred	1	5307	205	677	1988	2005	198	177	356	492	489	675	677	262	163							
Peterborough	Hampton - Southern Township	1.2	5200	321	548	1996		149	95	192	356	456	347	340	378	212		548	265	442	498	210	212
Bedford ¹	Wixams	3	4500	265	496	2008														8	198	356	496
Milton Keynes	Broughton Gate & Brooklands	4	4000	281	439	2005											115	439	236	261	439	197	
Colchester	Highwoods	1	3910	77	257	1982	2004	173	252	257	156	88	70	196	40								
Basildon	The Wick, Wickford	1	3555	93	306	1990	2004	190	306	157	157	218	78	125	76								
Harlow	Church Langley	1	3528	167	513	1992	2004	397	466	513	316	158	66	49	35								
South Cambridgeshire	Cambourne	1.6	3300	234	620	1998				126	126	127	213	337	620	151	377	267	219	191	161	206	154
Suffolk Coastal	Grange Farm	1	3150	83	146	1990	2005	146	146	146	146	146	146	146	146								
South Glos	Emersons Green Village Area	5	2870	358	564	1996		161	508	524	564	564	242	160	142								
Broadland	Thorpe Marriot	1	2854	79	279	1988	2000	279	205	219	157	171											
Stevenage	Great Ashby	1	2191	184	319	1998	2005			30	204	319	310	246	100	81							
Braintree	Great Notley Garden Village	1	1766	131	282	1993	2004	195	215	133	84	271	193	282	70								
Huntingdonshire	Loves Farm, St Neots	6	1400	215	336	2008												34	186	336	302	216	
Ipswich	Ravenswood	1	1200	136	226	1999	2005				5	200	60	226	145	182							
Aylesbury ³	Fairford Leys (Coldharbour)	7	1200	133	349								50	220	349	285	170	105	10	6	1		

SOURCE REFERENCES:

- Housing Delivery on Strategic Sites Research Study, Colin Buchanan, 2005
- Planning Policy Monitoring, Peterborough Council (http://www.peterborough.gov.uk/planning_and_building/planning_policy/planning_policy_monitoring-1.aspx)
- Annual Monitoring Report, BDC (https://www.bedford.gov.uk/environment_and_planning/planning_town_and_country/planning_policy/annual_monitoring_report.aspx)
- Core Strategy: Housing Technical Paper, MKC, 2011. (http://www.milton-keynes.gov.uk/planning-policy/documents/Housing_Technical_Paper_24.3.2011.pdf)
- Assessment of Deliverable Housing Sites, BNP Paribas for SCDC, 2013 (https://consultations.southglos.gov.uk/gf2.ti/f/251202/10215685.1/PDF/-/BNP_Paribas_Assessment_of_Deliverable_Housing_Sites.pdf)
- Major Housing Development, Cambridgeshire CC (<http://www.cambridgeshire.gov.uk/NR/rdonlyres/3506BA52-AC5F-436E-A562-D3DBCEE4109/0/Mar13CambridgeshireMajorHousingCompletionsandCommitments.xls>)
- Housing Completions, AVDC (<http://www.aylesburyvaldc.gov.uk/local-development-plans/planning-policy/monitoring-info/>)



Strategic Sites Deliverability Advice Note

29-08-14

1. Introduction

This note sets out advice on key infrastructure and site deliverability considerations at emerging potential strategic sites. It follows discussion regarding delivery of major, cross boundary sites through the draft Local Plans. It focuses on two key aspects:

- Draw knowledge from comparable projects and experiences (sharing transferrable lessons from other projects and Local Authorities that have been considering issues relating to large scale growth); and
- Provide advice on infrastructure deliverability and plan making, reflecting upon the current available information and potential requirements of the plan making system.

In this note, the term 'strategic site' refers to both Strategic Site Allocations (SSA) and Broad Locations.

2. Deliverability and Soundness

Section 20(5) of the 2004 Act provides that the purpose of an independent examination in to a Local Plan is to determine in respect of the development plan document:

- whether it satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of development plan documents; and
- whether it is sound.

This note draws on general guidance on deliverability, namely:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Planning Inspectorate - Examining DPDs: Learning Lessons from Experience' (September 2009)
- Planning Advisory Service (PAS) - 'Successful plan-making: Advice to practitioners' (July 2013)
- Harman Review of Viability Evidence for Plan Making

3. Principles for Strategic Sites

Identified below are some key principles as to how evidence could be tailored according to when strategic sites are due to come forward.

(a) Identify the critical/essential pieces of infrastructure

These are items which, if not delivered, would mean that development could not come forward. Is the infrastructure clear, costed, realistically timed and capable of being funded?

(b) Engage directly with timing issues

In demonstrating deliverability the relationship between phasing and viability is critical. The importance of providing a significant amount of strategic infrastructure at the earliest possible opportunity must be balanced against the recognition that for developers of strategic sites, cash flow in the first five years is vital to ensuring that the whole scheme can be delivered. There are often

certain items of strategic infrastructure such as roads, education and healthcare provision which are viewed as pre-requisites to development to enable the development to be accessed or serviced. In such cases it is essential to understand the costs of such provision and the impact on the phasing and viability of the scheme. It is often helpful to set out trigger points for the provision of items of infrastructure and potential embargoes to be put in place to prevent further development until certain items have been provided. An appropriate balance needs to be struck between certainty and an undesirable lack of flexibility.

(c) Clarify the relationship to the Infrastructure Delivery Plan & demonstrate an effective partnership approach

The funding and implementation of the infrastructure needs are, in many cases, directly linked because the funding of an item of infrastructure might dependent on who delivers it, and vice versa. Where it is not appropriate to definitively say how this will be done, or it will be part of negotiations for a planning application, reasonable assumptions should be explicitly stated. The implications of any alternative approaches should also be considered. LPAs and infrastructure providers should as a minimum come to an Examination into a Local Plan with a statement of common ground that includes consideration of the key infrastructure issues.

(d) Show flexibility in aligning planning application processes with plan preparation

In situations where an outline planning application is in the early stages of preparation a pragmatic approach can be adopted whereby evidence gathering is brought together to save time and resources. This could, for example, include capacity testing of an illustrative layout together with an enhanced understanding of the environmental, technical and planning context of the site. This need not try to answer every detailed issue normally addressed at the outline planning application stage but should be capable of addressing issues critical to the delivery of the scheme. Where viability testing indicates significant risks associated with early delivery (see viability below) of infrastructure, it will be necessary to demonstrate flexibility in the policy approach to infrastructure requirements.

There will also be circumstances where a local authority wishes to progress a site in parallel with the Local Plan. This requires continued close working between a local authority and landowner/developer on a site specific proposal (particularly during the pre-application phase). The use of a Planning Performance Agreement (PPA) can greatly assist this process.

(e) Consider drawing evidence together into a concise delivery plan

In some cases it may be appropriate to draw together deliverability evidence in a concise delivery paper. A summary of the proposed infrastructure delivery along a timeline is often advisable to show the period over which an infrastructure item is delivered, starting with the planning and design, through its construction to the point at which it is available to serve the development. In some cases the preparation of a Development Framework can usefully form a part of the evidence base if pitched at the right level. This should avoid being too prescriptive or detailed but can help establish a strategic context for the allocation as well as set out the process for dealing with subsequent planning applications and design codes. It should be remembered that whilst the detail regarding planned infrastructure can be set out in supporting evidence which can be updated regularly (NPFF Para 47), the critical/essential infrastructure on which delivery is dependant need to be embedded in the Local Plan itself.

(f) Demonstrate contingency planning

Effective contingency planning in the context of large scale allocations can help support the evidence base in the current economic climate. Developing a strategy for dealing with slippages and delays is recognised good practice and increasingly under scrutiny by PINS. Questions to pose may include, for example, how would a community cope with the loss or slippage of individual phases or individual elements of critical/essential infrastructure in its early stages of delivery? How will services be

provided? What tools and mechanisms are available to review and monitor the situation and how could this be managed?

(g) Clearly identify how, when and by whom further attention to master planning & design will follow

The inclusion of a basic concept plan as part of a site-specific policy in a Local Plan can help provide confidence over delivery. Identifying next steps is also a key element. In the case of broad locations this may include a stated commitment to working up the detail in a Site Allocations Document or an Area Action Plan with associated timings for delivery. The general trend is towards a single unified plan so convincing justification will be needed to relegate too much detail to subsequent documents. In the case of SSAs the policy may require the working up of detail via a masterplan which in turn could be adopted as a Supplementary Planning Document. Milestones for progression of the development e.g. application submission and commencement on site, phasing and consequences ought to be outlined. In either event, clear next steps should be spelt out so that there is a shared understanding of the design and development process. This can be particularly important in situations where land ownership is fragmented and different delivery models are being deployed. Where the master planning process is already well advanced there will already be a greater understanding of the technical issues, potential mitigation measures, development costs and overall viability.

(h) Develop flexible site-specific policies

Site-specific policies should be drafted with reasonable flexibility to allow for scheme development and financial viability in changing economic circumstances. Policies should not preclude development in certain parts of the site without clear reason or be overly prescriptive in terms of phasing. They should also avoid spurious accuracy when quoting figures and unnecessary detail.

4. Delivery Timeframe and Evidence Required

One clear message from the general guidance outlined in Section 3 above is that the breadth and depth of evidence needed to demonstrate deliverability will vary depending on when development is expected to come forward. For delivery within the first five years of a plan, a relatively high degree of certainty is required. However, expectations are less in relation to development that is expected to come forward in the medium to longer term.

In terms of strategic sites, this raises the following issues that need to be addressed:

Sites being delivered in the short term (1 – 5 years)

- Is there a high degree of certainty that detailed delivery matters such as land availability, assembly and infrastructure requirements have been resolved? If not all the answers are available what assumptions have been made about these matters?
- Does the evidence base in its entirety amount to a convincing and coherent story? Is there a need to bring together fragmented evidence into a single coherent delivery strategy or plan?
- Does the evidence base deal with the “what ifs” and demonstrate that all sensible efforts have been made to get answers?
- Does the evidence base identify and resolve the critical bits of infrastructure and are these plotted on a timeline?

Sites being delivered over the medium to longer term

- Is there ‘agreement in principle’ from key agencies involved in delivery (including infrastructure provision)?

- Where the site is reliant on funding sources other than the development itself does the evidence base demonstrate the proposal is the type of scheme that is likely to attract funding and identify the likely sources?
- How effectively does the evidence base relate to the Infrastructure Delivery Plan?
- How effectively have communities, external bodies and statutory consultees been engaged? Does the evidence base demonstrate a strong public/private partnership approach with appropriate mechanisms for driving projects forward and resolving obstacles?
- Have alternative locations been thoroughly tested and is there a convincing explanation for selecting the site in question?
- Does the evidence based demonstrate that monies involved are not extraordinary given the nature of proposal?
- Where design remains at an early stage and a comprehensive master planning approach is being promoted, have the next steps been clearly identified?

5. Dealing with viability

Dealing with viability, particularly in the context of early planning for complex strategic sites, can be difficult to tackle. Because of the widely different economic profiles of sites within an area there is no one size fits all approach. However, evidence is required to demonstrate a strategic site is generally viable, even in the case of broad locations, as vague statements of viability from interested parties are unlikely to carry weight. The onus to provide evidence is likely to be even more significant in situations where allocations are being carried forward from previous plans and little or no development has occurred in the intervening period.

The approach to assessing plan-wide viability is addressed in advice by the Local Housing Delivery Group chaired by Sir John Harman (2012) and the NPPG. The Local Housing Delivery Group make the point that *“viability assessments of Local Plans should be seen as part of the wider collaborative approach to planning and a tool that can assist with the development of plan policies, rather than a separate exercise.”* A number of case studies explored by ATLAS have identified the following issues to deliberate when tackling viability:

- Maximise the scope for alignment of assessments such as CIL and Local Plan viability testing. This will help with efficiency savings in procurement as well as maximising consistency in approaches and methodologies.
- Timing issues are important because the single biggest influence on viability is usually house prices. The test of viability is not that the site(s) earmarked for development need to be financially viable at the present time. It is quite reasonable to anticipate some recovery in house prices and in market conditions generally where there is professional evidence to suggest that this might occur. In addition, consider what of the infrastructure required needs to be provided by when (i.e. inter-related phasing of all elements)?
- Ensure there is sufficient transparent evidence to allow testing. General statements from developers saying it can be funded are unlikely to carry much weight. Whilst commercial considerations may limit the extent to which sensitive data can be released there must be sufficient transparent evidence such that assumptions can be tested and to avoid the actual calculation being hidden or obscured by detail.
- Consider using a reasonable degree of scenario testing. One approach for a SSA would be to examine the viability of each core phase and, critically, the allocation as a whole against different economic scenarios. A reasonable degree of scenario testing will help demonstrate a development is viable across a range of economic scenarios and is suitable in the case of medium to longer term developments. In cases where no specific development proposals are emerging yet, the appraisals provided are likely to be based upon very broad assumptions in respect of design, layout and quantity of development. It is generally accepted that many of the assumptions will change and therefore the residual land value is likely to fluctuate, possibly to a significant degree.

- Consider using tools such as the HCA's Development Appraisal Tool to run these high level overviews of potential viability based on the residual valuation principles. This tool is widely recognised and readily available. It enables users to look at development periods which span over several years. Other tools are available and it may depend on the type of development model being deployed e.g. land trading model may demand a different approach using Internal Rate of Return (IRR). More guidance is available in the RICS guidance note Financial Viability in Planning.
- Continue to keep in mind the value at which land will typically come forward for development. As stated by the Local Housing Delivery Group report it should be noted that, on large complex sites, there are additional costs of site assembly and planning promotion that will need to be factored in. Special consideration also needs to be given to the manner in which Threshold land Value is treated (see Harman Review for further guidance p.29-31).

6. Lessons from Examinations

Review of Examinations

To supplement the above principles ATLAS has identified 11 Local Plans whose Examinations raise particularly relevant issues in relation to deliverability of strategic sites. The review focusses primarily on district-wide plans and sought to learn lessons on the level of evidence on the deliverability from those plans that have been found to be both sound and unsound (or where the Inspector has made clear that they have significant concerns about the effectiveness of a proposed plan). It considered:

- Overall approach to delivery of strategic sites (Allocations, Broad Locations, future Allocations DPD/AAP/SPD or combination);
- Evidence to support proposed transport and other infrastructure; and
- Evidence to support overall delivery/viability of proposed Allocations/Broad Locations.

The examinations that were investigated are set out in the table below and the detailed findings are set out in Appendix 1 (separate document).

It should be noted that every plan that we have looked at will have a unique context and set of influences. Each will involve a considerable evidence base and many individual stakeholders. In the time available, our approach has been to undertake an initial high level review based primarily upon the Inspector's final reports, and therefore the findings may not be fully reflective of the full context and should not be taken as definitive or comprehensive.

Development Plan	Decision
Central Lancashire Core Strategy Central Lancashire Authorities (Preston, South Ribble and Chorley)	Sound subject to Modifications
Derriford and Seaton Area Action Plan Plymouth City Council	Plan found unsound
East Hampshire District Local Plan Joint Core Strategy East Hampshire District Council and South Downs National Park Authority	Examination suspended; further work being undertaken
Fareham Core Strategy Fareham Borough Council	Sound subject to Modifications
Halton Core Strategy Halton Borough Council	Sound subject to Modifications
Melton Borough Core Strategy	Plan withdrawn following Inspector

Melton Borough Council	recommendations
Milton Keynes Core Strategy Milton Keynes Council	Sound subject to Modifications
Newark and Sherwood Core Strategy Newark and Sherwood District Council	Sound subject to Modifications
Tamworth Local Plan Tamworth Borough Council	Plan withdrawn following Inspector recommendations
Taunton Deane Core Strategy Taunton Borough Council	Sound subject to Modifications
Winchester District Core Strategy Winchester City Council and South Downs National Park Authority	Sound subject to Modifications

7. Key Lessons for Strategic Sites

Broad Locations/Allocations/SPDs

- Need for sufficient housing sites to be allocated in Plans themselves, rather than the promotion of sites identified in the SHLAA by way of SPDs (which is uncertain/risky) (Tamworth).
- It is not essential that all necessary transport infrastructure is identified before designating a Broad Location, providing that the highway authorities (County and Highways Agency) do not object in principle and that there is a commitment to continue to liaise with all relevant parties in a collaborative way. A process for identifying additional supporting infrastructure (e.g. Highways and Transport Masterplan feeding in to an Allocations DPD) helps provide confidence, but is not essential (Central Lancashire Authorities).
- Allocations need to establish key principles (including constraints, land uses and scale, necessary infrastructure, thresholds for the delivery of infrastructure, funding, delivery and milestones) and masterplans can help achieve this (Tamworth).
- A Core Strategy which does not in itself allocate sites needs to commit to the preparation of the early production of a subsequent development plan that allocates sites within identified Broad Locations in order demonstrate that there is realistic prospect of development taking place (Taunton Deane and Central Lancashire Authorities).
- A 'Strategic Sites and Locations Assessment' (or similar) can helpfully set out the reasoning behind the selection of proposed sites/locations as well as the reasons why other sites/locations have not been favoured (Central Lancashire Authorities).
- Need for allocations to be realistically deliverable (not aspirational) – the existence of an undetermined planning application does not negate the need for evidence on deliverability (Plymouth).

Overall evidence

- Evidence needs to be transparent and available for scrutiny for it to be given weight (Fareham).
- Proposed Allocations need to be based on a thorough understanding of evidence in in the SHMA, SHLAA and an assessment of the effectiveness of carrying forward previously allocated sites (which have not delivered despite allocation) (Tamworth).
- Need for up-to-date evidence relating to the objectively assessed housing requirement (East Hampshire).
- Importance of sufficient information to demonstrate likely financial viability (Melton and Tamworth).
- Importance of up-to-date evidence on demand (Plymouth).

- Importance of evidence to support infrastructure needed to support development expected to come forward in the next five years (Plymouth).

Engagement

- Need to demonstrate adequate engagement with infrastructure providers over infrastructure requirements and for these to be reflected in the plan/IDP (Melton and Police).
- Demonstrating an approach to project governance, involving all the key parties, is helpful to give confidence that issues can be addressed collaboratively (Fareham).

Promoters/developer evidence

- Evidence of consultation with landowners and prospective developers is important (Milton Keynes).
- Comprehensive evidence from promoters/landowners is important in building confidence and addressing uncertainty, with Statements of Common Ground between LPAs and promoters (East Hampshire and Taunton Deane).

Duty to co-operate

- Importance of duty-to-co-operate issues for those SSAs/Broad Locations that are close to District boundaries (East Hampshire).
- If relying on the delivery of additional housing in a neighbouring authority to help meet the objectively assessed housing requirement, such housing should be physically related to the District and there needs to be sufficient evidence to demonstrate likely delivery (including mitigation of likely impacts on the host and exporting authorities, infrastructure requirements and financial viability) (Tamworth).

Uncertainty

- Whilst the Core Strategy was the place to make the key in principle decisions, future planning stages could confirm details and resolve matters that may be outstanding (Fareham).
- Uncertainty in terms of specific infrastructure works or their funding is not fatal; as long as a reasonable level of work has been done to show that there are options to address issues, and the key relevant stakeholders have not objected or identified (with evidence) potential show stoppers (Fareham, Taunton Deane and Winchester).
- Evidence of past delivery by LPAs of housing and associated infrastructure helps provide confidence that sites are likely to be delivered in the future (Milton Keynes and Central Lancashire Authorities).
- Detailed traffic impacts and associated mitigation are matters that are capable of being left to be determined by Transport Assessments associated with specific proposals (Newark and Sherwood).
- Importance of contingency planning. Monitoring is not enough – need to outline how and what actions would be undertaken to keep the plan on track (Plymouth).

Wider contribution/benefits

- Infrastructure required to support new development at SSAs may also be required to support new development elsewhere (Halton).
- Opportunity to improve facilities/services for existing residents as well as provide for future residents is a relevant consideration (Newark and Sherwood).

Masterplans

- Indicative masterplans are helpful in building confidence over deliverability (Taunton Deane).
- The inclusion in the Plan of illustrative ‘masterplans’ (in this case basic development frameworks/organising diagrams) help provide confidence over delivery (Newark and Sherwood).

Policy Wording

- Policy wording should be suitably flexible so as not to unnecessarily preclude development in certain areas or to be too prescriptive in terms of the phasing of development (Newark and Sherwood)
- Policy wording should be suitably flexible to take account of economic viability (Milton Keynes).

- Assumptions on build-out rates and what amount of housing and commercial floorspace could be delivered over a plan period need to be realistic, reasonable and deliverable (East Hampshire and Plymouth)¹.
- Allocations' policies should be drafted with reasonable flexibility to allow for scheme development and financial viability in changing economic circumstances, avoid spurious accuracy when quoting figures and avoid unnecessary detail (Winchester).

Other

- Need to fully understand mineral extraction/land reclamation issues, where relevant, (including timetable, costs, impact on masterplan and impact on investor confidence) (East Hampshire).

¹ Please see ATLAS notes on build-out rates from Strategic Sites (July 2013)

Strategic Sites Deliverability Advice note

Appendix 1: Detailed Findings of Review

<p>Local Planning Authority: Central Lancashire Authorities (Preston City Council and South Ribble and Chorley Borough Councils)</p>	<p>Name of Inspector: Richard E Hollox</p>
<p>Development Plan: Draft Central Lancashire Core Strategy</p>	<p>Decision: Sound, subject to additional modifications. Inspector's Report 07-06-12</p>
<p>Background Hearings in June and July 2011 and March 2012 – substantially before the repeal of the North West of England Plan, the publication of the NPPF or the 'duty to co-operate'.</p> <p>Overall Approach Concentrate growth in the Preston/South Ribble Urban Area, focussing on regeneration opportunities in:</p> <p>3 x Strategic Locations (as broad locations where precise boundaries have not yet been defined, but which are central to the achievement of the Core Strategy)</p> <ul style="list-style-type: none"> • Central Preston Strategic Location (including City Centre, Inner East Preston, Thithebarn Regeneration Area and the new Central Business District) • North West Preston (including Higher Bartie and Broughton/Land at Eastway <i>(addition)</i>) • South of Penwortham and North of Farington <i>(addition)</i> <p>4 x Strategic Sites (allocated in the plan) at Buckshaw Village; Cuerden; BAE Systems, Samlesbury; and Cottam <i>(previously a Strategic Location)</i>.</p> <p>Subsequent separate Site Allocations DPD or individual AAPs would follow to allocate further sites and establish implementation proposals for the strategic locations.</p> <p>Key Relevant Issues</p> <p><u>1. Effectiveness of the vision and proposals for growth (including proposed Strategic Locations and Sites)</u></p> <ul style="list-style-type: none"> • The above 'overall approach' includes a number of changes proposed by the Councils at Examination stage and supported by the Inspector's proposed modifications. This included: <ul style="list-style-type: none"> ○ Making Cottam an allocated Strategic Site rather than a Strategic Location (existing allocation, partly developed, resolution to grant permission on part and another part subject to an outline application). The Inspector agreed referring to the sites combined size, substantial contribution to housing requirement and advanced nature of proposals; ○ Identifying two additional Strategic Locations. The Inspector referred to their proximity to the main built-up area and consequential access to services, particularly public transport and the potential for their improvement to wider benefit. These were supported by the majority of house builders at the Hearings and the Inspector noted that this "bodes well for deliverability." • The Inspector notes that the Council's evidence on infrastructure requirements has been thoroughly assessed and not seriously challenged – with the County and Highways Agency (HA) supporting the proposals in principle (on the proviso that they will necessitate major additions to transport infrastructure). This was in the face of some quite serious reservations by the County and HA. The Inspector supported the County's proposal to add supporting text making it clear that a Highways and Transport Master Plan was a prerequisite to informing the production of detailed proposals for supporting infrastructure, to be set out in the proposed Site Allocations DPD, but did not consider that this was essential. • The Inspector referred to examples of where permissions for new housing had secured financial contributions towards improvements to a motorway junction referring to "the track record so far is good" and "these examples install confidence that the Councils will secure reasonable contributions..." 	

- When discussing locations of growth in other places, the Inspector refers to the strength of a Strategic Sites and Locations Assessment which sets out the reasoning behind their selection as well as the reasons why other sites/locations have not been favoured (including descriptions and a comprehensive criteria-based analysis).
- Support for proposed modifications that explain monitoring and contingency arrangements should housing delivery fall below 80% of the housing requirements over a 3 year rolling average (e.g. phasing policies could be changed in the proposed Site Allocations DPD to help bring forward uncommitted development, closer management of delivery with partners and bringing forward additional/alternative sites for housing).

2. Delivery and monitoring

- The Inspector commends the Infrastructure Delivery Schedule (IDS) as a 'living document' that accepts the need for consultation, monitoring and updating and for being realistic in its acceptance of uncertainty. The report uses examples that give weight to the Councils' commitment and progress to date and accepts that the "inevitability of changes in financial circumstances" on various projects. The Inspector also stresses the importance of the proposed monitoring framework.

3. Effectiveness in meeting local housing needs

- There were calls for certain land in the proposed two additional Strategic Locations that benefitted from planning permission or a great deal of preparatory work to be classified as Strategic Sites. The Inspector concluded that this would be premature given the proposal to prepare a Sites Allocations DPD and that there is nothing in principle to prevent a planning application being made for land within a Strategic Location. "The balance of advantage is with the identification of Strategic Locations as a precursor to the judicious definition of actual sites."

4. Effectiveness in meeting special housing needs, including affordable housing

- The Inspector supports proposed modifications to the affordable housing policy to make clear that it is sought, not required, and that it is a platform for negotiations over viability and tenure split etc.

Lessons:

- It is not essential that all necessary transport infrastructure is identified before designating a Broad Location, providing that the highway authorities (County and Highways Agency) do not object in principle and that there is a commitment to continue to liaise with all relevant parties in a collaborative way. A process for identifying additional supporting infrastructure (e.g. Highways and Transport Masterplan feeding in to an Allocations DPD) helps provide confidence, but is not essential.
- Evidence of past delivery by LPAs of housing and associated infrastructure helps provide confidence that sites are likely to be delivered in the future.
- A 'Strategic Sites and Locations Assessment' (or similar) can helpfully set out the reasoning behind the selection of proposed sites/locations as well as the reasons why other sites/locations have not been favoured.
- Need process for identification of actual sites within an identified Broad Location via a subsequent DPD or AAP.

Local Planning Authority: Plymouth City Council	Name of Inspector: Andrew Seaman
Development Plan: Draft Derriford and Seaton Area Action Plan 2006-2021	Decision: The Plan does not provide an appropriate basis for the planning of the Area and is consequently not sound. (23-08-13)
<p>Background The Plan was examined in March 2013, prior to the revocation of the Regional Spatial Strategy for the South West.</p> <p>Overall Approach Area Vision Statement in Core Strategy established a vision for the area. The Core Strategy committed the Council to preparing an AAP to deliver this vision. The AAP sets out an approach (including Design Codes, Public Realm Strategy, a Delivery Plan and Consultation Strategy) to deliver approx. 2,950 homes, new commercial, retail and education facilities.</p> <p>Inspector's Key Concerns on deliverability</p> <p><u>Deliverability of sites</u> The Plan is not supported by adequate evidence that demonstrates the timely deliverability of key sites across the Plan period. The report goes through a number of employment and mixed-use sites including the following:</p> <p><i>Policy DS06 - Plymouth International Medical Technology Park (PIMTP) (40,000sqm)</i></p> <ul style="list-style-type: none"> • Insufficient clarity as to how much of the PIMTP site may be acceptably brought forward, due to limitations with the existing transport infrastructure ahead of the Forder Valley Link Road (FVLR) which is not scheduled for effective completion until 2020. • Viability evidence shows that speculative office development is not currently commercially viable. <p><i>Policy DS07 - Tamar Science Park (20,000sqm)</i></p> <ul style="list-style-type: none"> • Evidence prepared in 2009 in more buoyant economic circumstances. Little up to date evidence to suggest that this is deliverable in the short term (what there is suggests not). <p><i>Policy DS13 – Seaton Neighbourhood (Approx. 770 homes, 4,500sqm local centre)</i></p> <ul style="list-style-type: none"> • Lack of clarity on how development would be phased and when the FVLR will be required to enable completion of the entire proposal (Proposal refers to only a small % of homes being permissible ahead of the FVLR). Imprecision undermines the likely effectiveness (notwithstanding that there is a current planning application). <p><i>Policy DS16 - District Centre (approx.8,000sqm)</i></p> <ul style="list-style-type: none"> • Not convinced of the need for a centre and how this would strengthen the role of the PIMTP as a strategic employment site. The loss of this employment land in advance of an update to the city-wide economic evidence base (currently under way) would not be justified. <p>Policy DS08 – Crownhill Retail Park (approx. 80 homes and 2,000sqm offices)</p> <ul style="list-style-type: none"> • Again little evidence that this would be deliverable. <p>Policy DS12 – Glacis Park (15,000sqm offices and 700 homes)</p> <ul style="list-style-type: none"> • Viability evidence does not support the deliverability of the proposed office content. <p><i>Overall</i> Viability and sensitivity testing highlights the challenges faced by office development. The strategy appears aspirational rather than realistically deliverable.</p> <p><u>Uncertainty that necessary modal shift could be delivered</u> The Plan is not supported by evidence to indicate that the timely modal shift necessary to ensure transport infrastructure will be able to accommodate the development proposed within the area can</p>	

be secured. Key issues include:

- A386 close to capacity at peak times;
- Transport modelling shows the limitations of the existing transport infrastructure in accommodating the proposed levels of development, even if subject to capacity improvements. A transformation in travel behaviour is needed (reducing predicted number of car trips from new development by a “very challenging” 50%);
- Highway Agency highlighted doubts that infrastructure proposals would achieve the required modal split; and
- Changing Travel Behaviour (Policy DS17) is in part dependent on the delivery of a range of infrastructure improvements (Policies DS18 and DS19) – which would be delivered over time, so any modal shift would be gradual.

Uncertainty about transport infrastructure

The Plan is not supported by evidence that the transport infrastructure shown within the Plan is deliverable in a “timely fashion”.

Policies DS18 and DS19 outline proposals for 2 x new link roads (FVLR and Marjon Link Road) and improvements to existing highways (junctions, bus lanes, bus stops etc.). Concerns:

- Associated Delivery Framework shows that some key elements would not be delivered until 2020 or 2026;
- Costs of FVLR have risen and it has slipped down the Council’s priorities (partly due to delay in delivery of development);
- Uncertainty as to how the FVLR will complement/serve the anticipated total levels of development proposed at the Seaton Neighbourhood, PIMTP and Seaton Barracks. Lack of “reasonable prospect” of delivery;;
- Funding arrangements unclear (£25m+) – background paper highlighting possible funding sources and previous success at securing funding is not sufficient.
- Assumptions about locally generated funding (s.106, CIL and New Homes Bonus, possible TIF) not convincing, given viability concerns about development and that it is unlikely to come on stream to fund infrastructure at the time it is needed. “Reasonable doubt” as to funding and lack of robust contingency planning (monitoring is not enough – needs to lead to actions that would secure the effective and timely delivery of the Plan).

Lessons:

- Importance of evidence to support infrastructure needed to support development expected to come forward in the next five years
- Build-out rates need to be reasonable and deliverable – taking account of viability.
- Importance of up-to-date evidence on demand
- Need for allocations to be realistically deliverable (not aspirational) – the existence of an undetermined planning application does not negate the need for evidence on deliverability.
- Importance of contingency planning. Monitoring is not enough – need to outline how and what actions would be undertaken to keep the plan on track.

Local Planning Authority: East Hampshire District Council (EHDC) and South Downs National Park Authority (SDNPA)	Name of Inspector: Anthony Thickett
Development Plan: East Hampshire District Local Plan Joint Core Strategy	Decision: Significant concerns, further work required to before the plan could be found sound. Inspector's Letter 23-11-12
<p>Background</p> <p>The Plan was examined in October and November 2012. This was before the revocation of the SE Plan.</p> <p>The Inspector's letter following the Hearings set out a number of concerns and recommended that (amongst other things) the Authorities:</p> <ul style="list-style-type: none"> • Produce an up to date SHMA to assess the need for housing and affordable housing • Subject to the results of that exercise, consider making provision for an increased number of dwellings and/or set out results of discussions with neighbouring authorities in relation to meeting any unmet need in the District • Define the extent to which Whitehill and Bordon is expected to meet need that would not be met in the rest of the District (see discussion below re: Waverley) • Explore the implications of pre extraction on the timetable for the delivery of housing at Whitehill and Bordon. If pre extraction would introduce significant delays in the delivery of new housing at Whitehill and Bordon, assess the impact on the District's 5 year supply of housing and consider whether any immediate shortfall should be met elsewhere (see discussion below) • Produce an updated viability study in relation to affordable housing which takes into account requirements set out by policies in the JCS that may have an impact on viability <p>The Examination was suspended for 9 months to allow for the above. Further Modifications have been published and the Hearings are set to begin again at the end of October 2013.</p> <p>Overall Approach</p> <ul style="list-style-type: none"> • Strategic Allocation of Whitehill and Bordon (4,000 homes and 5,500 jobs) – specific policy with proposed land-use budget and references to masterplan, a specific transport strategy and specific infrastructure requirements) • Central Hampshire to accommodate 4,400 homes and South Hampshire to accommodate 1,320 homes – some site referred to, but not allocated, with reference to other sites being identified through a separate Development Allocations DPD or Neighbourhood Plans <p>Whitehill Bordon Strategic Allocation</p> <p><u>Key evidence on delivery:</u></p> <ul style="list-style-type: none"> • Interim Statement and Infrastructure Schedule (CD11/E13) - sets out specific infrastructure requirements for Whitehill Bordon (total cost estimated as approx. £215m). • Viability Assessment of Whitehill and Bordon Eco-town Masterplan (CD11/WBV02) – based on a set of key assumptions and sensitivity testing. • A comprehensive Statement of Common Ground between EHDC/SDNP and Whitehill & Bordon Eco-Town Landowners' Group (CD12/SOCG5) addresses the following: <ul style="list-style-type: none"> ○ Memorandum of Understanding between landowners ○ Existence of a Delivery Board ○ Existence of an overall Eco-town masterplan ○ Commitment to submit an outline application ○ Representations made, issues agreed and proposed modifications ○ Areas of LoG support for the plan (including that LoG would not be solely responsible for/pay for the delivery of the entire town and that some form of public sector investment of funding is needed to facilitate delivery of the project – particularly in terms of necessary early infrastructure). ○ Agreed approach to addressing viability and delivery issues. <p>EHDC revised its housing trajectory for the proposed new 'Eco-town', with a more conservative</p>	

estimate of 2,725 homes being built over the plan period (up to 2028) (with a peak of 270 homes per year) (EHSD024).

Key Inspector Decisions

- The four year old SHMA was out of date and needed updating.
- The more recent Local Housing Requirements Study includes figures that do not include any unmet requirements from neighbouring authorities, although Waverly Borough Council had explored whether its unmet need could be accommodated at Whitehill Bordon.
- Not convinced by a Statement of Duty to Co-operate (CD4/30) that acknowledged that the allocation may accommodate people who live or would desire to live in Waverley, but that it “would currently be unreasonable to formally state this.” The Inspector considered that it may be acknowledged in the future that Whitehill and Bordon would provide houses to satisfy unmet need in Waverley.
- A significant part of the Whitehill Bordon allocation site lies on top of soft sand and Policy MWP of the proposed plan safeguards this resource. The Inspector considered that extraction would not be a simple matter and that it would inevitably delay the provision of some of the housing (and the new town centre). He was also concerned that the requirement for prior extraction would be likely to have an impact on how attractive the town is to private investors. He was not satisfied that a hybrid outline/full application in 2013 would allow prior extraction to be investigated. He thought that it needed to be investigated at the plan stage.

Lessons:

- Need for up-to-date evidence relating to the objectively assessed housing requirement.
- Assumptions on build-out rates and what amount of housing could be delivered over a plan period need to be realistic
- Importance of duty-to-co-operate issues for those SSAs/Broad Locations that are close to District boundaries
- Comprehensive evidence from promoters/landowners is important in building confidence and addressing uncertainty.
- Need to fully understand mineral extraction/land reclamation issues, where relevant, (including timetable, costs, impact on masterplan and impact on investor confidence)

Local Planning Authority: Fareham Borough Council	Name of Inspector: Michael J Hetherington
Development Plan: Draft Fareham LDF Core Strategy	Decision: Sound, subject to additional modifications. Inspector's Report dated 20-07-11

Background

The Plan was examined in May 2011, prior to the revocation of the South East Plan, the publication of the NPPF and the Duty to Cooperate.

Overall Approach

- The plan included four strategic sites, two coming forward as strategic allocations (to be followed by subsequent SPDs) and two as strategic locations (to be followed by AAPs)
- The most significant and challenging component of the plan was a strategic location for the North of Fareham Strategic Development Area (SDA) comprising of 6,500-7,500 residential units, employment, community facilities and associated infrastructure.
- The approach to the SDA was to establish a site specific policy for the location including general quantum of development together with development principles, and a commitment to prepare a site specific AAP to confirm the boundary, formally allocate the site and resolve outstanding matters (including detailed infrastructure requirements)
- The underpinning rationale for the SDA primarily related to strategic growth needs, derived and agreed through regional and sub-regional planning processes.

Evidence & consideration of the North of Fareham Strategic Development Area as to whether it was realistic, deliverable, adequately justified, consistent with sub-regional policy and in general conformity with the Regional Strategy

- The Inspector recognised the significance of the SDA to the overall plan and focussed attention on the Council's approach and level of evidence that had been prepared to justify it.
- The Council had undertaken a range of detailed studies, supplemented by work done by the promoters and therefore a considerable amount of information was available to consider core deliverability considerations including detail on site constraints, capacity, viability and the position of landowners.
- The Inspector initially focussed on conformity, given that the South East Plan had originally considered the site could provide up to 10,000 homes and related employment space. The Inspector was satisfied that there was sufficient justification for the minimum 6,500 homes in light of evidence on constraints and capacity. As there were still a number of factors that could influence overall numbers, defining a range was considered an appropriate approach.
- The site was being promoted by several separate landowners who prepared other evidence for use as part of the examination process. The most significant was the preparation of a strategic masterplan by the promoters, which illustrated a number of potential options as to how the site could come forward in light of site constraints and different access approaches. The intention was to take forward master planning as part of the subsequent AAP process.
- The Council had prepared a 'Project Plan' as part of its evidence base to set out the approach to governance, decision making and joint working across a range of technical themes. This provided evidence that a structured and collaborative structure was being followed to take the site forward, including an overall Project Board, led by the Council but with wider public and private sector representation (including the landowners).
- Transport infrastructure was a particular issue, as the site sits adjacent to the M27. At the time of the Examination there was not an agreed or preferred access solution, as alternative motorway junctions could be used, which in turn would influence whether additional strategic highway connections might need to be put in place. Transport modelling work had not been completed.
- Despite this, the Inspector considered that a significant amount of work had been undertaken to explore the SDA's transport implications including considering different options for site access and evolving an agreed strategy and approach to work through issues between the site promoters, Highways Authority and Highways Agency.
- Of particular significance was that the key stakeholders had not challenged the soundness of the

proposal at this stage despite the transport uncertainty, and that in the absence of any substantive evidence to the contrary, the Inspector had no reason to disagree with the position of the transport bodies concerned.

- In light of highway solutions not yet being fixed and related implications on layout/uses on the site, the Inspector did require modifications to the plan's text and key diagram to retain flexibility subject to the outcomes of subsequent work as part of the AAP.
- The proposed level of housing relied upon some green infrastructure being located in neighbouring Winchester City Council (WCC). WCC were concerned about any built development or formal open space uses within its boundary, but that other forms of green infrastructure would be acceptable in principle. WCC were represented on the Project Board and hence would play a role in future planning for the site. The Inspector concluded on this point that this did not pose a significant barrier to effective delivery, and that the governance structure was a particularly useful aspect of building confidence.
- The Council had undertaken a high level viability study relating specifically to the SDA. This drew together cost information from the promoters with market information on values. This concluded that there was a reasonable prospect that the scheme would be viable, subject to improvements in market conditions, the scale of development that came forward, and scope of partnership approach to delivery. However, the Inspector stated that he was only able to place limited weight on the Council's viability work as key assumptions and related financial figures had not been made public within the report and hence could not be scrutinised.
- The Council had also acknowledged that whilst the viability study was indicating a positive outcome, there would still be issues in terms of upfront funding, cash flow and the role of potential wider funding sources. The Council prepared studies to consider possible funding options including concepts related to pooling S106 obligations, future CIL receipts, and possible additional mechanisms such as Tax Increment Financing. The work established that there were various options and a willingness from the Council to act proactively going forward.
- In conclusion, the Inspector recognised that whilst there were a range of concerns, many of these were detailed matters that could be more appropriately considered in the context of the AAP. He also acknowledged that other relevant authorities were not identifying any 'show stoppers' sufficient to undermine the principle of the proposal.

Lessons

- Uncertainty in terms of specific infrastructure works or their funding is not fatal; as long as a reasonable level of work has been done to show that there are options to address issues, and the key relevant stakeholders have not objected or identified (with evidence) potential show stoppers.
- Whilst the Core Strategy was the place to make the key in principle decisions, future planning stages could confirm details and resolve matters that may be outstanding.
- Evidence needs to be transparent and available for scrutiny for it to be given weight
- Demonstrating an approach to project governance, involving all the key parties, is helpful to give confidence that issues can be addressed collaboratively

Local Planning Authority: Halton Borough Council	Name of Inspector: Robert Yuille
Development Plan: Draft Halton Core Strategy Local Plan	Decision: Sound, subject to additional modifications. Inspector's Report 12-10-12
<p>Overall Approach</p> <ul style="list-style-type: none"> • 4 key Areas of Change • Some but not all sites formally allocated as Strategic Sites (Broad identification of infrastructure requirements) • Commitment to prepare future Site Allocation and Development Management DPD • Commitment to update existing SPD for some sites <p>Issue 5 – Development in the plan period will be focused on four Key Areas of Change at 3MG, South Widnes, West Runcorn and East Runcorn. Is the selection of these areas justified and are they deliverable?</p> <p><u>3MG, South Widnes, West Runcorn</u></p> <ul style="list-style-type: none"> • No insurmountable flooding problems – their selection or ability to deliver has not been seriously challenged. <p><u>East Runcorn</u></p> <ul style="list-style-type: none"> • Question about deliverability of employment areas at Daresbury Park and Daresbury Science and Innovation Campus – Modifications required (relatively minor text changes relating to land around a proposed vehicular route). • A bigger concern related to necessary junction improvements to Junction 11 on the M56. A complex series of improvements are secured by planning obligations. However, these do not trigger payments until schemes to which they reach a certain threshold. The problem is they are needed to accommodate other development (AS7), meaning that the deliverability of other development is dependent on thresholds being reached/financial contributions being made. Recommended modifications include making clear that alternative methods of funding that would enable the necessary improvements to be carried out ASAP are to be explored. 	
<p>Lessons</p> <ul style="list-style-type: none"> • Infrastructure required to support new development at SSAs may also be required to support new development elsewhere. 	

Local Planning Authority: Melton Borough Council	Name of Inspector: Harold Stephens
Development Plan: Draft Melton LDF Core Strategy	Decision: Plan withdrawn following the Inspector's preliminary conclusion that it was not sound. 19-04-13
<p>Overall Approach</p> <ul style="list-style-type: none"> • SUE to Melton Mowbray (1,000 homes up to 2026) (reference made to preparing an AAP for the SUE) (specific infrastructure identified in policy) • Other housing sites in Rural Centres and Sustainable Villages to be allocated in a future Land Allocations and Settlement Boundaries DPD <p>Examination</p> <p>An EiP into the published Core Strategy began in February 2013. Following sessions on spatial strategy and housing, the Inspector wrote to the Council in early April 2013 making clear that he thought that there were matters of fundamental concern which could not be overcome through changes/modifications. The concerns were as follows:</p> <ul style="list-style-type: none"> • The Plan was not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements; • Inadequate plan period of 13 years at most; • Inadequate evidence to substantiate the apportionment of 80% of total development to Melton Mowbray and 20% to Rural Centres and Sustainable Villages; • The proposed SUE to the north of Melton Mowbray would have an unacceptable impact on landscape, agricultural land and biodiversity (reasonable alternatives, including a western growth option, were not fully considered) and would not be deliverable • Concerns about Sustainability Appraisal and process. <p>In the face of such fundamental concerns, the Council withdrew the Plan.</p> <p>Deliverability Issues</p> <p>The Plan was withdrawn before the EiP could consider all of the delivery matters in detail. Furthermore, the Inspector's letter does not refer to specific pieces of evidence that he found unsatisfactory. However, discussion under the headings below attempts to unpick the Inspector's concerns. It should be noted that Melton Mowbray Town Estates (part of the Pegasus Group) made representations promoting an alternative Southern SUE.</p> <p><u>Timescale and viability</u></p> <ul style="list-style-type: none"> • The timescale for the delivery of the northern SUE is unrealistic and the proposal has not proven to be viable (para 173 of NPPF). There is no detailed analysis of viability (including the provision of infrastructure, s.106 requirements and normal site development costs). • The Council had commissioned Halcrow to prepare a concept strategic masterplan and phasing plan (the Preferred Option Report). This proposes 280 homes in Phase 1 (2013-17), 400 homes in Phase 2 (2017-21) and 320 homes in Phase 3 (2021-26). No apparent evidence base on housing delivery – reliance on brief assertions in Halcrow document. Landowners/ developers did attend the Hearing, but there was no discussion of housing delivery. • The only viability evidence appears to be a high level report into all growth options (not specifically a Northern SUE) prepared by Savills in 2009. The Council did submit an Alternative Sources of Funding Note (EX19) which discusses options, s.106, CIL and various Government pots. The Inspector clearly considered these reports to be insufficient. <p><u>Inadequate requirements in Infrastructure Delivery Plan</u></p> <ul style="list-style-type: none"> • The requirements in the IDP are not adequate to meet the Police's infrastructure requirements in conflict with para 182 of NPPF. • The Leicestershire Constabulary made representations and appeared at the Hearing in to the proposed Northern SUE. It claimed lack of effective engagement and the inadequacy of apportionment of infrastructure costs of £230,000 (Infrastructure Schedule Update, SD10a), when the figure was more like £408,000. 	

- The infrastructure costs attributed to the Northern SUE as a whole were £19.08m (including £13m for link road and Spinney Road upgrade).

Transport

- Traffic studies suggest that a southern bypass to support a southern SUE would provide similar traffic mitigation benefits to the town and would be equally deliverable. Furthermore, a southern SUE bypass would avoid potential environmental impacts and would be cheaper.

Lessons:

- Importance of sufficient information to demonstrate likely financial viability.
- Need to demonstrate adequate engagement with infrastructure providers over infrastructure requirements and for these to be reflected in the plan/IDP.

Local Planning Authority: Milton Keynes Council	Name of Inspector: Mary Travers
Development Plan: Draft Core Strategy	Decision: Sound, subject to additional modifications. Inspector's Report 29-05-13
<p>Overall Approach 2010 to 2026 target = 28,000 homes 2010 to 2016 = 10,500</p> <ul style="list-style-type: none"> • 4,177 already built (2010-2013) • 19,759 on existing sites (existing Allocations/sites with planning permission) • 2,900 from new Strategic Land Allocation to south east of City (to be supported by an SPD) • 1,760 in sustainable settlement in rural area – with a future Site Allocations Plan to identify 600 homes <p>Housing Delivery:</p> <ul style="list-style-type: none"> • Some discussion about proposed delivery rates in relation to historically achieved rates, the former targets in the South East Plan, the changed economic climate and land supply. • The Inspector appears to have placed significant weight on the availability of an up-to-date housing trajectory and evidence of consultations with landowners and developers (Gallagher – Western Expansion Area, PfP – Brooklands, HCA – 400+ha land portfolio and Barratt Homes – Central MK) (MKC/8). • Further evidence in the form of Statements of Common Ground with other landowners/developers (The Burford Group and Merton College and Connolly Homes is included in MKC/11). • Nevertheless, the Inspector considered that the annual housing target of 1,750 homes should be expressed as a minimum and that Plan should commit to an early review. <p>Transport:</p> <ul style="list-style-type: none"> • The Inspector refers to the considerable volume of evidence – including a Local Transport Plan and modelling (both outlined in MKC/10). Significantly, the modelling results demonstrated that whilst the highway network operation is worse than at present it is “broadly reasonable” in that the network still operates effectively and efficiently (assuming that existing trends in car usage and modal share were to continue). • It highlights 24 problematic junctions that would operate beyond their designed capacity, but the Local Investment Plan identifies necessary remedial work. However, the Council set out its objectives to manage down road traffic by way of a series of softer interventions (behaviour change) to deliver a modal shift from car to cycling/walking/public transport. The Inspector accepts that the balance is about right between car and more sustainable modes. <p>Environmental Standards/Decentralised Energy (DE):</p> <ul style="list-style-type: none"> • Evidence on the technical feasibility and economic viability of policies on these issues did not stand up to scrutiny and the Council proposed modifications to tone down policy requirements – making reference to economic viability in relation to standards and requiring only consideration of DE. <p>Place-shaping principles for SUEs in adjacent Local Authorities</p> <ul style="list-style-type: none"> • The Inspector was satisfied with Policy CS6, which sets out principles of development during the joint working on planning, design and implementation – with emphasis on delivery. <p>Infrastructure Delivery:</p> <ul style="list-style-type: none"> • The Inspector noted that the MK Tariff for the Eastern and Western Expansion Areas is a strength – with a £/per unit contribution and forward funding from the HCA. The Council has a Planning Obligations SPD in place for other areas. The Inspector acknowledges that in future CIL may yield less funding than the Tariff and that reductions in Government funding and in benefits-in-kind works carried out by developers may increase the funding gap. • The Inspector appears to have put considerable weight on the Council’s “very strong track record” in planning and delivering infrastructure and the sound financial planning, risk management, co-ordination and delivery arrangements that are in place. 	

- MKC/13 outlines the use of a Programme Management Board, Joint Delivery Teams and Local Investment Plan. The Inspector also welcomed Section 18 of the Plan which identifies the relationship between development milestones and the provision of infrastructure.
- Although the Inspector does not comment on it, Appendix D of the Plan provides a useful explanation of the School Place Planning process.

Lessons:

- Evidence of consultation with landowners and prospective developers is important.
- Policy wording should be suitably flexible to take account of economic viability.
- Evidence of past delivery by LPAs of housing and associated infrastructure helps provide confidence that sites are likely to be delivered in the future.

Local Planning Authority: Newark and Sherwood District Council	Name of Inspector: Michael J Hetherington
Development Plan: Draft Newark and Sherwood Core Strategy	Decision: Sound, subject to additional modifications. Inspector's Report dated 11-03-11
<p>Background The Plan was examined in November and December 2010, prior to the revocation of the Regional Strategy for the East Midlands, the publication of the NPPF and the Duty to Cooperate. The Core Strategy Examination pages (including documents) are no longer available on the Council's website.</p> <p>Overall Approach</p> <ul style="list-style-type: none"> • Strengthen the role of Newark as a Sub-Regional Centre by ensuring that the town is the main focus for new housing etc. (70% of overall growth) • Address regeneration and growth needs by focusing remaining growth in Service Centres (20% of overall growth) and Principal Villages (10%) • Deliver SUEs in Newark through the allocation of three strategic sites (South of Newark, East of Newark and Fernwood). The separate policies and justifying text for these SSAs makes reference to specific infrastructure requirements needed to deliver them (also set out in an appendix of a separate Infrastructure Delivery Plan (IDP)) as well as assumptions on phasing and build-out rates • Identify other sites to meet needs in a separate Allocations and Development Management DPD (adopted in July 2013). <p>Matters 11/12 Strategic Sites.</p> <p>i) Is there robust and realistic evidence to justify the nature and extent of the site designations and proposed distribution of uses?</p> <p>ii) Are the locations and sitings suitable, sustainable and appropriate?</p> <ul style="list-style-type: none"> • The Inspector recognised the significance of the strategic sites to the overall plan. He was satisfied (amongst other things) that an analysis of the physical, social and environmental infrastructure needed to support the proposed amount of development had been undertaken in the separate IDP and that this had influenced the proposed mix and distribution of uses. • The Inspector was satisfied that the District Wide Transport Study and associated traffic modelling had established the need for a Southern Link Road (SLR). <p>Matters 11/12 Strategic Sites</p> <p>iii) Can the proposals be delivered or are there any significant constraints?</p> <p>iv) Is the impact on the local areas acceptable in principle?</p> <p><u>South of Newark</u></p> <ul style="list-style-type: none"> • The Inspector referred to the long-standing nature of the proposals (being endorsed at previous Local Plan Inquiries) and the advancement of the proposals through various studies – including the Strategic Flood Risk Assessment and SLR design work. • Reference made to information submitted in support of current planning applications (including an Environmental Statement) • The IDP was discussed at the examination hearing and held up to scrutiny – giving the Inspector confidence about delivery of infrastructure • The Inspector noted that new facilities and services should also provide tangible benefits for existing residents of Hawtonville (one of the most deprived wards in the District). • The Inspector noted that following the competition of the proposed SLR, cumulative traffic generation impacts on other parts of the road network could be left to be addressed through a Transport Assessment (TA) connected with specific proposals. <p><u>East of Newark</u></p> <ul style="list-style-type: none"> • New road links should be from the north, obviating the need for additional use of local level rail crossings on the East Coast Main Line (ECML). • Discussion at the Examination established common ground that the policy wording should be more flexible and that there was no need to preclude all development in a certain part of the site • The Inspector noted that additional traffic movements on the surrounding road network and 	

mitigation could be left to be addressed as part of a TA in the context of specific proposals.

- The Inspector noted that the masterplan in the plan was indicative only and that the Council acknowledged that there was not a need to impose detailed phasing limits; concluding that such matters are best finalised and implemented in the context of site specific proposals.
- The Inspector was not convinced by Network Rail's request that an existing level crossing be replaced by a new bridge; accepting that the likely direct cost (£8 - £10m) and practical implications (land acquisitions, embankments close to existing homes and temporary rail closures) would be disproportionate and would need to be met by a larger development/extended SSA. He concluded that the proposed site could satisfactorily provide the required number of homes and that requiring a larger development was neither reasonable nor economically realistic.

Land at Fernwood

- Indicative masterplans respond to strong physical boundaries (including the A1 and ECML – with associated noise – and high voltage electricity line) and flood risk zones confirm that the proposed SUE is sufficiently large to provide the required number of homes.
- The Inspector noted the opportunity to incorporate a secondary school in the SUE to serve it and the wider area (N.B whilst the Infrastructure schedule for Newark lists the need for 1 x secondary school, this is not ascribed to any one of the SSAs).
- Again, the Core Strategy should not be prescriptive about phasing
- Again, the Inspector noted that additional traffic movements on the surrounding road network and mitigation could be left to be addressed as part of a TA in the context of specific proposals.

Matters 11/12 Strategic Sites

v) Can the proposals be delivered or are there any significant constraints?

- The Inspector noted that delivering an average of 150 new houses per year on each of the three SSAs would be no easy task.
- Nevertheless, each site was large enough to facilitate construction by three or more housebuilders and the lack of need to directly restrict total numbers in relation to the SLR would help provide flexibility.

Lessons

- The inclusion in the Plan of illustrative 'masterplans' (in this case basic development frameworks/organising diagrams) help provide confidence over delivery.
- Detailed traffic effects and associated mitigation are matters that are capable of being left to be determined by Transport Assessments associated with specific proposals.
- Policy wording should be suitably flexible so as not to unnecessarily preclude development in certain areas or to be too prescriptive in terms of the phasing of development.
- Opportunity to improve facilities/services for existing residents as well as provide for future residents is a relevant consideration.

Local Planning Authority: Tamworth Borough Council	Name of Inspector: David Vickery
Development Plan: Draft Tamworth Local Plan (2006-2028)	Decision: Plan withdrawn following the Inspector's recommendation. 05-04-13
<p>Background</p> <p>The Inspector set out his key concerns about the Plan on 22-01/13, in advance of the Preliminary Meeting on 12/02/13. Following the meeting, the Council offered to provide additional evidence and make a number of modifications to address the Inspector's concerns. However, the Inspector later confirmed that he thought the necessary work to make a sound plan might open it up to legal challenge. In the face of this, the Council formally withdrew the Plan.</p> <p>Overall Approach</p> <ul style="list-style-type: none"> • Strategic Housing Allocation of Amber Valley Sustainable Urban Neighbourhood (at least 1,150 homes) (specific infrastructure requirements identified) • Potential future Broad Development Location to north of the above site (in Lichfield and North Warwickshire) (at least 1,000 homes) (necessary infrastructure to be identified) • Other un-allocated sites identified in SHLAA <p>Inspector's Key Concerns</p> <p>The key concerns relating to effectiveness were as follows:</p> <p><u>Distribution of Housing</u></p> <ul style="list-style-type: none"> • The SHMA (B8) proposes a certain geographical distribution of housing around wards, but the Plan does not achieve this. <p><u>Allocations</u></p> <ul style="list-style-type: none"> • There is only one clear housing allocation (SP6 Anker Valley strategic site). The Plan 'identifies' other sites, but devolves important decisions to future SPDs. The Inspector thought that the Council should either formally allocate the sites for housing or clarify that later Local Plans will be prepared for these sites (not SPDs) • Some large sites in the SHLAA (B8) are not allocated in the Plan for housing (some are allocated on the Policies Map for open space). The Inspector thought that the Council should allocate the necessary SHLAA sites in the Plan • Several of the sites in the 2001-2011 Local Plan appear to 'lapse' their housing allocations in this Plan and also have deliverability problems e.g. access and contamination. Should these allocations be continued in this Plan? If not, why not? Are the sites actually deliverable given the acknowledged problems and the fact that they have not yet been implemented despite previous allocation? Where is the financial viability information to indicate their deliverability? <p><u>Residential Development</u></p> <ul style="list-style-type: none"> • Much more information is needed for the allocated Anker Valley site. The Plan should establish the principles (constraints, land uses and scale, necessary infrastructure and number of homes that could be provided before the proposed link road, what needs to be provided by when and who will fund and deliver it and milestones for progression of development). An indicative masterplan would help. • The Housing Trajectory (K4) is unclear about numbers, where and when all the required housing will be accommodated in the Plan period. This should include the 1000 homes which would be provided in other LPAs (Lichfield and North Warwickshire). • Lack of detail in Plan to guide the principle, timing and impact of the 1000 homes that would be built outside of the Borough. This includes details of impacts, necessary infrastructure and whether highways can cope (the proposed homes appear to be omitted from the Highway Agency's Modelling Report (F2)). • Concern that the proposed 500 homes in North Warwickshire would be dispersed and not physically related to Tamworth. Could such housing be seen as part of Tamworth's housing supply? 	

- Some representations argue that the Council has under-allocated sites. If true, this would exacerbate problems.

Deliverable and so effective

- The Infrastructure Delivery Plan (Appendix 6 of Plan) does not detail all of the significant infrastructure costs associated with the Anker Valley site (link road/s, rail bridges, schools, health etc.). It is not clear what infrastructure is needed before each phase could proceed. The need for the link road and a transport link is a key matter of principle that needs to be resolved before allocation
- Very little information on financial viability of infrastructure costs
- Particular concern that the Amber Valley site does not have an overall viability assessment to demonstrate that it can actually be delivered. The viability assessment in E2 is not up-to-date or comprehensive.
- Concerns over Anker Valley are heightened because (a) the site is due to make an early contribution to numbers and (b) the site is allocated in the current plan, with no signs of progress.

Flexibility

- Too much pinned on the Anker Valley site; given concerns about deliverability this is too risky. Appendix 4 of Plan does not provide effective flexibility or contingency planning.

Duty to Co-operate

- Whilst Memorandum of Understandings exist with neighbouring Lichfield and North Warwickshire for each to provide 500 homes of Tamworth's need, there is no evidence of infrastructure implications this would have on Tamworth or of impacts the development would have on the host Boroughs.

Lessons:

- Proposed Allocations need to be based on a thorough understanding of evidence in in the SHMA, SHLAA and an assessment of the effectiveness of carrying forward previously allocated sites (which have not delivered despite allocation).
- Need for sufficient housing sites to be allocated in Plans themselves, rather than the promotion of sites identified in the SHLAA by way of SPDs (which is uncertain/risky).
- Allocations need to establish key principles (including constraints, land uses and scale, necessary infrastructure, thresholds for the delivery of infrastructure, funding, delivery and milestones) and masterplans can help achieve this.
- Importance of sufficient information to demonstrate likely financial viability.
- If relying on the delivery of additional housing in a neighbouring authority to help meet the objectively assessed housing requirement, such housing should be physically related to the District and there needs to be sufficient evidence to demonstrate likely delivery (including mitigation of likely impacts on the host and exporting authorities, infrastructure requirements and financial viability).

Local Planning Authority: Taunton Deane Borough Council	Name of Inspector: John R Mattocks
Development Plan: Taunton Deane Core Strategy 2011-2028	Decision: Sound, subject to additional modifications. Inspector's Report 03-07-12
<p>Background The Plan was examined in February 2012, prior to the revocation of the Regional Strategy for South-West England, the publication of the NPPF and the Duty to Cooperate.</p> <p>Overall Approach</p> <ul style="list-style-type: none"> • Strategic Sites (Allocations) for sites in Taunton and Wellington to deliver 5-year housing requirement (specific infrastructure requirements identified) • Broad Locations for growth identified at Staplegrove and Comeytrowe/Trull to deliver growth after 2015 (emphasis on masterplanning to identify and deliver infrastructure requirements) • Commitment to prepare a future Site Allocations and Development Management DPD to Identify Strategic Sites in <ul style="list-style-type: none"> ○ Broad Locations ○ Major Rural Centres ○ Minor Rural Centres and ○ Review allocations in adopted Taunton Town Centre AAP <p>Topic Area 5 – Deliverability, Transport and Infrastructure</p> <ul style="list-style-type: none"> • The Inspector considered that the Infrastructure Delivery Plan (IDP) provides sound support for the strategy – accepting that it focusses primarily on the first five years. • The IDP identifies essential requirements for strategic allocations at Monkton Heathfield and Priorswood/Nerrols (with developers of the Monkton Heathfield SUE supportive, despite a 'roof tax' of £20,000 per home. • Reference made to much more information on infrastructure requirements and hence deliverability being provided by the development consortium behind a scheme for part of the Comeytrowe broad location. • The Inspector accepted the need for capacity enhancement at Junction 25 of the M5 - no discussion about assessment/impacts, but reference to a Statement of Common Ground with the Highways Agency. He also accepted the reference in the Plan to uncertainty about the possible need for an additional motorway junction to the north-east of Taunton and the inclusion of "...the scale of growth proposed for Taunton suggests that the position should be kept under review." <p>Topic Area 6 – The spatial strategy, Taunton strategic sites and broad locations</p> <ul style="list-style-type: none"> • Some discussion about a Habitats Regulation Assessment (HRA) and the need for the timely provision of mitigation measures (replacement habitat) for bats (replacement planting needing to be functional before habitat loss). The Inspector accepted evidence in the HRA and evidence that supported applications that timescales for delivery of strategic sites and one of the 'broad locations' was acceptable. • Existence of a masterplan and protocol setting out intended delivery programme and developer representations convince the Inspector that delivery on the Monkton Heathfield site is likely to be at least as rapid as that assumed in the housing trajectory (despite slippage). • Crown Estates suggested that development may be more rapid than assumed in the housing trajectory at Priorswood/Nerrols • In terms of proposed allocations, the Inspector accepts that there must always be a degree of uncertainty about delivery – but refers to representations from the development industry and extensive studies as confirming that the strategy is likely to be effective • In terms of two 'broad locations' for urban extensions at Staplegrove and Comeytrowe <ul style="list-style-type: none"> ○ Important distinction from allocated sites (less detail on precise development requirements and infrastructure provision) ○ Need to allocate sites within the 'broad locations' asap in order to ensure that there is a realistic prospect of development taking place in accordance with trajectory/provide contingency) ○ Policies SS6 and SS& for the two broad locations require masterplans to identify 	

infrastructure requirements (supported approach – on the basis that this should include all developers/landowners and the Council). The policy also makes clear that piecemeal development would not be acceptable.

- Concern expressed about sustainable transport package to support
- Support for modifications to refer to the Site Allocations and Development Management DPD to enable formal allocations asap

Lessons:

- Uncertainty in terms of specific infrastructure works is not fatal; as long as a reasonable level of work has been done to show that there are options to address issues, and the key relevant stakeholders have not objected or identified (with evidence) potential show stoppers.
- Comprehensive evidence from promoters/landowners is important in building confidence and addressing uncertainty.
- Indicative masterplans are helpful in building confidence over deliverability.
- The Core Strategy, which does not in itself allocate sites, needs to commit to the preparation of the early production of a subsequent development plan that allocates sites within identified Broad Locations in order demonstrate that there is realistic prospect of development taking place (Taunton Deane).

<p>Local Planning Authority: Winchester City Council and South Downs National Park Authority</p>	<p>Name of Inspector: Nigel Payne</p>
<p>Development Plan: Winchester District Local Plan Part 1 – Joint Core Strategy</p>	<p>Decision: Sound, subject to additional modifications. Inspector's Report 11-02-13</p>
<p>Background The Plan was examined in October and November 2012. This was before the revocation of the SE Plan.</p> <p>Overall Approach Focus new development in Winchester Town, South Hampshire Urban Areas and Market Towns and Rural Areas.</p> <p>Strategic Housing Allocations:</p> <ul style="list-style-type: none"> • North Winchester – approx. 2,000 homes – reference (amongst other things) to Infrastructure Delivery Summary setting out necessary infrastructure and the need for a masterplan including indicative layout and phasing plan). • West of Waterlooville – approx. 3,000 homes - reference (amongst other things) to Infrastructure Delivery Summary setting out necessary infrastructure, the need to provide a new access road, funding of off-site transport improvements, provision of primary school places and contributions to off-site improvements to secondary education). The justifying text also refers to the PUSH Green Infrastructure Strategy • North Whiteley – approx. 3,500 homes - reference (amongst other things) to: <ul style="list-style-type: none"> ○ Provide pre-school facilities, additional primary school places and a secondary school, along with other physical and social infrastructure (as set out in the Infrastructure Delivery Summary, including provision, as required, for primary health care in the locality; ○ Provide a comprehensive assessment of existing access difficulties affecting Whiteley, agree solutions prior to planning permission being granted, and incorporate specific proposals to ensure that these are implemented at an early stage of the development; ○ Undertake a full TA to ensure that the package of mitigation measures are incorporated into the scheme; ○ Complete Whiteley Way at an early stage of development; ○ Provide measures to ensure that smarter transport choices are made to achieve a modal shift which minimises car usage, manages the impact of private cars on the highway network, and implements measures necessary to accommodate additional traffic, to include improvements to junction 9 of the M27 to be agreed with the relevant highway authorities; and ○ Include a Green Infrastructure Strategy. • Strategic Development Area north of Fareham - cooperate with Fareham Borough Council to help develop 6,500 - 7,500 homes with land within Winchester District to form part of the open areas to ensure separation between the SDA and the existing settlements of Knowle and Wickham. <p>Issue 5 – West of Waterlooville</p> <ul style="list-style-type: none"> • The Inspector was satisfied that following various permissions and commencement of development, delivery should proceed in accordance with the housing trajectory. • The Inspector recommends making anticipated numbers “about” rather than precise numbers of homes and amount of employment space and that (to take account of on- going viability considerations) the 40% affordable housing target should be expressed as “should” rather than “will” (This reflects representations made by Grainger). • The s106 agreements with the County Council over school provision provides some flexibility as to how additional places are provided and the Inspector recommends that the policy refers to “primary school places” rather than “two primary schools.” <p>Issue 6 – North Whiteley</p> <ul style="list-style-type: none"> • This was found sound despite uncertainty relating to the need for a bypass to support the proposed strategic site, with technical assessment incomplete. The Inspector accepted a 	

modification by the Council that requires improvements to Junction 9 of the M27 to be agreed with the relevant highway authorities., continuing “Although not all the necessary detailed technical analysis on transport is as yet fully complete, the work undertaken to date is sufficient to demonstrate a very strong likelihood that all the necessary transport elements of the overall scheme would be practically and economically deliverable.”

- Similarly, the Inspector accepted that in the absence of detailed proposals it was not possible to finalise primary health care requirements and accepted a Council modification to require “as necessary”.
- The Inspector concluded that the Consortium did not need to make financial contributions towards providing a by-pass for a nearby village (Botley), partly on the basis that Hampshire County Council did not think that the expected increase in traffic justified this.
- Given requirements for a link road and school place provision, the Inspector encouraged modifications to make affordable housing targets more flexible (to ensure a viable scheme)
- North Whiteley allocation is supported by a viability report prepared by the Whiteley Consortium based on the provision of 3,500 homes. The plan referred to 3,000 homes, but alluded to the possibility of a higher number being achievable in due course. The Inspector supported a Council modification to refer to 3,500 in the policy.

Issue 7 – Barton Farm, Winchester

- Outline permission had been granted for 2,000 homes and the Inspector conclude that in the absence of any land assembly issues, there is every indication that this will proceed (although, again, the Inspector supported modifications to ensure appropriate flexibility, this time in relation to phasing)

Issue 12 – Infrastructure, Delivery, Flexibility, Monitoring, Implementation

- The Council’s Infrastructure Delivery Plan (EB106) sets out detailed requirements for each of the proposed Allocations. This is supported by separate infrastructure studies for each of the proposed allocations (BP5, BP6 and BP7).
- The Council also submitted a Viability Study (EB101) that considered requirements on a cumulative basis
- The Inspector supported a Council modification to add reference in Plan to the need for additional household waste recycling facilities in relation to North Whiteley.

Lessons

- Uncertainty in terms of specific infrastructure works or their funding is not fatal; as long as a reasonable level of work has been done to show that there are options to address issues, and the key relevant stakeholders have not objected or identified (with evidence) potential show stoppers
- Allocations’ policies should be drafted with reasonable flexibility to allow for scheme development and financial viability in changing economic circumstances, avoid spurious accuracy when quoting figures and avoid unnecessary detail.

Local Planning Authority: Rotherham	Name of Inspector: Richard Hollox
Development Plan: Rotherham Core Strategy	Decision: Sound, subject to additional modifications. Inspector's Report 30 June 2014.
<p>Background Document submitted for Examination 6 June 2013 Examination hearings held between 22 October and 6 November 2013 and on 15 May 2014.</p> <p>Overall Approach Hierarchy of settlements identified, acknowledging the primary role of Rotherham for services etc. It takes 38% of growth, including Bassingthorpe Farm. Main modifications establish Waverley as a Principal Settlement.</p> <p>Having assessed 10 alternative broad locations/ urban extensions, the Council selected Bassingthorpe Farm and Dinnington East. Both were supported by the Inspector as sustainable locations for growth. Bassingthorpe Farm in particular was well located next to the built-up area of Rotherham with access to its town centre services and the employment in the inner urban area.</p> <p>Bassingthorpe Farm The site will be allocated for 2,400 dwellings, of which about 1,700 would be built in this plan period. Inspector agreed with the Council that sufficient work had been undertaken for this site to be put forward as a Strategic Allocation rather than Broad Location, but required the preparation of a masterplan to guide development. He was confident that the land could be brought forward sooner rather than later.</p> <p>The site was supported by a Concept Framework setting out details of the constraints to development and the opportunities, the level of mitigation required its impact upon development capacity and viability. Heritage is a major is as the Grade I Listed Wentworth Woodhouse and the Grade II* Wentworth Woodhouse Parkland Registered Historic Park and Garden (along with other listed Buildings) are within the area of search. Amendments resulting from Duty to Cooperate with English Heritage resulted in the production of a Heritage Impact Assessment and the withdrawal of English Heritage's objection to this Core Strategy proposal.</p> <p>Land is also removed from green belt for this allocation.</p> <p>Infrastructure delivery The Inspector was given confidence in the monitoring and delivery of the IDP, and the timely provision of the infrastructure on which it depends, due to the Council's appointment of a lead officer with special responsibility for this and establishment of an Infrastructure Delivery Group (IDG). This will include officers, members and service providers. The Group's functions will include assessing the progress of the strategy, and addressing actual and potential departures from the strategy.</p> <p>On the issue of certainty, the inspector said "The Core Strategy has been prepared in uncertain times and it would be rash to predict certainty in the future, especially during a 15 year period. Indeed, the IDS notes that it <i>has been prepared against a backdrop of the current economic climate</i>. It identifies a funding gap of nearly £55,000,000. These circumstances do not invalidate the Core Strategy's provisions for infrastructure and its funding, and it is significant that no infrastructure provider has maintained an objection to the Core Strategy." The fact that the Council has a good track record in the provision of infrastructure was also a factor.</p>	
<p>Lessons:</p> <ul style="list-style-type: none"> • A plan can't expect to have certainty on all matters; in relation to lack of joint SHMA with Sheffield the Inspector felt the Council had been pragmatic in its assumptions given Sheffield did not want to undertake a joint assessment. "As Ivan Turgenev reminds us, <i>If we wait for the moment when</i> 	

everything, absolutely everything, is ready we shall never begin.”

- phasing of a site or sites based on preference to others (eg because its brownfield) should be removed from the plan. If a site is sustainable for development it should not be restricted by phasing.
- Inspector supported The Council's view that adequate work had been done on Bassingthorpe Farm for it to become a Strategic Allocation.
- Regarding infrastructure the Inspector found that the Council's policies and proposals are as realistic as they can be, despite a host of uncertainties. There is a reasonable prospect that the planned infrastructure will be deliverable in a timely fashion.

Committee: Planning Policy Working Group

Agenda Item

Date: 26 November 2015

6

Title: Evidence base review and work programme

Author: Andrew Taylor, Assistant Director Planning and Building Control

Summary

1. This report provides an update on the evidence base work and forward work plan.

Recommendations

2. To note the officer update.

Financial Implications

3. All commissioned reports can be met from the Planning Policy budget and if necessary from the Planning Reserve.

Background Papers

4. None

Impact

- 5.

Communication/Consultation	No formal consultation on this document although it is available as part of the committee papers.
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	All
Workforce/Workplace	N/L

Situation

6. This report updates the Working Group on work to update and refresh the evidence base following previous reports on 23 February and 13 July 2015. A number of reports have been commissioned or are in the process of being commissioned. The four items to update the Working group are listed below:

Employment Land Review

7. The Council has tendered for the appointment of a consultant to update its 2011 Employment Land Review (ELR). Tender evaluation has taken place, and at the time of writing a bidder has been invited for interview. It is anticipated that the contract will run until April 2016, when the project will be concluded by a presentation to the Working Group of the updated ELR. A copy of the relevant extract from the Invitation to Tender is attached as Appendix 1.

Highway and Transportation Consultant

8. The Council has tendered for the appointment of a Local Plan transport consultant, and tender evaluation and interview has taken place. As a result, a recommendation on a contract award is to be made to Chief Officers. The contract will run for 2 years or so, enabling a full range of consultancy advice to be given to the Council up to and including the Examination in Public. A copy of the relevant extract from the Invitation to Tender is attached as Appendix 2.

Strategic Flood Risk Assessment

9. The first SFRA was undertaken in 2008 by JBA consulting. The Council has reappointed them to prepare a Level 1 SFRA update.
10. The scope of the Study is set out in Appendix 3. A draft report for consultation with UDC, Environment Agency and Lead Local Flood Authority is expected in November and the final report in December 2015.

Green Belt Review

11. The Council issued a brief (Appendix 4) for carrying out a Green Belt review on 12 October 2015 via email and via the Council's website. The Council received four submissions and asked two companies to present in more detail. Following these presentations Arup have been appointed to carry out the work.
12. The work falls into two stages (as set out in the brief) with stage one expected to be reported to the Working Group in December and stage 2 in March 2016.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the Council prepares an unsound Plan.	1 – The Council is preparing a Plan which is positively prepared; justified; effective and consistent with national policy	2 – The adoption of the Plan is delayed whilst additional work is undertaken.	That the Council ensures that the Plan meets the requirements of the NPPF and is justified by evidence.

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 1

EMPLOYMENT LAND REVIEW

INVITATION TO TENDER EXTRACT

1. INTRODUCTION AND BACKGROUND

INTRODUCTION

This Invitation to Tender is issued by Uttlesford District Council in respect of a further competition conducted under Employment Land Review of the Pro5 National Consultancy Services Framework Agreement (reference 664).

Uttlesford District Council is seeking to appoint a consultant to carry out an employment land review update to consider the need for land and premises for employment purposes in the District up to 2033. For the purposes of the update, employment purposes are those contained in Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended.

BACKGROUND

The Council's most recent draft Local Plan (Pre-Submission Consultation April 2014) was withdrawn from the examination process following receipt of the Local Plan Inspector's conclusions at the end of 2014. A link to the relevant page of the Council's website is below:

<http://www.uttlesford.gov.uk/developinguttlesford>

The Council has now restarted the Local Plan preparation process with a "Call for Sites", which includes identifying sites of 0.25ha (or 500 m² floorspace) or above that may be suitable for employment development and/or mixed use development, and which the landowners are indicating could be brought forward for development prior to 2033.

The Council's last employment land review was published in 2011. That review was considered to be a good example of its kind by the Local Plan Inspector. He said that it provided:

"a clear market-based picture of the types and locations of sites which should (a) be newly allocated, (b) continue to be allocated/safeguarded, or (c) be reallocated for different uses" (Paragraph 3.17).

Links to the 2011 review report and appendices are below:

<http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=1708&p=0>

<http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=1709&p=0>

[The withdrawn plan's employment target was an additional 9,200 jobs for the period 2011-31, although the Local Plan Inspector noted that expansion of Stansted Airport to 35 million passengers per annum could, of itself, provide jobs growth of that order.](#)

The Council also publishes an annual employment land monitoring report which looks at the current position of allocated employment land and land with planning permission for employment uses. The last report was in October 2014:

<http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=2250&p=0>

The Council is currently preparing a new Strategic Housing Land Availability Assessment to supersede the 2013 SHLAA. A list of sites and maps are available. A new Strategic Housing Market Assessment is also being prepared, superseding the 2008 SHMA and its 2012 update. Further work has been commissioned by the Cooperation for Sustainable Development Board (comprising members of East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils) to provide economic evidence that will be used to help calculate the Objectively Assessed Housing Need for the SHMA. The work will look at the extent to which the SHMA area coincides with the Functional Economic Market Area (FEMA).

It is also likely that the Council will commission sectoral employment projections for the District for the analysis period 2011-2033 using consultants who have carried out similar work for Epping Forest District Council.

PERIOD OF CONTRACT

It is estimated that the Contract shall commence w/c 7th December and is expected to be completed by no later than the end of April 2016.

2. SPECIFICATION OF SERVICE

1. Consultancy Advice Required

The appointed consultant will work and assist the Council with the following main tasks:

- 1.1 The update will be part of the evidence base that will inform the Council's new Local Plan, which it is anticipated will be adopted in 2017. The update will help the Council to draw up employment land policies and allocations in its new Plan.
- 1.2 The update should be carried out in accordance with guidance set out in Planning Practice Guidance – "Housing and economic land availability assessment", including the 5-stage methodology. The update will use the 2011 review as a starting point supplemented at least by the 2014 monitoring report. The update should take into account both the SHMA and FEMA areas.
- 1.3 The consultant will provide a final report containing conclusions and recommendations by the end of April 2016 and will make a presentation to the Council's Planning Policy Working Group. The conclusions should include an assessment of whether the employment strategy included in the Pre-Submission Consultation April 2014 remains appropriate either in total or in part.

2. Project Objectives and Outcomes

The requirements above relate to ongoing work, and will involve the preparation of technical and non-technical papers as required in collaboration with Uttlesford District Council.

Appendix 2

TRANSPORT CONSULTANT

INVITATION TO TENDER EXTRACT

1. INTRODUCTION AND BACKGROUND

INTRODUCTION

This Invitation to Tender is issued by Uttlesford District Council in respect of a further competition conducted under the Highways, Transport & Logistic Lot of the Pro5 National Consultancy Services Framework Agreement (reference 664).

Uttlesford District Council is seeking to appoint a transport consultant to assist it in carrying out a transport assessment of its new Local Plan. The transport assessment process is set out in the National Planning Policy Framework (NPPF) and the on-line Planning Practice Guidance “Transport evidence bases in plan making and decision taking”. A link to both is attached below:

<http://planningguidance.planningportal.gov.uk/>

Background

Uttlesford is a large rural district of about 64,750 hectares and a population of 79,443 (2011 Census). It is located in North West Essex, with the market towns of Saffron Walden (population 15,500) and Great Dunmow (population 8,830) situated in the northern and southern parts of the District respectively. Stansted Airport lies within the District, just northeast of the Hertfordshire town of Bishop’s Stortford. The airport has a current throughput of about 21.5 million passengers per annum (mppa), and has planning permission to expand to 35mppa.

The M11 runs south to north through the western part of the District from south of Junction 8 at Bishop’s Stortford to Junction 9 / 9A at Great Chesterford / Stump Cross. The A120 runs west to east across the southern part of the District from Bishop’s Stortford to Braintree on a new alignment opened earlier this century. Because of the rural nature of the District, car ownership levels are high, and public transport is limited. The West Anglia Main Line from London Liverpool Street to Cambridge runs south to north through the District with a dedicated branch line serving Stansted Airport. Some local bus services in the southern part of the District benefit from added demand from Stansted Airport, meaning that they run at a higher frequency and earlier and later than otherwise might be the case.

The current plan for the District is the Uttlesford Local Plan, which was adopted in January 2005. The Council’s most recent draft Local Plan was withdrawn from the examination process following receipt of the Inspector’s examination conclusions at the end of 2014. Two of the Inspector’s concerns were firstly the impact of the linked settlement at Elsenham upon the local highway network and, secondly, the lack of adequate mitigation of congestion at M11 Junction 8 taking into account demand that would be placed on it by future development within Uttlesford, Harlow, East Hertfordshire and Epping Forest districts.

The Council has now started to prepare a new Local Plan. It is anticipated that the Plan will be adopted in 2017 and will run to 2033. One of the Council's first tasks has been to identify initial "areas of search" for possible locations for new settlements and/or town/village extensions.

A report on these initial "areas of search" was presented to the Council's Planning Policy Working Group at its meeting on 27th July 2015. A link to the meeting documents is attached below:

<https://uttlesford.cmis.uk.com/uttlesford/CalendarofMeetings/tabid/174/ctl/ViewMeetingPublic/mid/679/Meeting/6318/Committee/1987/SelectedTab/Documents/Default.aspx>

[The Council has undertaken an initial "Call for Sites" exercise, looking for sites which could be brought forward by 2033 and which could:](#)

- [i\) accommodate 5 dwellings or more,](#)
- [ii\) provide 0.25ha \(or 500m² floorspace\) of commercial development, or](#)
- [iii\) accommodate 1 or more Gypsy and Travellers' pitches.](#)

[The Council has required that a transport assessment is provided for all candidate sites over 500 dwellings and / or 2500m² of commercial development, and that transport information proportionate to the size of the development be provided for smaller sites.](#)

[The following table sets out the suite of existing models that Essex Highways use for transport assessment within the District:](#)

<u>Model name</u>	<u>Coverage</u>	<u>Type</u>	<u>Age</u>	<u>Status</u>
<u>M11 J7A</u>	<u>M11 J7-J8 + SW portion of Uttlesford</u>	<u>"VISUM", helping with the assessment of the proposed M11 J7A. Uses mobile phone data to provide trip information together with traffic data collected on roads and junctions across the area to reflect actual flows.</u>	<u>New</u>	<u>Being commissioned</u>
<u>Uttlesford Local Plan model (used for the Highway Impact Assessment)</u>	<u>Uttlesford</u>	<u>Spreadsheet model. Traffic distribution based on census information, including journey to work, but also includes data collected on the ground to reflect actual flows and movements.</u>	<u>3 yrs</u>	<u>Live and available</u>
<u>M11 J8</u>	<u>Junction and immediate approaches</u>	<u>"Linsig" model – computer based for modelling traffic signal operation, based on traffic data and journey to work data.</u>	<u>Current</u>	<u>Being updated with data from M11 J7A model.</u>
<u>A120 / B1383 (Bishop's Stortford bypass)</u>	<u>Junction only</u>	<u>"Arcady" computer based model for modelling roundabouts from actual traffic data and journey to work data and information provided by developers.</u>	<u>Current</u>	<u>Available for use</u>

2. SPECIFICATION OF SERVICE

1. Consultancy Advice Required

The appointed consultant will work wherever possible with Essex County Council's partnership consultant, Essex Highways, and will assist with the following main tasks:

1. Providing a high-level transport assessment of the initial "areas of search" to provide evidence to assist with site selection, with subsequent more detailed assessments as the areas are narrowed down and providing a final transport assessment of the selected sites;
2. Putting together a local plan transport assessment work programme. The programme will identify key milestones to ensure that the deadline set by the Government for the preparation of local plans in HM Treasury's Productivity Plan is met;
3. Interpreting modelling requirements, advising on the scope of transport modelling required and specifying modelling runs. It is not expected that the appointed consultant would carry out any modelling work;
4. To come up with measures that will mitigate any identified severe impact or impacts of development on the transport network. All forms of transport should be considered as possible mitigation;
5. Where necessary, assisting planning officers at "Duty to Co-Operate" meetings with adjoining local authorities, other meetings with developers and Essex County Council, and meetings of the Council's Planning Policy Working Group;
6. Assistance with the preparation and giving of evidence at the Examination in Public;
7. Providing a "critical friend" review of the Highway Impact Assessment dated October 2013 and March 2014 prepared by Essex Highways, and
8. Commenting on transport issues raised at the previous Examination in Public and relevant local appeals for major residential development to inform the production of the transport assessment and mitigation measures proposed.

Appendix 3

Appendix 4



LOCAL PLAN GREEN BELT ASSESSMENT 2015-16 INVITATION TO SUBMIT A PROPOSAL TO CARRY OUT THE ASSESSMENT

1. Background

- 1.1 Uttlesford District Council is currently in the early stages of work on a new Local Plan for the District. All work on the emerging Local Plan is subject to scrutiny at public meetings of the Council's Planning Policy Working Group (PPWG), an advisory panel comprising 10 District Councillors. For details and membership of the PPWG, see www.uttlesford.gov.uk/ppwg.
- 1.2 To inform decision-making on the Local Plan, the Council is seeking to appoint a suitably qualified and experienced consultant to prepare a Green Belt Assessment for the whole of the area lying within the District as part of the evidence base which will inform the development of a new Local Plan for the area.
- 1.3 The Uttlesford Green Belt covers 3,810 hectares, representing approximately 8% of the total area of the District. A map of the Green Belt is attached at **Appendix A**.

Areas of Search

- 1.4 Uttlesford District Council is at the early stages of preparing a new Local Plan for the District. To ensure that it has '*made every effort objectively to assess and then meet development needs*' (National Planning Policy Framework, Paragraph 17) the Council has agreed to assess a number of '**Areas of Search**' across the District, as shown in **Appendix C** (an inset map showing in more detail the edge of Bishop's Stortford, which lies within the Uttlesford Green Belt, is shown in **Appendix D**.)
- 1.5 The blue ovals in Appendix A represent areas to be assessed in terms of potential for a new settlement. The mauve shapes represent areas to be assessed in terms of potential for urban extensions to towns. The orange shapes represent areas of search to be assessed in terms of potential extensions to Key Villages with a reasonable range of services and facilities (defined as "*Major focus for development in the rural area – suitable for a scale of development that would reinforce role as provider of services to a wide rural*

area.”). The green dots represent Type A Villages with a some limited services or facilities, for example a school (defined as “*Villages with primary school with some local services, e.g. village hall/pub/shop – suitable for a scale of development that reinforce role as a local centre.*”)

1.6 The Areas of Search provide an assessment framework to ensure that equal consideration is given to all the reasonable options and to ensure that the District Council is able to prepare a fully justified Local Plan.

1.7 The following Areas of Search overlap the Green Belt in whole or in part:

- **Area of Search 4:** M11 Junction 8 – North-West (new settlement option)
- **Area of Search 5:** M11 Junction 8 – South-East (new settlement option)
- **Area of Search 11a:** between the Stansted Road industrial estate in Bishop’s Stortford and the A120 town bypass
- **Area of Search 11b:** to the south of Beldams Lane in Bishop’s Stortford, and north of the Sewage Treatment works
- **Area of Search 13:** Hatfield Heath (Key Village)
- **Area of Search 13:** Stansted Mountfitchet (Key Village)
- **Area of Search 14:** Birchanger (Type A Village)
- **Area of Search 14:** Little Hallingbury (Type A Village)
- **Area of Search 14:** Leaden Roding (Type A Village)
(Note: The Study should assess the whole Green Belt within Uttlesford and not just the Areas of Search)

1.8 A Landscape Character Assessment was completed for the District in 2006 and this identified a number of distinct character areas, as shown in **Appendix B**. The consultants may wish to use these areas as a starting point for the identification of parcels for assessment (see Section 4 below).

2. Cross-Boundary Green Belt issues

2.1 Uttlesford District is located within the East Hertfordshire/West Essex grouping of authorities including East Hertfordshire, Epping Forest, and Harlow Districts. Each District is partially covered by Green Belt and each District Council is either preparing or has prepared a separate Green Belt Assessment/Review.

2.2 As part of the Study the consultants should review the methodology and approach of the studies prepared for East Hertfordshire, Epping Forest, and Harlow Districts. The consultants should also consult each of these Local Planning Authorities on the proposed methodology for Uttlesford, and also on the draft conclusions. The methodology proposed for Uttlesford should be compatible with that of these other Districts, and should enable easy read-across and consistency in interpretation.

2.3 East Hertfordshire’s Green Belt Review and background reports (September 2015) are available [here](#) (District Planning Executive Panel, 10 September 2015).

2.4 Epping Forest District Council’s emerging Green Belt work is [here](#) (Cabinet, 3 September 2015).

2.5 Harlow Council's emerging Green Belt work is not yet published.

3. Aims of the Study

3.1 Paragraph 83 of the NPPF states that: *“Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”*

3.2 *Green Belt Review* is understood as the whole process leading to changes in the boundaries. *Green Belt Assessment* is understood as an evidential study of the extent to which different parts of the Green Belt meet the five purposes of Green Belt as set out in the National Planning Policy Framework (Paragraph 80).

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.3 The main aim of the study will be to prepare an assessment of the District's Green Belt against these five purposes, in sufficient detail to enable the Council to make informed decisions, should it decide to amend the Green Belt through its new Local Plan. The study should clarify what is meant by each of the five purposes, and how they will be applied in practice.

3.4 National Policy is clear that the Local Plan strategy is the main consideration in terms of deciding whether or not the exceptional circumstances exist to justify alterations to Green Belt:

Paragraph 84: When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

Paragraph 85 (extract) When defining boundaries, local planning authorities should...ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;

3.5 A second aim of the study will be to clarify the types of development which could fall within the scope of 'exceptional circumstances', to assist the Council's

decision-making process in this respect. The guidance should include case-studies and examples of how this has been assessed elsewhere at Examination in Public of Local Plans, and matters which could fall within the definition of 'sustainable development' (NPPF Paragraphs 84 and 85) in this context.

3.6 The study should also clarify and provide further guidance on the distinction in national policy between 'very special circumstances' (which applies to planning applications in the context of existing Green Belt) and 'exceptional circumstances' (which applies to forward planning for Local Plans).

4 Two-Stage Reporting Requirement

4.1 The assessment should be undertaken in two stages. The first stage will be to establish the full methodology and detailed assessment framework. The support of Members will then be sought before proceeding to Stage 2, which will be to carry out the assessment in accordance with the agreed methodology, and to populate the assessment tables presented at Stage 1. Stage 2 should be integrated into Stage 1 to form a single report as the final output. The consultants should be available to present both the stage 1 and stage 2 work to the Planning Policy Working Group evening meetings.

4.2 **Stage 1: Methodology and Assessment Framework** should set out:

- A general introduction to the national policy context and legal interpretations, including the difference between 'very special circumstances' and 'exceptional circumstances';
- The assessment criteria used for each of the purposes of Green Belt set out in national policy;
- Explanation of how villages will be considered in Green Belt terms (national policy only refers to 'neighbouring towns' and the 'setting and special character of historic towns');
- Methodology for delineation of parcels;
- Parcels for assessment, mapped and numbered ;
- Cross-boundary matters and how any consultation responses have been addressed;
- Empty template matrix of the assessment of parcels against Green Belt Purposes;
- Strategic assessment of the Green Belt land in the context of its function as part of the London Green Belt; and
- Any other relevant matters.

4.3 In preparing the assessment parcels the consultants should take particular care to ensure that each is sufficiently delineated to avoid risk of subsuming sub-areas which might have distinct Green Belt characteristics and result in differing conclusions.

4.4 The consultants will be required to undertake site visits and appraisal of each of the identified parcels and demonstrate in the report how this appraisal has informed the conclusions in respect of each parcel.

4.5 Stage 2: Conclusions should set out:

- everything in the Stage 1 document;
- completed matrices showing the findings for each parcel in Green Belt terms as an Area of Search, and including a clear justification;
- consideration of the suitability in Green Belt terms of any SHLAA sites which lie within the Green Belt;
- completed and colour-coded summary maps of the conclusions for each area of search, for each of the purposes of Green Belt;
- Further guidance on 'exceptional circumstances' and implications for the Local Plan strategy and
- Commentary on the East Herts, Epping Forest and Harlow Council Green Belt reviews and their relationship with this study.

4.6 The outputs and deliverables for the commission will be as follows:

- Stage 1 Methodology Report and Detailed Assessment Framework;
- Stage 2 Conclusions Report incorporating Stage 1 report;
- Site visits for each parcel and completed appraisal forms;
- Consultation with other Local Planning Authorities in the Housing Market Area (East Herts, Harlow, and Epping Forest) on the draft methodology, and also on the draft conclusions;
- Attendance at two evening meetings of the Planning Policy Working Group; and
- Attendance at Examination in Public (if necessary).

5. Submission of Proposals

5.1 All proposals should include:

- A schedule of rates and costs;
- A project timetable to deliver the review on time;
- Names of the consultant or consultants who would be involved, their experience of this type of work and their qualifications to carry it out;
- Examples of the same or similar type of work undertaken;
- Agreement that intellectual property rights for data from the research will rest with the Council;
- A declaration of any conflicts of interest. This should include a separate declaration of any conflicts of interest in Chelmsford City, Braintree District, South Cambridgeshire District, East Hertfordshire District, Epping Forest District and Harlow District Council areas; and
- Names and addresses of two referees.

5.2 The Council will assess all bids in accordance with the following criteria:

Evaluation criteria	Weighting
Cost	50%
Understanding the requirements of the project	20%
Similar work undertaken	20%
Methodology	10%
	100%

5.3 Each consultant will be awarded a score from 0-5 against each criterion by each assessor where 0 = no evidence and 5 = fully evidenced, to which the weighting will then be applied. The consultant scoring the highest aggregate score will be appointed.

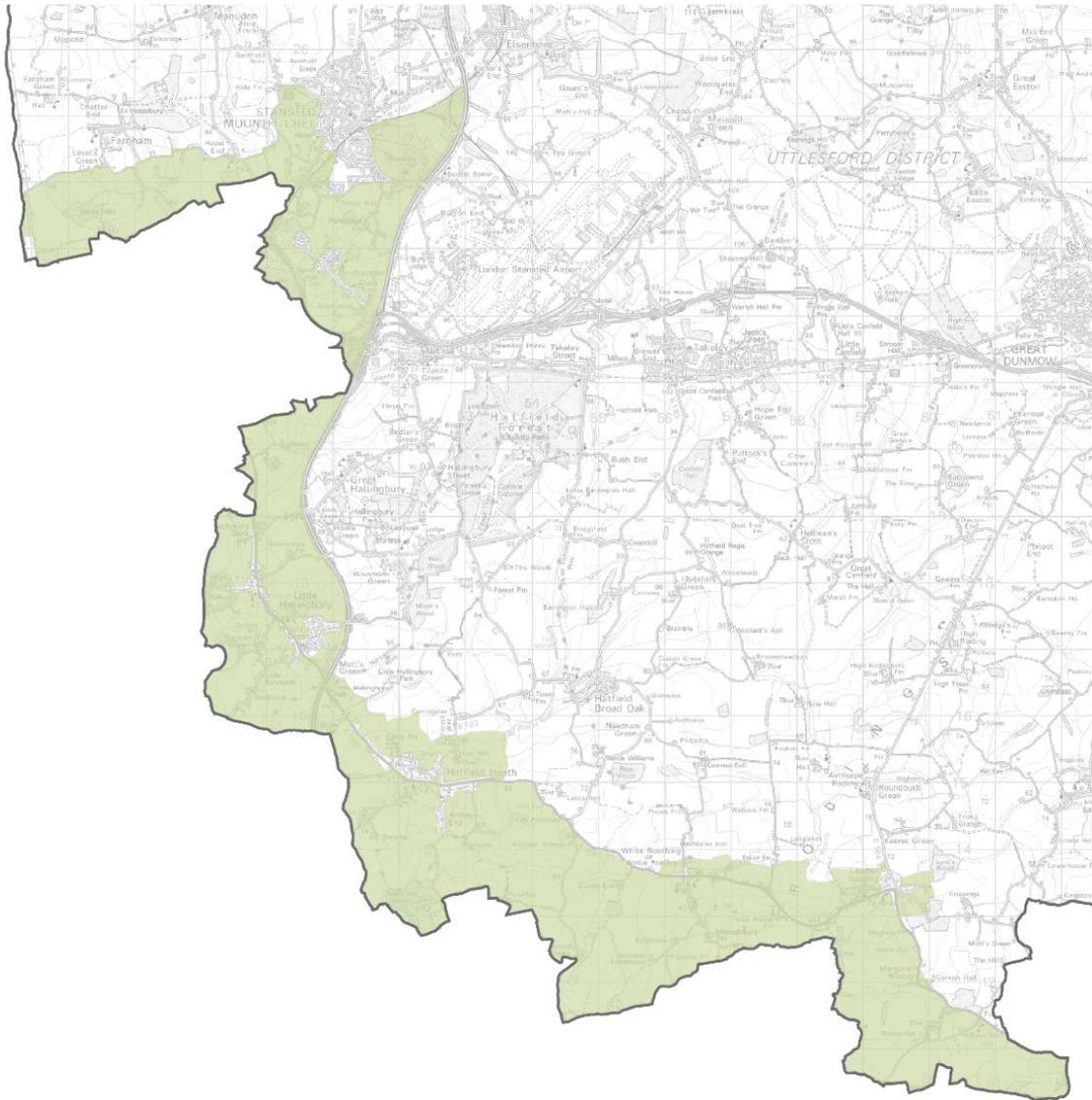
5.4 The timeline for the contract process will be as follows:

Invitation to bid issued	12 October 2015
Deadline for receiving questions	16 October 2015
Deadline for submission of bids	26 October 2015
Initial evaluation completed	28 October 2015
Interviews and presentations	w/b 2 November 2015
Intention to award notification	6 November 2015
Formal award of the contract	w/b 9 November 2015
Commencement of the contract	w/b 9 November 2015
Receipt of final report	Ideally by February 2016

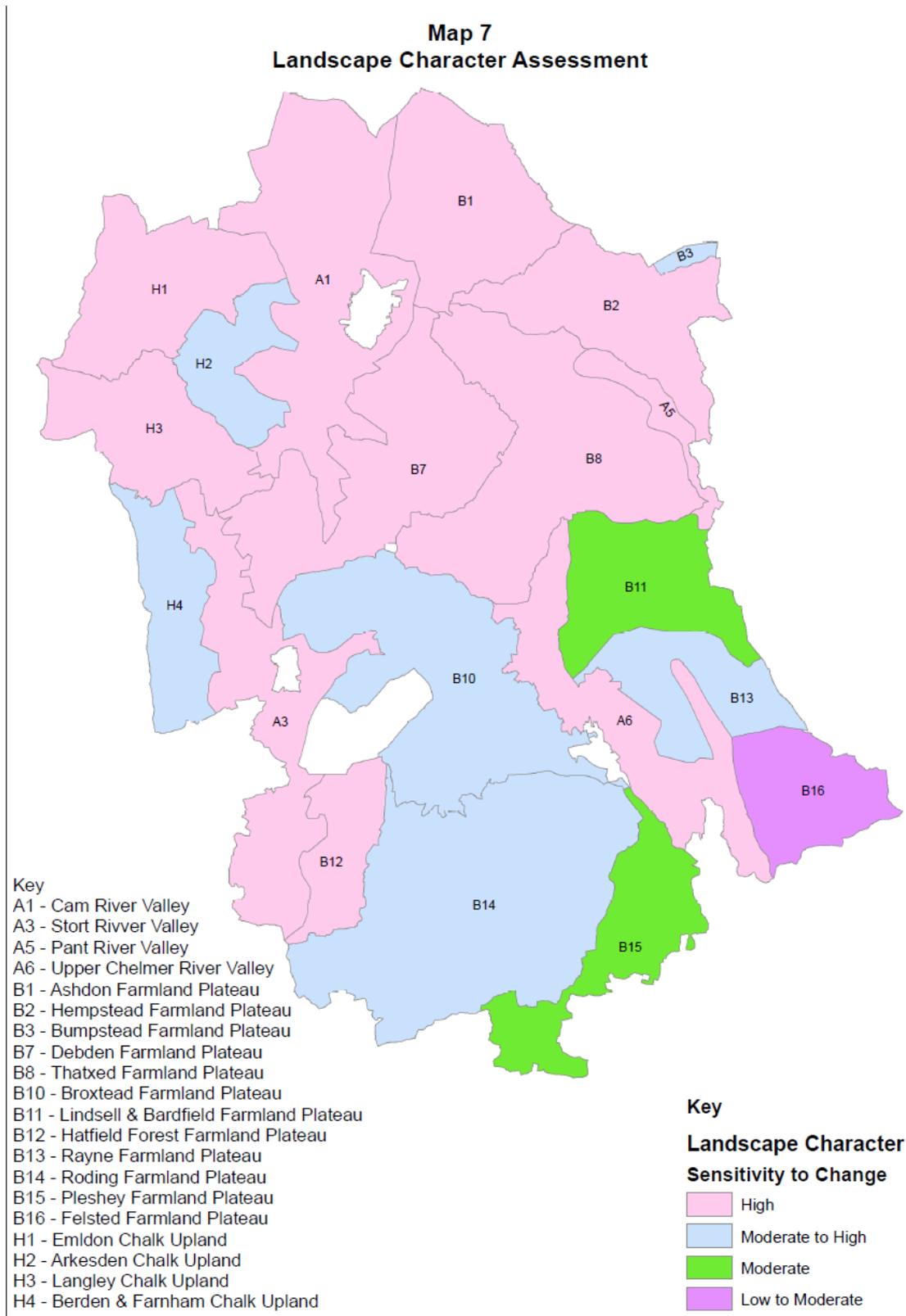
Further information

5.5 Please contact either Andrew Taylor (ataylor@uttlesford.gov.uk, 01799 510601 for further information.

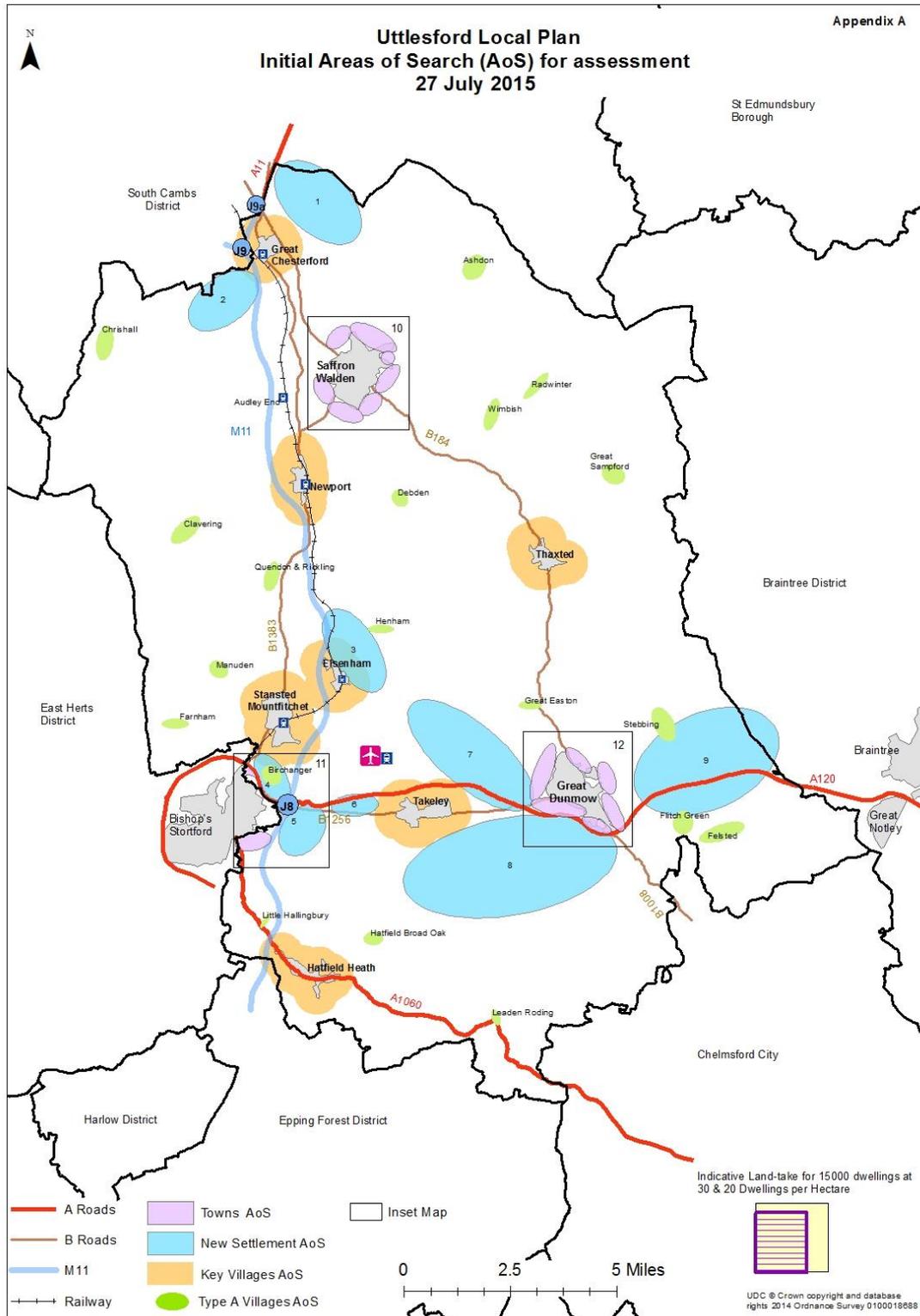
Appendix A: Uttlesford Green Belt



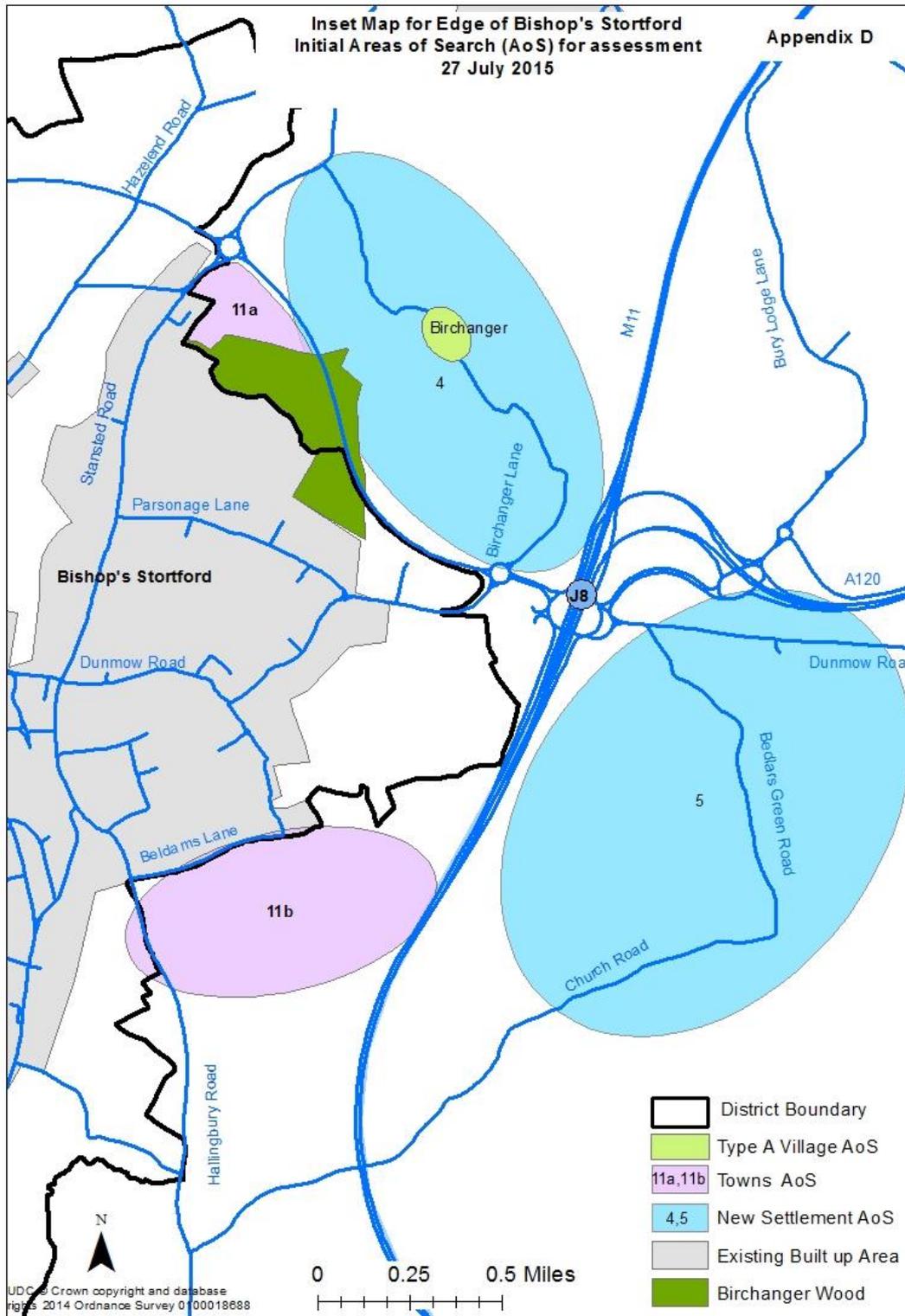
Appendix B: Landscape Character Areas



Appendix C: Areas of Search – District Wide



Appendix D: Areas of Search – Edge of Bishop’s Stortford (within Uttlesford District)



Uttlesford District Council
Council Office
London Road
SAFFRON WALDEN
CB11 4DT

For the attention of Andrew Taylor

Our Ref: ADC\Q15-3531-X-L001-2

26 May 2015

Dear Sirs,

Uttlesford District Council Level 1 SFRA update

Thank you for your email of 4th May 2015 and your enquiry to provide an update to the Uttlesford District Council Strategic Flood Risk Assessment (SFRA). We are writing to confirm that we will be pleased to accept a professional appointment to assist you and have prepared this letter to describe our approach for a quotation to the value of [REDACTED] exclusive of VAT.

Summary of Study Scope

We understand that you require a review and update to the existing SFRA for the Uttlesford District Council area and that the key objectives of the update will be to:

- critically review the 2007 Strategic Flood Risk Assessment and to provide an update, taking into account the latest flood risk information and any updates to legislation and policy;
- provide an individual flood risk analysis of the major urban and strategic development sites identified within the district as part of the local plan preparation; and
- provide a comprehensive set of maps which subdivide the study area into Flood Risk Zones in accordance with the provision of national flood risk guidance

There have been significant changes to legislation relating to both flood risk and planning policy since the existing SFRA was published in 2007 including the Flood Risk Regulations (2009), Flood and Water Management Act (2010), the National Planning Policy Framework (NPPF) (2012), the Localism Act (2011) and the Climate Change Act (2008). In addition there has been recent guidance published in April 2015 regarding the role of LLFAs, Local Planning Authorities and the Environment Agency with regards to SuDS approval.

We have identified that there have been a number of changes to the available flood risk data since the publication of the existing SFRA including:

- Improved knowledge of flood risk through modelling and other studies e.g. North Essex, and Great Ouse Catchment Flood Management Plans, Essex Preliminary Flood Risk Assessment (2011), and the Essex Local Flood Risk Management Strategy (2013)



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JBA Consulting is part
of the JBA Group

- River Cam Tributaries fluvial modelling study (2013),
- Availability of the updated Flood Map for Surface Water (uFMfSW)

It is noted that at this time the council has not identified any new locations for growth and that at this stage the SFRA is intended to review the existing situation and will consider existing development sites when assessing flood risk in the district.

Our Approach

Data Collection

Data collection is a critical phase of the SFRA process and it is vital that comprehensive data set of all sources of flood risk is developed. Currently available data, including previous flood risk management modelling, mapping, strategies and studies, historical records of flooding, Flood Zones Maps etc. will be collated and reviewed and the ability to clearly identify strategic flooding issues from all sources evaluated.

Identification of all sources of flooding

The data collected will be used to produce appropriately scaled plans showing the sources of flooding including the following:

- **Fluvial Flooding:** We will utilise existing information and datasets to derive flood zones, climate change and hazard information for the SFRA area. These datasets include, EA hydraulic models, existing EA Flood Zones where detailed hydraulic models are not available and National Flood Risk Assessment (NaFRA) outputs, which will be used to assess flood hazard across the district
- **Surface Water Flooding:** Technology and our understanding of surface water mapping have improved considerably over the last couple of years. The updated Flood Map for Surface Water (uFMfSW) has been developed by the EA and was distributed to Lead Local Flood Authorities in October 2013 and intended as a comprehensive replacement to the existing FMfSW and other national surface water flood risk mapping products such as the Areas Susceptible to Surface Water Flooding map (AStSWF).
- **Ground Water:** Areas Susceptible to Groundwater Flooding (AStGWf) is a strategic scale map showing groundwater flood areas on a 1km square grid. It was developed specifically by the Environment Agency for use by Lead Local Flood Authorities (LLFAs) for use in Preliminary Flood Risk Assessment (PFRA) as required under the Flood Risk Regulations. However it is equally suited for use by other Local Authorities (LAs) for use in SFRA's. The data was produced to annotate indicative Flood Risk Areas determine whether there may be a risk of flooding from groundwater and provide a broad feel for the wider areas which might be at risk from groundwater flooding.
- **Reservoir Inundation:** Following publication of the 2008 SFRA the National Reservoir Inundation Mapping was undertaken in December 2009. We will use this data to present the risk of reservoir inundation to the study area.
- **Sewer Flooding:** We will review what data was collected for the previous SFRA and work closely with you and Thames Water and Anglian Water to provide an assessment of flooding from sewers. We will base this assessment on record of sewer flooding incidents as recorded in water companies' DG5 register. 'DG5 flooding' is flooding from the 'public' sewer system ('public' in this context

meaning assets under the control of Water & Sewerage Companies (WaSC) in England & Wales). Incidents of flooding are recorded in a register which is made available to the Director General of OFWAT the industry register.

- Historic Flooding: We will request and collate historic records of flooding from you, the Environment Agency, Essex County Council, and the WaSCs to provide a comprehensive map of recorded historic flooding in the study area.

Definition and mapping of flood risk

- Functional Floodplain

The NPPF Planning Practice guidance states that Local planning authorities should identify areas of functional floodplain in the SFRA, in agreement with the Environment Agency and that they should not be defined solely on rigid probability parameters but take into account local circumstances. We propose using outputs from new and updated Environment Agency models for the 20-year (or 25-year) return period event where available.

Where no updated hydraulic models are available we will discuss with you whether a precautionary approach to setting functional floodplain should be taken (by assuming it is equal to Flood Zone 3a) or whether the requirement to define functional floodplain should be set out in the "Guidance for Flood Risk Assessments" section of the SFRA. Alternatively we are able to undertake some additional 2D modelling of these watercourses as outlined below.

- Climate change

We will undertake an assessment of the potential increase in flood risk due to climate change using existing hydraulic models, where available. We will follow guidance laid out in the National Planning Policy Framework (NPPF) Planning Practice guidance notes (which replaced the NPPF Technical Guidance in March 2014) as well as the Environment Agency's "Climate Change allowances for planners" guidance document published in September 2013 to support the NPPF. These documents suggest a value of 20% be added to peak river flows or a 30% increase in rainfall intensity. An appropriately scaled plan will be produced showing the potential increase in flood risk due to climate change.

Reporting

The SFRA report will be carefully documented with feedback sought from Council planners to ensure that the terminology adopted is appropriate to the intended end users of the documents (i.e. the planning and developer communities). It will contain clear and simple language.

The report will be based around the methodology and findings described in this methodology but also develop the background policy and guidance to flood risk, its management and provide useful guidance and recommendations towards Sequential and Exception Testing and further flood risk investigation. The report will also include guidance on the preparation of FRAs (including SUDS techniques), guidance on appropriate flood risk policies, and information on challenges to flood zones. We can discuss the preferred report structure at the inception meeting.

A non-technical executive summary will be included within the report and it is assumed that the document will be issued in digital format; however printed copied can also be supplied at a cost of £50 + VAT.

To support the SFRA report a suite of flood risk maps will be produced as a main output of the SFRA process. These will provide users of the SFRA with a visual representation of flood risk throughout the study area and produce the necessary tools for spatial planners and development management officers to assess risk to communities and help identify potential development sites during the application of the Sequential and Exception Tests.

The suite of flood risk maps produced will focus on the proposed allocation sites and include but not limited to:

- Flood Zones - showing Flood Zones 2, 3a, 3b and development sites
- Maps of increase in flood risk due to climate change
- Surface Water Flooding
- Groundwater flooding
- Historical flood incidents
- Flood warning coverage
- Fluvial flood depths, velocities and hazards at the development sites and within the extents of modelling, where data exists - for a range of return periods including climate change

All GIS deliverables can be provided in either MapInfo or ArcGIS formats.

Additional Services

We have noted that detailed hydraulic models do not exist for the entire flood zone coverage within the SFRA study area. Where detailed hydraulic models do not exist, the flood zone data is currently based on the Environment Agency's National Flood Outlines (Flood Zone 2 and 3). JBA can use JFlow+ to easily produce the 1:20 (Flood Zone 3b) and climate change (1:100 + 20%) outlines for areas currently covered by the existing Environment Agency Flood Zones within and adjacent to the allocation sites. This follows the methodology used to define the existing Environment Agency datasets.

Additionally we can use JFlow+ to re-run the 1:100 (Flood Zone 3a) and 1:000 (Flood Zone 2) to produce depth, hazard and velocity maps for the areas around existing development sites, which can be used to advise a Level 2 assessment, whilst also ensuring that all flood mapping uses and is consistent with the latest digital terrain models held by the EA.

The JFlow+ modelling will require use of a suitable Digital Terrain Model (DTM). We have undertaken an initial assessment of LIDAR coverage in the study area which has shown the coverage is complete and will not require supplementing.

Please note that we have not included a cost to undertake the additional modelling within the fee for the study, but can provide a cost should you wish to proceed, once the necessary extents are established.

Project Team

The project manager and main point of contact for this study will be Anna Beasley. Anna is a Principal Flood Risk Analyst with will be supported by a team based in our Wallingford office. Project Director Paul Eccleston has managed several SFRA's and Water Cycle Studies for local authorities and will ensure that the project team are appropriately resourced. An independent review of deliverables will also be conducted by Claire Gardner, who is a Senior Analyst with extensive experience of SFRA's. CVs can be provided upon request.

Programme

We anticipate that our study may take in the region of 6 weeks to complete (upon receipt of all data requirements), based on current workload we have staff available to begin the study immediately following appointment.

Costs of Study

Based on the information you have supplied our fee for undertaking the work as described is [REDACTED] excluding VAT.

Any additional work (which we would agree with you prior to undertaking) would be charged at the following hourly rates:

- Paul Eccleston (*Project Director*): [REDACTED] per hour.
- Anna Beasley (*Principal Analyst*): [REDACTED] per hour.
- Elizabeth Gorton (*Assistant Analyst*): [REDACTED] per hour.

Additional JBA services

At JBA we are able to offer a number of additional services that can supplement an SFRA including:

- **Emergency planning:** SFRA's can have a tendency to brush over emergency planning and as a result often unpractical/ unreasonable assumptions are placed on Councils. For these reasons JBA can offer our experience Emergency Planning team to complete this section of the SFRA. It would be their aim to provide practical and realistic recommendations.
- **Water Cycle Study:** The information used to develop a Strategic Flood Risk Assessment compliments requirements to develop a Water Cycle Study. JBA have completed several Water Cycle studies alongside SFRA's and we would be happy to discuss your requirements in this regard to support your local plan.

Terms & Conditions

We would require a formal written instruction to proceed. We would issue monthly invoices reflecting the work completed to date. A final invoice for the remainder of our fees would be issued upon completion of our draft report. Payment terms are strictly 28 days from date of issue. We reserve the right to halt work if payment of fees is delayed. We would require a formal written instruction to proceed (via email or post).

We would propose that JBA's standard Terms and Conditions would apply and a copy of these is attached for your information. The Professional Indemnity Insurance cover offered would be £33,000 and the limit of our liability is set at the same amount.

Any additional work, which is agreed to be outside the scope of the study as defined herein, would incur additional fees.

We trust we have interpreted your requirements correctly and that you will find our proposal to be of interest. We await your further instructions, but if you have any queries in the meantime, please do not hesitate to contact me.

Yours faithfully,
For **Jeremy Benn Associates Limited**

Alistair Clark
Team Leader
alistair.clark@jbaconsulting.com

Encs. JBA Terms and Conditions

Committee: Planning Policy Working Group

Agenda Item

Date: 26th November 2015

7

Title: Economic Evidence – Uttlesford Stansted Scenarios summary paper and spreadsheet

Author: Jeremy Pine, Planning Policy / Development Management Liaison Officer

Summary

1. This report, which is for information, is about further work that the Council has commissioned on employment forecasting, taking account of expansion plans at Stansted Airport. This work supplements an earlier published report, and will form part of the Council's emerging Local Plan evidence base.

Recommendations

2. That the Working Group note the published Uttlesford Stansted Scenarios summary paper and spreadsheet, and their adoption into the Local Plan evidence base.

Financial Implications

3. Costs of the document were met from existing budgets.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	The documents have been published on the website.
Community Safety	N/A
Equalities	The policy documents which will be prepared are subject to separate equalities impact assessments.
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	The policy documents which will be prepared are subject to separate

	sustainability assessments.
Ward-specific impacts	All
Workforce/Workplace	Existing staff resources.

Situation

6. The Working Group will recall that the report “Economic Evidence to Support the Development of the OAHN (*Objectively Assessed Housing Need*) for West Essex and East Herts” prepared by Hardisty Jones has been published, and was reported to the Working Group’s meeting on 29th September (Agenda Item 5).
7. Hardisty Jones has been commissioned by the Council to provide a district-wide projection of employment by sectors up to 2033 based on the high and low growth scenarios at Stansted Airport referred to in its original report. These scenarios are 45 million passengers per annum (mppa) - and 35mppa respectively. These scenarios have been prepared taking into account Manchester Airports Group’s aspirations for airport growth expressed in its Sustainable Development Plan which was published earlier this year.
8. This work has now been completed in the form of a short summary paper (attached) and an MS Excel spreadsheet, both of which will be available on the UDC website as a background study. The spreadsheet sets out employment numbers and percentage change by employment sectors up to 2033 for the two growth scenarios and the 2014 EEFM baseline.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
The plan may be found unsound because the plan has not been prepared in accordance with up to date and robust evidence.	1. The production of robust evidence using experienced consultants reduces the risk of impact.	3. If the plan is found unsound this will cause delay and uncertainty.	Ensure that the evidence base is kept up to date and refreshed as necessary.

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.

Uttlesford Stansted Scenarios

1.1 Introduction

This short paper accompanies the spreadsheet *Uttlesford EEFM Stansted Scenarios.xls*. The spreadsheet sets out adjusted East of England Forecasting Model (EEFM) scenarios taking account of expansion plans at Stansted Airport. These scenarios align to work undertaken by Hardisty Jones Associates for the Cooperation for Sustainable Development Board set out in the report *Economic Evidence to Support the Development of the OAHN for West Essex and East Herts (July 2015)*.

1.2 EEFM

The EEFM is an econometric model developed by Oxford Economics providing consistent forecasting information for the whole of the East of England region and its constituent areas. The EEFM 2014 model has been used to provide a baseline view of the economy as well as to test alternative scenarios¹. The EEFM is managed by Cambridgeshire Insight².

1.3 Stansted Scenario Development

Analysis of the EEFM was undertaken at the sub-regional level to ensure alignment with the SHMA³. As part of this analysis an adjusted EEFM scenario, taking account of Stansted growth, was developed by HJA⁴. This scenario, based on 1,895 jobs per annum (jpa) across the strategic housing market area, has been adopted as the basis for the analysis in this report. This is an increase from the EEFM baseline of 1,590 jpa. The details are set out in Table 1.

Table 1: HMA-wide Workplace Based Jobs Scenarios

	EEFM 2014 Baseline				Stansted Growth Scenario			
	2011	2033	2011-33	JPA	2011	2033	2011-33	JPA
East Herts DC	66,785	76,750	9,960	455	66,785	76,360	9,570	435
Uttlesford DC	43,390	50,465	7,080	320	43,390	58,205	14,815	675
Harlow DC	42,230	49,815	7,585	345	42,230	49,560	7,330	335
Epping Forest DC	57,545	67,880	10,335	470	57,545	67,545	10,000	455
HMA	209,955	244,915	34,965	1,590	209,955	251,665	41,715	1,895

Figures may not sum due to rounding

The sub-regional total was apportioned to each constituent authority area, with Uttlesford allocated⁵ a figure of 665 - 675 jpa across the 2011-33 plan period based on two possible distribution scenarios. This compares to the original EEFM 2014 Baseline of 322 jpa. This upward revision

¹ The EEFM 2014 runs to 2031. The forecasts have been extended to 2033 by extrapolating the long term trends from the period 2028-31.

² <http://www.cambridgeshireinsight.org.uk/EEFM> for more details.

³ Hardisty Jones Associates (July 2015) Economic Evidence to Support the Development of the OAHN for West Essex and East Herts

⁴ The sub-regional report should be read for full details of scenario development and assumptions made. The baseline EEFM did not incorporate the scale of growth planned at Stansted. A Stansted scenario was developed taking account of evidence prepared by Manchester Airports Group.

⁵ The sub-regional report should be read for full details. The apportionment was based on (1) the EEFM forecast distribution of future employment growth and (2) the historic distribution of employment across the SHMA.

reflects the growth ambitions at Stansted Airport, located within Uttlesford District over and beyond those already included within the EEFM Baseline.

1.4 Developing Uttlesford District Sectoral Employment Projections

EEFM Baseline sectoral employment projections for Uttlesford District have been remodelled to take account of the headline employment projections emerging from the sub-regional work. The following adjustments from the baseline have been made:

- Annual uplift apportioned across sectors in line with commentary within technical evidence underpinning the Stansted Sustainable Development Plan 2015⁶. Approximately⁷:
 - 40% Air Transport
 - 20% Business, Professional and Public Services
 - 15% Land and Other Transport
 - 15% Wholesale, Retail, Food and Accommodation Services
 - 5% Construction, Manufacturing and Utilities
- Minor adjustments to sectoral growth rates were made to align to the total employment levels projected within the high and low variant distributions.
- Detailed assumptions and adjustments are set out within the accompanying spreadsheet for each scenario (cells S46 – S76 on the relevant worksheets)

⁶ Economic Impact of Stansted Scenarios, Oxford Economics, 2013, for London Stansted Corridor Consortium

⁷ The Oxford Economics report sectoral adjustments only sum to 95% of uplift. HJA has therefore adjusted these in proportion to increase to 100% and made further minor adjustments to constrain the total employment projections for the high and low variant.

Committee: Planning Policy Working Group

Agenda Item

Date: 26 November 2015

8

Title: Duty to Cooperate

Author: Andrew Taylor, Assistant Director Planning
and Building Control

Summary

1. This report updates members on the Duty to Cooperate work.

Recommendations

2. To note the report.

Financial Implications

3. None

Background Papers

4. None

Impact

- 5.

Communication/Consultation	Communication and consultation form the bedrock of cooperating. This paper is published on the website.
Community Safety	The Duty to Cooperate will include all factors.
Equalities	The Duty to Cooperate will include all factors.
Health and Safety	The Duty to Cooperate will include all factors.
Human Rights/Legal Implications	The Duty to Cooperate will include all factors. Failure to comply would result in the Local Plan being found unsound.
Sustainability	The Duty to Cooperate will include all factors.
Ward-specific impacts	Affects all wards equally.
Workforce/Workplace	This will involve Councillors, officers from the Planning Policy Team and others as necessary.

Situation

6. This report seeks to update members on the Duty to Cooperate which forms part of Section 110 of the Localism Act 2011. The Duty requires local planning authorities, public bodies and others to engage constructively, actively and on an ongoing basis in relation to the planning of sustainable development.

Update

7. The **Strategic Housing Market Assessment (SHMA)** was jointly commissioned by East Hertfordshire, Epping Forest, Harlow and Uttlesford Councils as a clear outcome of our Duty to Cooperate discussions and the need for a robust joint evidence base. This was adopted into our evidence base at the last meeting of the Working Group.
8. In addition to the SHMA the four authorities commissioned **Economic Evidence to support the development of the OAHN for West Essex and East Herts**. This was also adopted into our evidence base at the last meeting of the Working Group.
9. The SHMA and Economic Evidence work forms part of the wider cooperation between the four authorities and a number of others including, Brentwood, Broxbourne, LB Redbridge, Essex and Hertfordshire County Councils. This group has collectively become known as the **Cooperation for Sustainable Development Board**.
10. The Coop Board met on 16 March 2015 and received a presentation on the emerging SHMA and a report on the Further Alterations to the London Plan. The minutes of this meeting are attached as **Appendix 1**.
11. The Coop Board then met on 3 June 2015 and discussed the future of the Board. The Board agreed that it was a useful mechanism for cross border working and agreed to continue its work which included funding an officer resource to coordinate work. The Board received a presentation on the emerging Economic Report as well as a verbal update on J7a/J8 of the M11. A report was also provided on the support from ATLAS (Advisory Team for Large Applications) who have been working with the four authorities to help coordinate strategic growth around Harlow. As a result the four authorities are about to appoint an officer to coordinate this work, lead discussions with developers and ensure that developments which cross borders are dealt with strategically. The minutes of this meeting are attached as **Appendix 2**. A more detailed discussion for officers on the potential for growth around Harlow was held jointly with ATLAS on 10 June 2015. This led to the drafting of a job description for the new officer post. This job description is attached at **Appendix 3**.
12. The Coop Board met on 22 September 2015 and received and approved the SHMA and Economic Evidence reports. In addition a paper prepared by the London Stansted Cambridge Consortium was discussed. This focused on the need for strategic thinking for development around Harlow and suggested a number of facilitated workshops for Leaders, Chief Executives and planners to help this process move forward. This approach was agreed although it was

noted how important it was for this process and the process of the various Local Plans to be closely aligned.

13. The Coop Board then met on 26 October 2015 and discussed a proposal from the LSCC for a facilitated group workshop to provide a joined up approach to delivering the identified housing need within the SHMA area. The initial meeting has now been confirmed for 2 December 2015. The Board also received an update on highways work from ECC and an update on the work to focus on the strategic options work in and around Harlow. The Board received two presentations on Local Plan consultations from UDC and Broxbourne. The later presentation focused on a newly published Duty to Cooperate document which also lists a range of potential development sites across the Borough.
14. The Council has continued to actively engage as part of the **Strategic Spatial Planning Officer Liaison Group** (SSPOLG). Cllr Barker and the Assistant Director attended the Wider South East Summit on 19 March which addressed the co-ordination of future housing and infrastructure needs for the wider south east. The discussion papers are attached as **Appendix 4**. Cllr Barker and the Assistant Director also attended the subsequent East of England roundtable held in Cambridge on 4 September 2015. This was part of a series of 5 roundtables in the South East and East of England to consider joint working. The outcome and report from these events will be considered at the next Wider South East Summit on 11 December 2015.
15. In addition to the Councillor meetings officers meet regularly as part of SSPOLG to ensure that the joint working continues and that preparations take place for the Councillor meetings. To aid coordination the East of England representatives have additional meetings to ensure a consistency of approach and message. These have been very helpful in moving forward the agenda. As an example the East of England have proposed, and developed, a Stocktake of the entire strategic evidence base in the Wider South East. This is now being circulated with our partner areas to ensure a clear understanding of the existing evidence base.
16. The Council continues to participate in meetings with **Stansted Airport** and neighbouring authorities. Regular meetings are held to oversee the transport strategy, the delivery of the Sustainable Development Plan, ongoing S106 obligation monitoring and discussions regarding future development at the site.
17. Officers of the **Four Authorities** (East Hertfordshire, Hertfordshire County Council, Essex County Council and Uttlesford) met on 7 September 2015 to discuss our ongoing joint working in relation to Stansted airport. Specifically the discussion focused on the Airports Commission next stages, highways infrastructure and consultations on flight paths.
18. Officers have held a number of meetings with consultee bodies as part of the preparation of the **Areas of Search and Sustainability Appraisal process**. Meetings were held with the National Trust, Historic England and ECC Historic Environment Team on 3 July 2015 and Essex Wildlife Trust, Natural

England and ECC Ecology on 8 July 2015. Notes of these meetings are at **Appendix 5 and 6** respectively.

19. Regular meetings of the **London Stansted Cambridge Consortium** Board (LSCC) have continued (4 March, 12 May and 30 September) to continue the work of delivering cross border sustainable growth and development. Additional officer meetings are held to proceed the Board and also for specific task and finish groups. As a result of this work the Assistant Director has been appointed to the **West Anglia Taskforce – Working Group** to support the work of the Taskforce examining the West Anglia mainline.
20. Officers have met a number of other Local Councils as part of joint working. For example the Director of Public Services and the Assistant Director met with their counterparts from **South Cambridgeshire Council** on 5 March 2015. This was a very helpful meeting to understand the outcome of the joint South Cambridgeshire/Cambridge City Local Plan process and what additional work was being discussed. A further meeting was held on 19 November with a joint Councillor meeting to follow on 24 November 2015.
21. Officers met with **Chelmsford City Council** on 9 April 2015 to discuss both Local Plan processes. A note of this meeting was agreed and is available at **Appendix 7**.
22. Officers met with **Essex County Council** on 20 April 2015 to discuss the Local Plan process now being put in place and to seek detailed support and information. This was followed up with a meeting on 4 June to specifically discuss the provision of education within Uttlesford. ECC agreed to re-supply up to date information on spaces, expected admissions numbers and where existing schools had scope to expand. This information could then be used by Uttlesford as part of its sieve mapping exercise. A meeting with ECC Highways was held on 6 August 2015 which related to the need for external Transport Consultants to advise the Council and to seek the County support and buy in to this process. The notes are at **Appendix 8**. A meeting with the ECC Waste and Minerals Team was held on 9 September 2015 and the notes are at **Appendix 9**.
23. Officers together with Cllr Barker met with **East Hertfordshire Council** on 22 April 2015 to explore in more detail the cross border issues affecting both authorities. Specifically this related to Bishops Stortford due to its relationship with Uttlesford and the Green Belt.
24. Officers met with **Braintree District Council** as observers in a meeting with the Andrewsfield Development consortium. Uttlesford were invited to attend as the site crosses the border and both Councils consider that it is important that the site is assessed on the same basis by both Authorities. A second joint meeting with the promoters of the Boxted Wood scheme was held on 10 June 2015.
25. Officers held a joint meeting with Braintree District Council on 23 July 2015 to discuss the two presentations from developers and to discuss and agree future joint working. This specifically focussed on how to deal with cross border sites and future Local Plan consultations.

26. Officers met with the **Planning Inspectorate and Department of Communities and Local Government**, ATLAS together with Braintree, Colchester and Tendring Councils and Garden City Developments to discuss how a Local Plan process could incorporate a development based on Garden City Principles. This was a positive meeting with the Planning Inspectorate/DCLG agreeing to put a note together for future reference.
27. Given the importance of **Highway Infrastructure** to the success of the Local Plan the Council has been keen to meet with partners to drive this work forward. Officers attended a meeting on 27 April 2015 and again on 9 September 2015 involving Highways England, Essex County, Hertfordshire County, East Hertfordshire, Epping Forest, Harlow and Uttlesford Councils together with ATLAS in attendance. These meetings focused on the work ECC have been doing on Junction 7A and J8 of the M11. Notes of the latter meeting are at **Appendix 10**. A further meeting on 30 April 2015 of Highways England, ECC, Stansted Airport owners M.A.G and Uttlesford focused on J8 of the M11 and further joint working and sourcing and securing potential funding options.
28. The Council has become part of the **Enterprise A120** group which is a group of Councils including Essex County, Tendring, Colchester and Braintree and Uttlesford Councils designed to support the development of enterprise areas along the A120 route from the Harwich port to Stansted airport. While the Council is not committed to the principle of an Enterprise Zone along this route it has indicated its support to its partner authorities. The growth of economic development is important for the prosperity of our area and the support of these growth corridors will need to be considered as part of the wider Local Plan strategy.

Conclusion

29. Work with other Councils and organisations continues as part of the integrated work of the Planning Policy Team. As part of the development of the revised plan there are some important Duty to Cooperate meetings to be held and decision to be made. Councillors will be aware that some of these decisions will be difficult and involve a significant amount of discussion and negotiation before an outcome can be secured.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to comply with and demonstrate the Duty to Cooperate	2 – Some Council's have been found lacking in this Duty by Inspectors. Therefore need to ensure that we	3 – Will result in the Local Plan being found unsound. Significant impact on planning policy and	Cooperate closely with current organisations and continue to do this through the plan making process. Identify any gaps in cooperation and work closely with those

	capture as many groups, issues and outcomes as possible to present a full picture of our work.	planning applications.	bodies to rectify situation.
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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 1

Cooperation for Sustainable Development Board

Held at Epping Forest District Council, 16 March 2015

Present:

Cllr Susan Barker (Chairman)	Uttlesford DC
Cllr Jim Metcalf	Broxbourne BC
Cllr Mike Carver	East Herts DC
Cllr Linda Haysey	East Herts DC
Cllr Richard Bassett	EFDC
Cllr Chris Whitbread	EFDC
Cllr Helen Coomb	LB Redbridge
Vicky Forgione	Broxbourne BC
Claire Sime	East Herts DC
Laura Pattison	East Herts DC
Alison Blom-Cooper	Epping Forest DC
Zhanine Oates	Essex CC
David Sprunt	Essex CC
Diane Cooper	Harlow BC
Paul McBride	Harlow BC
Paul Donovan	Herts CC
David Hughes	LB Redbridge
Andrew Taylor	Uttlesford DC
Jonathan Lee	ORS

Apologies:

Cllr Phil Baker	Brentwood BC
Cllr Barry Aspinell	Brentwood BC
Cllr Phil Mynott	Brentwood BC
Cllr Kay Twitchen	Essex CC
Cllr Jon Clempner	Harlow BC
Cllr Anthony Durcan	Harlow BC
Cllr R Thake	Hertfordshire CC

Note of Meeting January 2015

The note of the meeting was agreed.

SHMA update presentation

Jonathan LEE on behalf of ORS provided a presentation on the SHMA work. The presentation is attached as an appendix to these notes. The current work had taken into account the most recent 2012 household figures produced and published by Government. These are the most recent projections and the National Planning Policy Guidance has been updated by Government.

Those present at the Board were able to ask questions of detail and clarification as part of the presentation.

The Board agreed that officers should comment on the draft report, assess the economic projections, seek overview by Counsel, sense check with their own members and agree a final report. Board agreed to meet in late April to receive the report so that each individual Council can adopt into their evidence base in the new municipal year.

Wider South East Summit

The Board noted the meeting on 19 March 2015 and the briefing document that had been circulated.

Next Meeting: 9am Thursday 30 April 2015

Appendix 2

Note of Co-operation for Sustainable Development Member Board

3rd June 2015 – at Harlow District Council

Attendance

Members

Broxbourne BC	Cllr Jim Metcalfe
East Herts DC	Cllr Linda Haysey
Epping Forest DC	Cllr Richard Bassett (Chair for latter part of meeting), Cllr John Philip
Essex CC	Cllr Kay Twitchen
Harlow DC	Cllr Jon Clempner, Cllr Anthony Durcan
Herts CC	Cllr Terry Douris
Uttlesford DC	Cllr Susan Barker (Chair for start of meeting)

Officers/others

Brentwood BC	Phil Drane
Broxbourne BC	Vicky Forgione
East Herts DC	Kevin Steptoe, Claire Sime
Epping Forest DC	Derek Macnab, Alison Blom-Cooper, Sarah King
Essex CC	Hamish Barrell, David Sprunt
Harlow DC	Graeme Bloomer, Dianne Cooper, Paul MacBride
Herts CC	Paul Donovan
Uttlesford DC	Andrew Taylor
Hardisty Jones Associates	Gareth Jones, Stuart Hardisty
Opinion Research Services	Nigel Moore

1. Apologies

Brentwood BC - Cllr Roger McCheyne & Cllr Will Trump
Epping Forest DC – Cllr Chris Whitbread

2. Introductions

3. Minutes of Board on 16th March 2015

Minutes were agreed as circulated.

4. Future of Co-op. Board

Andrew Taylor introduced his paper (as previously circulated), which considers the future of the Co-op. Board.

It recommends the continuation of the Board if Members agree, and suggests that costs for administration including refreshments, room hire, officer time etc. be shared. Andrew explained that since the paper was drafted, officers have discussed the administration costs and would now recommend that these are met only by the four West Essex/East Herts

SHMA authorities on the Board, i.e. East Herts DC, Epping Forest DC, Harlow DC and Uttlesford DC.

It was agreed that the Board was very useful and should continue. The principle of the four 'core' authorities sharing the costs of administration was agreed, and a more detailed proposal will be brought back to the Board on another occasion. Officers from the four SHMA authorities will report back to their individual Councils.

5. Election of Chair for the municipal year

Attendees thanked Cllr Susan Barker for her good work in chairing the Board meetings for the last municipal year.

Cllr Richard Bassett was nominated to be the Chair for this municipal year. All agreed, and Cllr Bassett chaired the remainder of the meeting.

6. Terms of Reference

It was suggested that the words 'at least' under para. 2.4 were deleted, as this implied that the Chair of the Board should be rotated more than annually. This was agreed, the terms will be amended.

7. West Essex/East Herts SHMA & economic work update

a. Economic work for SHMA area – update

Hardisty Jones Associates gave a presentation as to initial findings on the economic study of the West Essex/East Herts SHMA area. There was a general discussion on how commuting impacted jobs growth, and on the impact of Stansted growing in passenger size and in jobs numbers.

b. West Essex/East Herts SHMA – update re: jobs

Opinion Research Services gave a presentation on the likely impact of the above economic work on the West Essex/East Herts SHMA. There was a general discussion as to changes in commuting, unemployment and 'double-jobbing' and how these affected the need for housing in the SHMA area.

It was noted that both these pieces of work were not yet complete so these were only initial findings. Members are asked to send any questions back through their officers. Draft reports for both will be sent out as soon as they are complete, and in due course will be brought to the Co-op. Board.

8. M11 J7A verbal update from David Sprunt

David Sprunt updated the Board on progress with transport modelling for a future junction 7A on the M11. He explained that there would be a public information exercise starting in July, which will update stakeholders and members of the public as to progress with the Junction 7A modelling work, and how the new junction might affect traffic flow. He noted that work on the design of the junction was continuing, and that there would be a formal public consultation starting in January 2016.

Essex CC officers are happy to meet with individual districts/boroughs to brief officers and/or Members on the content of the public information exercise but this would need to be soon, i.e. at the end of June/beginning of July. **Please could any authorities who would like such briefings contact David asap (david.sprunt@essex.gov.uk) with some available dates.**

Essex CC expects building work on junction 7A would start in 2019/20, lasting for about 18 months.

9. ATLAS support work verbal update

Alison Blom-Cooper explained that officers from the four West Essex/East Herts SHMA authorities were due to meet with the Homes and Communities Agency's ATLAS team (the

Advisory Team for Large Applications) next week. ATLAS has been supporting the SHMA authorities' Members and officers in assessing large potential development sites around Harlow. Officers have discussed a possible joint study assessing such sites around Harlow, how these should be evaluated by the four authorities, with the potential for creating a role to help co-ordinate this work across the SHMA area.

10. A.O.B.

Essex CC Waste Plan – Hamish Barrell explained that Essex CC would be running a 'Revised Preferred Approach' consultation starting in July. This will build on previous work as well as changes to government policy, and although many sites will have been consulted on before, some are new. There is a District/Borough Council engagement event on 18th June, to which all Board Councils should have received an invitation.

Concerns were raised by representatives of Epping Forest DC and Harlow DC that Essex CC Waste & Minerals officers had not shared what sites were within their areas, or given details of the proposals. Hamish stated that details of the sites will be published within the consultation. It was noted that a briefing for all Essex County Cllrs had already been held, but that District Councillors would not be aware of sites within their areas until the public consultation began. Some attendees felt that this was not demonstrating compliance with the Duty to Co-operate, and it was not in line with the aims of this Board. Essex County Cllr Kay Twitchen explained that Essex CC was working to a very tight timetable to meet EU regulations, and said that she would relay attendees' concerns to the relevant Essex CC Cabinet Member.

11. Next meeting

The next Board will be arranged for mid-July – date and location to be confirmed.

Appendix 3

Harlow Council Job Description

Job Title:	Principal Planning Officer (Strategic Sites Coordinator)	Post Number:
Grade:	▪ 15	Date: September 2015
Service:	▪ Planning and Building Control	
Location:	▪ Civic Centre	
Responsible to:	▪ Planning and Building Control Manager	

Job Purpose:

To provide planning expertise and guidance to assist in the coordination of strategic planning matters within East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils (collectively *the Councils*), in accordance with the provisions of the Duty to Cooperate, particularly in respect of major development sites.

- 1.0
 - To coordinate the evaluation of potential strategic development sites around the wider Harlow area.
- 2.0
 - To establish the impact and benefits of alternative growth options in the light of defined objectives and criteria and the potential development sites being promoted by developers.
- 3.0
 - To prepare a report that sets out options that could help to meet the development needs of the Housing Market Area/Functional Economic Market Area in a sustainable manner that is capable of being jointly endorsed by the four Councils.
- 4.0
 - To facilitate engagement with key stakeholders, including the local community, landowners, developers, Members, parish and town councils, and statutory providers to ensure necessary infrastructure can be brought forward in a timely manner.
- 5.0
 - To advise officers, and members (through the existing Cooperation for Sustainable Development Member Board – which comprises Members from the four Councils above, and other adjoining and relevant bodies), on related matters and to have regard to the sensitivity associated with the obligations of the Duty to Cooperate and to attend and make presentations to the Cooperation for Sustainable Development Member Board and Cooperation for Sustainable Development Officer Group as may be appropriate.
- 6.0
 - Undertake other duties as required.
- 7.0
 - To be familiar with and have regard to Harlow Council's Statement of Health and Safety and other relevant protocols.

8.0 To coordinate the evaluation of potential strategic development sites around the wider Harlow area.

- 8.1 To undertake an assessment of the location, nature and scale of potential strategic development sites being promoted by developers and others within or adjoining Harlow against the background of the emerging technical work, including the joint Strategic Housing Market Assessment and the Joint Economic Report (covering the Functional Economic Market Area), and also studies from the individual authorities where appropriate)
- 8.2 To co-ordinate the preparation of a framework and appropriate criteria within which potential development options can be evaluated.
- 8.3 In conjunction with the respective Councils undertake the evaluation and development of appropriate policy approaches and programmes that could secure the delivery of strategic growth sites, including the requisite infrastructure requirements.

9.0 To establish the impact and benefits of alternative growth options in light of defined objectives and criteria and the potential development sites being promoted by developers.

- 9.1 Review existing socio-economic and environmental conditions across the wider Harlow area using existing evidence base studies and other relevant material as may be appropriate.
- 9.2 Determine the level of infrastructure provision required across the area in order to ensure major new developments secure the wider corporate aims of the Councils and identify and evaluate different approaches how such provision could be delivered, including liaison with statutory bodies.
- 9.3 Consider alternative strategy and policy options and consider their implications and consequences on the areas affected and recommend an approach that best meets the long term development needs of the Councils.

10.0 To prepare a report that sets out options that could help to meet the development needs of the Housing Market Area/Functional Economic Market Area in a sustainable manner that is capable of being jointly endorsed by the four Councils.

- 10.1 Undertake appropriate research and information gathering at national, regional and local levels on a variety of relevant topics to inform the assessment of strategic development options.
- 10.2 Analyse complex technical information, identify trends and present information, using a range of IT packages, to support the evaluation of strategic development proposals in the area.

10.3 To prepare a report that sets out recommendations based on the outcome of the research, describing issues, explaining their implications and alternative solutions to inform discussions of the existing Co-operation for Sustainable Development Boards and officer groups and subsequent decisions made by the respective Councils.

10.4 The report must be capable of forming part of the evidence base assembled by the four Councils in their emerging Local Plans, and set out how the overall process, accords with the obligations of the Duty to Cooperate on strategic planning matters.

11.0 To facilitate engagement with key stakeholders, including the local community, landowners Members, town and parish councils and statutory providers to ensure necessary infrastructure can be brought forward in a timely manner.

11.1 Liaise with relevant bodies including adjoining districts, Essex County Council, Hertfordshire County Council, Government Agencies and statutory bodies to exchange information and views, and to consult, discuss and work in partnership with them to deliver the objectives of the Cooperation for Sustainable Development Board.

11.2 Attend internal and external meetings as required, including Cooperation for Sustainable Development Member Board, Cooperation for Sustainable Development Officer technical Groups and other committee, panel and working groups, including making presentations at such meetings, as may be required.

11.3

To evolve a clear understanding of the infrastructure capacity, future requirements and implications relating to the development of strategic sites in and around the Harlow area, and report relevant findings to the Board and officer technical groups.

12.0 To advise officers and members on related planning matters and to have regard to the sensitivity associated with the obligations of the Duty to Cooperate and to attend and make presentations to the Cooperation for Sustainable Development Board and Cooperation for Sustainable Development Officer Group as may be appropriate

12.1 Whilst based primarily at Harlow Council, to provide members of the Cooperation for Sustainable Development Board and relevant officers of the respective Councils identified above, with advice and guidance on strategic matters relating to the requirements of the Duty to Cooperate.

12.2 Where necessary, prepare evidence and appear as the Councils' professional planning witness at planning inquiries, to give evidence and respond to cross-examination.

12.3 Assist in the appointment and management of external consultants as may be appropriate.

13.0 Undertake other duties as required.

13.1 All employees should show a commitment to safeguarding children, young people and vulnerable adults.

13.2 To undertake other duties commensurate with the grade, skills, knowledge and experience of the post holder.

14.0 To be familiar with and have regard to Harlow Council's Statement of Health and Safety and other relevant protocols.

14.1 Harlow Council is committed to the provision of high quality health and safety standards. In order to achieve this all staff employed by the Council has the following specific responsibilities, which are consistent with the requirements of the Health & Safety at Work etc. Act 1974.

- 14.2**
- To take reasonable care for the health and safety of yourself and of other persons who may be affected by what you do or fail to do
 - To co-operate with Harlow Council in order to enable statutory requirements to be implemented
 - Not to intentionally interfere with or misuse anything provided in the interests of health and safety.

Appendix 4

Appendix 5

Uttlesford Local Plan - Meeting Notes

Topic: Historic Environment

Uttlesford District Council Offices

10am Friday 3rd July 2015

Attendees

Ben Cowell – National Trust, Regional Director
Ade Clarke – National Trust, General Manager
Richard Havis – Historic Environment Team
Tom Gilbert Wooldridge – Historic England

Uttlesford District Council

Hannah Hayden – Planning Officer
Sarah Nicholas – Senior Planning Officer
Martin Paine – Planning Policy Team Leader
Andrew Taylor – Assistant Director Planning and Building Control

Notes of the meeting (action points highlighted)

1. **English Heritage** now English Heritage now split into two, with Historic England the new public body sponsored by Department for Culture, Media and Sport performing regulatory functions in relation to planning. English Heritage now run as a charity, with a license to manage over 400 historic properties (including Audley End).
2. **Uttlesford Local Plan:** withdrawn in January following Inspector's report in December 2014. Restarting the process with high level approach to ensure that alternative options are considered to enable a properly justified plan. Starting with consideration of wide range of options for testing including a number of new settlement options, not limited to sites submitted by landowners and developers.
3. **Input to Local Plan process:** Options consultation planned for autumn 2015. Options for high-level comment, not preferred sites. Anticipate further detailed input from stakeholders including historic environment early in 2016 to consider Preferred Options. Iterative nature of plan preparation with increasing detail as initial options are gradually narrowed down and confidence increases in Preferred options.
4. **GIS mapped data inputs to Local Plan process:** UDC currently have listed buildings, conservation areas, Registered Historic Parks and Gardens, protected lanes, Scheduled Ancient Monuments, assets of community value.
5. **Approach to 'constraints' and use of mapped data:** Agreed that at this stage mapped data should be considered as a starting point for consideration

rather than 'constraints', because this would depend on site-specific factors which are not known at this stage.

6. **Unmapped evidence/data:** includes qualitative information not mapped but nevertheless should be taken into account. For example the Historic Settlement Character Assessment (2007). Views especially of churches important but not mapped. It was agreed that consideration of these wider factors would be undertaken to inform the development of the Preferred Options in 2016, but not possible to go into this level of detail at this early Options stage.
7. **Hatfield Forest:** Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) managed by National Trust. Difficult balance between access and conservation, with soil erosion and woodland edge habitat degradation due to increased visitor pressure. Concern that without intervention Natural England could downgrade SSSI status to unfavourable.
8. **Historic Airfields:** agreed that these would be considered in more detail later in 2016 as part of work on the Preferred Options. Aircraft hangers sometimes considered to be historic assets.

Appendix 6

Uttlesford Local Plan - Meeting Notes

Topic: Natural Environment

Uttlesford District Council Offices

2pm Wednesday 8th July 2015

Attendees

Annie Gordon – Essex Wildlife Trust
Gemma Holmes – Place Services (Ecology team)
Emma Simmonds – Place Services (Ecology team)
Gordon Wyatt – Natural England

Uttlesford District Council

Hannah Hayden – Planning Officer
Sarah Nicholas – Senior Planning Officer
Martin Paine – Planning Policy Team Leader

Notes of meeting

9. **Uttlesford Local Plan:** withdrawn in January following Inspector's report in December 2014. Restarting the process with high level approach to ensure that alternative options are considered to enable a properly justified plan. Starting with consideration of wide range of options for testing including a number of new settlement options, not limited to sites submitted by landowners and developers.
10. **Input to Local Plan process:** Options consultation planned for autumn 2014. Options for high-level comment not preferred sites. Anticipate further detailed input from stakeholders including historic environment early in 2016 to consider Preferred Options. Iterative nature of plan preparation with increasing detail as initial options are gradually narrowed down and confidence increases in preferred options.
11. **GIS mapped data inputs to Local Plan process:** UDC currently have mapped SSSI, National Nature Reserves, local wildlife sites, ancient woodlands and important woodlands.

The following additional data was suggested ...

- Living Landscapes
 - Accessible Natural Greenspace
 - Special Verges
 - Historic Lanes
 - Wildlife Sites Alert map
- Maps should also show SSSI which fall in adjoining districts but adjoin the District boundary. **Action:** EWT to supply GIS data on Living Landscapes and

- Accessible Natural Greenspace; ECC to supply up to date GIS layer on special verges
12. **Approach to 'constraints' and use of mapped data:** Raising the issues discussed and the meeting about the Historic Environment it was similarly agreed that at this stage mapped data should be considered as a starting point for consideration rather than 'constraints' divided into absolute, medium and low, because this would depend on site-specific factors which are not known at this stage.
 13. **Buffer zones to SSSI:** It was agreed that the buffer zones suggested by Natural England do not take into account context and impacts and do not need to be shown at this stage. However, more detailed consideration of specific impact pathways and potential mitigation measures would be needed as potential locations for development begin to emerge.
 14. **Air Quality Issues on the Natural Environment:** These generally arise from the airport (from aircraft and vehicles) and roads. Concerns are generally raised if a road is within 200m of a SSSI, although in practice this can reduce to 50m depending on the size and amount of traffic on a road.
 15. **Water Quality and the Natural Environment.** The Council's existing Water Cycle Study would be an important source of information on this.
 16. **Local Wildlife Sites:** Local wildlife sites in Uttlesford are generally small and evenly spread across the district. They are therefore the key reserve of biodiversity in the District. If wildlife linkages and corridors can be improved and/or created between Local Wildlife Sites this would enhance the biodiversity of the District.
 17. **Hatfield Forest:** Similar concerns about damage to the forest from visitors accessing from Flich Way were raised as at the meeting on the Historic Environment. The idea of safeguarding land around the Forest as future public open space to relieve the pressure on the historic forest was suggested.
 18. **European Designated Sites.** Habitats Regulations Scoping Report (2012) indicated that there would be no discernible impact of development in Uttlesford on European designated sites such as Ramsar, Special Areas of Conservation or Special Protection Areas. Such areas on the Essex coast would be unlikely to be impacted, and Epping Forest and the Lea Valley sites are too far away. A new scoping report will be prepared to support the new Local Plan.
 19. **Sustainability Appraisal Scoping Report.** Council will consult on scoping report including environmental criteria to be used to assess potential development locations in the emerging plan. Statutory consultees include Environment Agency and Natural England. Essex Wildlife Trust to be added to list of consultees. Place Services are the Council's consultants on SA.

Appendix 7

Duty to Co-operate Meeting

Initial Uttlesford District Council Meeting –9 April 2015 at 2pm, Uttlesford District Council Offices, London Road, Saffron Walden

MEETING NOTES

Summary of Actions Agreed at this Meeting

Action 1 – It was agreed by all that Minutes of this, and all future meetings will be agreed by attendees and kept by Chelmsford City Council (CCC) and Uttlesford District Council (UDC) and published as appropriate as an audit.

Action 2 – Agree that UDC and CCC should liaise with one another in relation to SFRA work.

Action 3 – A further meeting should be set up once UDC have draft options ready for consultation. It is suggested that this is likely to be September 2015.

Action 4 – It was agreed that further Duty to Co-operate meetings would be set up as and when needed.

1. Welcome and Introductions

Attendees:

(JMP) Jeremy Potter – Senior Planning Policy Officer, Chelmsford City Council

(LJP) Laura Percy – Planning Policy Officer, Chelmsford City Council

(AT) Andrew Taylor – Assistant Director Planning and Building Control, Uttlesford District Council

(SN) Sarah Nicholas – Senior Planning Officer, Uttlesford District Council

2. Purpose of the meeting and the Duty to Co-operate

2.1 JMP set out what the Duty to Co-operate is and the need to engage with others. The purpose of these meetings is to set out where Chelmsford City Council (CCC) are and where we are going in terms of the new Local Plan, and to identify any strategic cross boundary issues between CCC and Uttlesford District Council (UDC).

Action 1 – It was agreed by all that Minutes of this, and all future meetings will be agreed by attendees and kept by Chelmsford City Council (CCC) and Uttlesford District Council (UDC) and published as appropriate as an audit.

3. Existing plans, emerging Local Plan and Evidence Base (Presentation)

3.1 JMP set out the existing adopted plan covering the period to 2021 and the progress which has been made on this. He advised that CCC has adopted an

interim housing target of 800 dwellings per annum ahead of adoption of the new Local Plan.

3.2 JMP set out the need for a new plan to cover issues such as Objectively Assessed Needs (AON), 5 year land supply and infrastructure requirements. An OAN paper is currently being carried out by Peter Brett Associates for Chelmsford, Braintree, Colchester and Tendring Councils.

3.3 JMP stated that approximately 3500 homes allocated in the existing plan will roll into the new plan period, i.e. post 2021. Approximately 2000 of these already have planning permission.

3.4 JMP advised that CCC are currently testing housing scenarios based on the EPOA Edge Analytics Greater Essex Demographic Projections.

3.5 JMP stated that the new plan will consist of at least two stages of formal consultation in addition to the discussions which will take place as part of the Duty to Co-operate.

3.6 JMP set out that key constraints for CCC would be flood plains, Green Wedges, the Green Belt, and key landscapes.

3.7 JMP advised that the NE Chelmsford Bypass was safeguarded in the current CCC Plan and it was the intention of CCC and ECC that this should come forward in the future.

3.8 JMP stated that the strategic highway and rail networks will be an important factor in determining where growth can be accommodated.

3.9 JMP asked if UDC had any proposals for development close to its border with Chelmsford City Council.

3.10 AT advised that a planning application had recently been refused for 700-800 homes to the north of Fitch Green, but nothing was planned for the south of these Villages.

4. Uttlesford District Council – Initial thoughts, priorities, needs, implications etc.

4.1 AT advised that UDC are currently out with a Call for Sites following their Examination. UDC will shortly have a joint SHMA drafted which will give an overall housing number for the housing market area, as well as breaking down a number for each authority. It is envisaged that UDC would be in a position to have further discussions with CCC in Summer 2015 once they have established numbers and are considering different spatial strategies for their new Plan. This will also involve reviewing draft allocations from the withdrawn submission plan which do not have planning permission..

4.2 A consultation for UDC is planned for Autumn 2015. This will include housing numbers the results from the Call for Sites and different distribution strategies.

4.3 AT advised that in addition to UDC housing requirement it will need to ensure that the full housing need for the SHMA area is being delivered by the partner Councils and consider any request to assist with meeting housing requirements from other Councils.

4.4 JMP asked if there was likely to be any potential for development along the A120. If there is to be any such development consideration should be given as to how traffic would feed down towards CCC. If any significant development is proposed CCC would welcome how this may assist with the NE Chelmsford Bypass.

4.5 JMP asked if there was anything UDC would be looking to, or have concerns with, within CCC's new Local Plan.

4.6 AT advised that UDC had no major strategic cross boundary issues. The main issue to consider would be CCC's views on any new settlements along the A120.

4.7 JMP requested that CCC are contacted and consideration be given to joint working on UDC SFRA.

Action 2 – Agree that UDC and CCC should liaise with one another in relation to SFRA work.

5. Future liaison and working arrangements

5.1 AT suggested it would be useful to meet again once UDC had their options ready for consultation (likely to be Summer 2015).

Action 3 – A further meeting should be set up once UDC have draft options ready for consultation. It is suggested that this is likely to be July/August 2015.

5.2 JMP raised the issue as required by the DtC that UDC and CCC should consider a joint strategy. All agreed that this was probably unlikely to be required as there were no major strategic issues which needed to be considered collectively. Both authorities' plans were pretty much aligned so it was considered that this was a better approach and that the Duty to Co-operate would be the forum to liaise with one another on any issues which occur.

5.3 JMP set out that CCC had carried out a Call for Sites in December 2014.

6. Duty to Co-operate Strategy

6.1 JMP introduced the document. SN confirmed that Uttlesford had been consulted on the document and had no issues with it.

7. The Next Steps - Action 4 – It was agreed that further Duty to Co-operate meetings would be set up as and when needed.

Appendix 8

Uttlesford Local Plan - Meeting Notes

Topic: Transport Assessment

Essex County Council Offices

2pm Thursday, 6th August 2015

Attendees

Essex County Council

Katherine Wilkinson – Strategic Development Engineer

David Sprunt – Principal Transport Strategy and Engagement Officer

Matt Bradley – Strategic Development Manager

Uttlesford District Council

Martin Paine – Planning Policy Team Leader

Jeremy Pine - Planning Policy / Development Management Liaison Officer

Notes of meeting

20. **Uttlesford Local Plan:** Withdrawn in January following Inspector's report in December 2014. Restarting the process with a high level approach to ensure that alternative options are considered to enable a properly justified plan. Starting with consideration of a wide range of options for testing including a number of new settlement options, not limited to sites submitted by landowners and developers. "Areas of Search" were presented to the Planning Policy Working Group on 27th July, and it is likely that these may flush out other candidate sites from landowners.
21. **Options:** A main problem for UDC will be site delivery in the first 5 years of the new plan, although there are some extant planning permissions that will help. The Planning Inspectorate likes to see a mix of sites to avoid the "eggs in one basket" danger. UDC may need to be proactive and contact landowners. It was noted that the joined appeals decision re Elsenham and West of Dunmow was overdue, probably because of the Inspectorate's high workload. UDC's assessment work needs to test and explore to come up with evidence if sites are either to go forward for further assessment or are to be rejected. UDC is already working with Garden City Developments on assessment of the 10 most major sites identified in the Call for Sites process.
22. **M11 Junction 8:** Lack of mitigation was identified as a major snagging issue in the Inspector's report. ECC is still looking at design and mitigation, and is undertaking trip reassignment on the VISUM model which may buy another year or two of capacity. Whatever, J8 is still likely to fail in 2025, and the mitigation required would be beyond what a Local Plan could be expected to

deliver. As Manchester Airports Group (M.A.G) are also looking as J8 design and mitigation for airport expansion purposes (in particular a northbound slip), it would be appropriate to meet with them to compare work streams and ensure there is no duplication of work. M.A.G's work will need to be included in the VISUM model. ECC is happy to meet with M.A.G and UDC.

23. **Appointment of a Transport Consultant:** UDC members are keen that the Council appoints a transport consultant to assist it in the Local Plan Transport Assessment process. The appointed consultant could help to give an overview, identify any "showstoppers" and carry out sustainability assessment. A tender document is currently being drawn up in consultation with the Council's Procurement Manager. Castle Point DC prepared a similar brief, which UDC might like to look at. ECC is willing to comment on the content of the final brief, and to be involved in interviewing the candidate consultants. ECC warned that a wide brief could become very expensive – commissioning design work and modelling could cost anything up to £100k or more and could take a considerable period of time. UDC's aim of having a consultant appointed by October was over-ambitious – commencement by Christmas was more realistic. ECC would be willing to attend meetings with UDC's consultants, but dates need to be put into diaries as early as possible. These meetings could be useful if they help to flush out constraints.

Appendix 9

Joint Essex County Council & Southend-on-Sea Replacement Waste Local Plan (RWLP): Revised Preferred Approach

Meeting: 9th September, 10:00 – 12:00, Saffron Walden, Room 7
UDC

Present

Hamish Barrell – Principal Planner Essex County Council

Gemma Bright – Minerals and Waste Planning Officer Essex County Council

Sarah Nicholas – Senior Planning Officer Uttlesford District Council

Plan Update

Consultation responses

Essex County Council and Southend-on-Sea Borough Council (ECC & SBC) received approx. 1000 comments from approx. 500 representations across the suite of consultation documents. Specifically (172 comments - the most individual comments on an individual site) Elsenham, (28) Stable Non-Reactive Hazardous Waste (SNRHW) at the Crumps farm complex, (1) Dunmow Local Authority Collected Waste (LACW), (1+) Armigers. We are analysing these, the results of which will be described in 'outcomes reports' which will feed in to RWLP Pre-sub document.

Timetable towards Pre Submission Plan

ECC & SBC Minerals & Waste Development Scheme (MWDS) states Regulation 19 would be December 2015, but more likely to be Spring 2016 Uttlesford (UTT) Issues and Options consultation in Oct 2015 (includes Areas of Search). Strategic Housing Market Availability Assessment (SHMAA) to be sent to the working group at the end of Sept, together with the Issues and Options consultation documents. Draft Plan to be produced in 2016.

UTT has new members including 9 new members representing 'Residents for Uttlesford' A Team Leader has been appointed to the Planning Policy Team.

Sites

Context at County level

Looks to accommodate sites in terms of our projected need, based on 2x call for sites.

Noted the predominant volume need is inert waste management. Sieving methodology explained

District specific issues- responses

Crumps Farm, L(n)3/W23

UTT would like confirmation this is the most efficient use of the preferred/existing MLP sites are being used for waste management
Crumps wasn't selected during this stage, but this may change once we analyse and action (if appropriate) responses.

ACTION ECC: Check the current on site operations and report back to UTT

ACTION: Could ECC investigate using the existing processing area be used rather than putting aggregate recycling on the new sites?

Little Bullocks, L(n)7R

UTT would like confirmation this is the most efficient use of the preferred/existing Minerals Local Plan (MLP) sites are being used for waste management

UTT notes access may be an issue on this site re crossing the Flich Way & access to Strategic route hierarchy

The sites MLP were able to be delivered to low level (no significant imports of waste to achieve restoration. However, we've needed to reassess our needs based on what's come forward from site promoters and Ln7R was one of those sites.

Access has been fully assessed as per the methodology (via the current site access), with specialists highways comments feeding directly in to the site selection process.

Little Bullocks, L(n)8R

UTT requests ECC ensures Duty to Cooperate (DtC) is undertaken with other Waste Planning Authorities (WPAs) re availability of other landfill capacity for SNRHW & that there are no other suitable sites within Essex

Consider cumulative impacts of SNRHW alongside inert waste management

UTT noted access is an issue on this site re crossing the Flich Way & access to Strategic route hierarchy

ECC confirmed past & on-going DtC with other WPAs about availability for similar waste management facilities beyond the plan area is scheduled to be carried out (by end of Sept 15)

ECC confirmed No other landfill sites have been submitted within Essex as capable of accepting SNRHW. Since closure of Roxwell, we are managing very little of our own hazardous waste, either stable non-reactive hazardous waste (e.g. Asbestos) or other types hazardous waste, which presents problems to us in terms of net self-sufficiency. There has been no active investigation of potential voids that could accommodate SNRHW, but it should be noted that the London clay at Little Bullocks would be in principle suitable with minimal additional

engineering to accommodate this waste stream. This may be because it is potentially more viable than other sites due to environmental controls.

Access has been fully assessed as per the methodology (via the current site access), with specialists highways comments feeding directly in to the site selection process.

ECC noted we are having continuing DtC with adjacent and important WPAs who potentially could accommodate our waste.

UTT agrees in principle of using minerals sites for landfill.

ACTION ECC: ENSURE THE ACCESS POINTS ARE NOTED IN PLANS FOR PRE SUB

Elsenham (W8)

Concerns over allocation re:

Local designation in local plan as Historic Park & Garden (Policy ENV9. UTT identified this park **in addition** to those on the national register, policy is considered on a site by site basis at the point of application. Policy wording includes ‘Development proposals likely to harm significant harm historic parks and gardens ...as defined on the proposals map will not be permitted unless the need for development outweighs the historic significance of the site’.

Abuts an area of important woodland (Policy ENV8)

Proximity of Elsenham Hall (GII listed) and church (GI listed)

Existing minerals site (at Elsenham) - cumulative impact, especially on highway impacts?

Existing recycling plant at Loppingdales – can ECC use existing sites rather than this new on?

Golf and leisure club (recreation)

Proximity of hotel in east (De Salis)

Greenfield site

ECC noted it was a non-selected site in 2011, but now required through the revaluation of our needs and the approach nationally where the National Planning Policy for Waste (NPPW) doesn't give as much weight to greenfield protection.

ECC agreed there are new issues for consideration that arose during consultation and confirmed these would be fully fed in to the site assessments review..

Ex-Jam factory, is now part of existing Industrial Estate, including bottled water plant, there is also an extension area to this site ‘Elsenham Meadows

ACTION UTT: To provide details of this potential extension area as specified in the withdrawn UTT plan.

ECC noted if we invited Loppingdales to submit their sites; it may result in 2 suitable sites for allocation & would not be consistent with our overall approach.

ACTION ECC: Discuss with operator if there is potential to accommodate proposed site on existing site area

ACTION ECC: Is the whole of the red line area necessary or could this be accommodated on a smaller portion of the site – location within this large site could be more detrimental in one part than the other.

Agree with non allocation of Widdington (W24) & Armigers Farm (W35 & L(i)8R)

ECC Noted that this may change as part of the review of the site assessment methodology and scores. It was noted road access are an issue with both.

UTT asked why Widdington wasn't considered as site is close to the main road hierarchy.

ACTION ECC: what are the current operations/end dates at Widdington and confirm if it is an increase in capacity or size they are seeking?

ECC noted Newport existing chalk site has been put forward during last consultation for inert recycling & landfilling. UTT informed ECC this had been submitted as a site for housing in the now withdrawn local plan.

Traffic impacts on Newport Village is a concern.

Discussion around Uttlesford Local Plan considerations

Concern raised over adding **waste consultation zones** to Policy Maps.

Would prefer to add these to constraints maps - See agenda item 6

Areas of Search (AoS)

Context at County level

The AoS has identified capacity across Essex to accommodate different facilities however the spatial distribution is not equal.

District specific issues- responses

UTT Disagree with **Ashdon Road Commercial Centre**, (S. Walden) as it has not taken in to account permission (UTT/13/2423/OP) on the site itself. *Suggested the planning permission referenced by ECC, is on the opposite side of the road.*

Action: ECC to check that the PP that we quote are on the site.

The proposed site has PP for a new Builders Merchants store and yard (Ridgeons - own whole site), B1, B2 and B8 uses, A1, A3 and A4 uses, Class C1 hotel (to be located within Area of Search) and up to 167 dwellings (to be located adjacent to Area of Search to the west).

Currently demolishing existing industrial buildings and erecting new

store.

UTT noted that in theory the B use class buildings could be used, but would any be big enough/further enough away from consented housing?

ACTION UTT to suggest some Industrial Estates which may they consider to be more appropriate for waste management for our consideration.

Disagree with **Start Hill (Gt Halingbury)** as it has not taken in to account permission (UTT/14/0138/FUL) on the site itself.

ECC Suggests no amendments to the Areas of Search are proposed as a result of this consultation rep comment.

Discussion around Uttlesford Local Plan considerations

UTT noted potential opportunity near the Recycling Centre for Household Waste (RCHW) in Saffron Walden. ECC to check the existing permissions.

Noted UTT losing a number of industrial Estate allocations to housing

UTT noted there may be additional employment use space as part of an UTT permission behind Gt Dunmow LACW site. ECC to Check.

It was noted in the future there is potential to relax restrictions around the airport to allow non-airport related development although deliverability of waste facilities given ownership is doubtful. Also this may not be in line with our timescales.

District Specific Issues

Gt Dunmow WDA transfer & PA3 – Site allocations LACW

Concern that the policy as written would provide for intensification of site, beyond development permitted. Further evidence needs to be provided. *ECC Response noted the site has been assessed through the site assessment process.*

UTT agree with Vision, ECC Response, noted

Agrees with Strategic objectives, **BUT not net self sufficiency** re Hazardous waste, if DtC reveals there are suitable sites outside the Plan area. See *ECC response to Little Bullocks, L(n)8R*

District specific issues- responses – *None raised.*

AMR Discussion/Data Collection

ECC noted that UTT has a chalk (minerals safeguarding area) MSA and some (minerals consultation areas) MCAs surrounding existing sites. ECC requested that UTT assist in us collecting non-mineral related development within these areas, between 01/04/14 and 31/03/15, for which the Minerals Planning Authority would have been consulted (Monitoring indicator 9). An email would be sent within the next 2 weeks confirming the scope of the

request and a form to be filled in. It was noted ECC would be grateful if the form could be filled in by UTT officers, in a potentially short deadline (2-3 weeks) if at all possible.

The future method of collection that would be most efficient to both authorities was discussed. It was noted by UTT that should it be an annual request this would be undertaken by the policy team, whilst on a case by case basis would be a DM/admin task. ACTION UTT: to consider further which method would be most appropriate and ECC will endeavour to accommodate this request.

Safeguarding- Consultation Zones

UTT response, preferring use of a constraints GIS layer, rather than adding this to the policy map was noted.

How will the process work?

ECC noted they are considering this approach (constraints, rather than policy map) may be more appropriate, following the responses received. We are considering this further. It was noted that this method may have the impact that potential developers would not be as aware of these areas and therefore, need to be highlighted by officers during pre-application procedures and at the point of validation to ensure sufficient information is submitted for the WPA to comment.

Discussion- how will this work for districts?

ECC noted this would result in us periodically sending GIS layers to Districts where new sites are permitted, to be considered by DM officers during standard Pre-app/validation procedures.

Alternatives/Improvements? UTT suggested that GIS updates would be most appropriately sent at the point of determination to ensure they are most up to date with Waste consultation Zones

Outcomes/actions and next steps from meeting

Summary of Actions

ACTION ECC: Check the current on site operations at Crumps and report back to UTT. **DEADLINE: 3 weeks**

ACTION: Could ECC investigate using the existing processing area at Crumps be used rather than putting aggregate recycling on the new sites? **DEADLINE: 3 weeks**

ACTION ECC: Ensure the access points are noted in plans for pre-sub
DEADLINE: Publication of Pre-sub

ACTION UTT: To provide details of this potential extension area as specified in the withdrawn UTT plan. **DEADLINE: 2 weeks**

ACTION ECC: Discuss with operator of Elsenham if there is potential to

accommodate proposed site on existing site area. **DEADLINE: 2 weeks**

ACTION ECC: Is the whole of the red line area for Elsenham necessary or could this be accommodated on a smaller portion of the site – location within this large site could be more detrimental in one part than the other.

DEADLINE: 2 weeks

ACTION ECC: what are the current operations/end dates at Widdington and confirm if it is an increase in capacity or size they are seeking? **DEADLINE: 2 weeks**

Action: ECC to check that the PP that we quote is on the Ashdon AoS.

DEADLINE: 3 weeks

ACTION UTT to suggest some Industrial Estates which may they consider to be more appropriate for waste management for our consideration.

DEADLINE: 2 weeks

Is a further meeting required?

UTT requested that another meeting is held if the results of the outcomes report do not look to address/modify the outcomes of the Revise Preferred Approach towards Pre-submission- therefore as and when needed.

Would be useful to have a meeting either just before or once pre-sub is published to help with understanding of the document.

Appendix 10

Notes from the East Herts & West Essex

Planning Policy Development Group

9th September 2015

Introductions

Paul MacBride (PM) – Harlow DC
Amanda Thorn (AT) – Epping Forest DC
Alison Blom-Cooper (ABC) – Epping Forest DC
Jeremy Pine (JP) - Uttlesford DC
Sarah King (SK) – Epping Forest DC
Steve Smith (SS) – Aecom
Rob Smith (RS) – Atlas
James Farrar (JF)- Atlas
Sophie Leaning (SL) – Harlow DC
David Sprunt (DS) – Essex CC Highways
Mary Young (MY) – Essex CC Highways
Andy Jobling (AJ – Highways England
Kay Mead (KM) – East Herts DC
Sue Jackson (SJ) – Hertfordshire CC Highways
Roger Flowerday (RJ) - Hertfordshire CC Highways

Apologies

Dianne Cooper – Harlow DC
Graeme Bloomer – Harlow DC

Junction 7

DS confirmed that the J7 & 8 study is now complete and will soon be ready for publication. He also confirmed that J7 is at capacity which means that there is need for immediate capacity improvements.

AJ advised that Highways England were examining options for Junction 7 that should be clarified by late 2016, with design options selected by the end of 2017, design finalised by mid-2018, orders in place by 2019 and work due to commence in 2020. These works will address the existing development commitments in Harlow and provide some limited capacity for future growth.

It was confirmed that J7a would still be required to address development requirements by 2017 and definitely beyond 2020.

PM inquired what the position of HE be if premature planning applications were submitted.

AJ advised that in the absence of highway mitigation measures, the HE would object to any scheme that increased congestion or increased the risk of collision.

RS questioned the costing figures that had referenced by the Roads Investment Strategy.

AJ confirmed these were possibly too low and not the final figures. Costs will be refined as options are developed

AJ clarified that the Road Infrastructure Strategy (RIS) aims to better manage existing growth plus take into account predicted growth based on population projections, but that it does not necessarily take into account growth aspirations.

PM questioned this and AJ explained that they initially base their work on committed growth but can't necessarily resolve all additional growth aspirations.

RS questioned whether proposed short-term interventions would go ahead and DS advised they were still to be decided.

SS asked how Highways England would respond to large applications that may come in in the near future.

AJ stated that there is a need to recognise development must work with current infrastructure.

PM highlighted the fact that local authorities and highways organisations are duty bound, through the Duty to Cooperate to assist in delivering the Government's growth agenda, but this is challenging given that transport and planning timelines were not aligned and as officers we need to make the case to Government for this issue to be addressed. He also made the point that it was necessary to differentiate between meeting needs identified through evidence and wider aspirations.

AJ agreed stating that funding certainty had now been extended to a five year cycle so is becoming more in line. He added that there was a chicken and egg situation emerging where transport planners are waiting for Local Plans on which to assess infrastructure requirements and vice versa.

PM also raised an issue with the Essex Waste Plan proposal located in Epping south of Junction 7.

DS agreed to look at the issue of whether this would impede the widening of the slip road on the M11 north towards Junction 7 should this be deemed necessary.

Junction 7A update

DS confirmed that the report and model had recently been sent to Highways England for validation. Following a meeting in October there may be some tweaks to be made, but final validation should happen by the end of October.

DS agreed that copies of this report would be distributed. In terms of the Harlow options for the model, it is currently set to model median growth of around 10,000

dwellings. These tests are focused on testing junction 7A operation but are not necessarily useful for Local Plans as certain developments (e.g. Harlow East) have been removed.

PM stated that the Local Authorities would want to use the model to help them to ascertain the best spatial options. Members want to be informed on longer term growth. These solutions need to be modelled.

MY stated that higher, long-term growth has started to be run and does show pressure points across the road network.

SS questioned whether large-scale improvements may make things worse on the roads in the short term.

AJ responded by explaining that while junction 7 funding is in place, funding for 7a is not. In order to prove 7a is required other solutions, such as smaller-scale network improvements including a link road across J7 between Harlow and Epping will need to be explored, if these are effective then 7a may be delayed or not agreed at all at this point. Smaller-scale improvements may be all that happens in the interim.

DS add that this work would be phased, depending on how successful the capacity improvements to junction 7 were. Whilst Local Plan's need to be in place sites would not be implemented at once which depend on road proposals.

RF asked about whether then we are looking to identify a tipping point for junction 7 before the 7a proposal is taken seriously.

DS advised that the model would help with phasing and putting clear timescales for the 7a need in place.

SS asked whether the Northern bypass was still on the table.

DS stated that yes but that would much longer term, over 15 years. Modelling of this had created a significant increase of traffic on the A414.

MY added that the main issue in Harlow was the volume of traffic moving both in and out and that this doesn't necessarily address this issue.

MY asked for LP sites to be put forward for testing against the model,. It was agreed that the various scenarios for testing would be compiled at the Strategic OAN meeting on Friday 18th September. Testing a scenario takes around 3 weeks in total.

SS agreed that a coordinated response was needed and stated that the ultimate aim has to be to have a memorandum of understanding which works for all authorities from Highways England and the County Council that will aid in getting Local Plans approved.

AJ questioned whether the Planning Inspectorate understood that RIS worked on a five year cycle and that funding further ahead can't be guaranteed.

DS advised that there were other sources of funding including SELEP, developers and ECC.

SS pointed out the LPs need to demonstrate certainty for the first five years but that further on the certainty may decrease and that this will be accepted by an inspector as long as there is a plan B in place.

AJ added that private sector contributions would help to prioritise this scheme competing against other infrastructure improvements.

SS asked how assumptions for other areas were built into the model.

MY stated that background growth for all areas was modelled.

HCC and A414 study

RF explained that HCC had created a A414 model which was designed to help identify traffic hotspots which could then be investigated in more detail.

SJ added that improving junctions on the A414 was not an easy option. The road still had capacity to cover the next five years of growth in Hertfordshire.

RF stated that potential future changes to the A414 could include creating a strategic link to Stansted.

AJ agreed that a recent study had concluded that work was needed on east-west linkages across the country.

DS added that while that not extending the A414 could prove to be a limiting factor for growth to the north of Harlow, an extension could create more problems in Hertford.

AJ asked whether conversations had been had with rail service providers.

RF stated that there did need to be a more integrated approach and commented that Harlow may want to look at plans for Crossrail2, linking it with possible development to the North of the town.

Update on Junction 8

DS stated that junction 8 issues had been covered in the headway study. He added that different element of the proposal could be introduced at different times.

Integrated Transport Strategy

DS explained that the ITS for Harlow report was due to be consulted on soon. It focused on utilising the cycle network and reducing demand for the car.

PM added that it was essential that new developments around Harlow needed to integrate into the existing network.

AJ added that it is hard for new developments to prove that they will have minimal impacts on the roads- there is no guarantee what people will choose to do.

RS questioned how sustainable transport as modelled into the ECC junction 7a model.

Rail transport matters

PM observed that other transport matters need to be considered at future meetings of the Group of which the ITS may form part in order to demonstrate an integrated approach to transport matters.

AOB

None

Date of next meeting

TBC

Strategic Spatial Planning Officer Liaison Group

Wider South East Engagement

Final Discussion Paper for Wider South East Summit

Recommendation:

That the Summit considers and decides how to take forward joint discussions between London, East and South East England, to explore mechanisms to:

- i. Understand common issues underpinning the economic future of London and the wider South East
- ii. Seek more effective engagement in the London Plan review
- iii. Seek more effective engagement on strategic infrastructure provision.

It is proposed a 2nd wider South East Summit in November 2015 will aim to agree a way forward on future dialogue and cooperation.

1 Background

- 1.1 The localism agenda rightly emphasises the need to address local issues at the local level and it is widely recognised that this agenda can address many of those which, individually, face authorities in London, the South East and East of England – the wider South East (SE).
- 1.2 However, although a highly diverse area, there are strong strategic interdependencies between London and the wider South East that underpin their collective economic success – geographically and economically this is much bigger than any other city region in the country.
- 1.3 Supported by a small joint officer group (the Strategic Spatial Planning Officers Liaison Group – SSPOLG), the East of England Local Government Association (EELGA), South East England Councils (SEEC) and the Mayor currently discuss on an informal basis common strategic issues facing the area. Wider SE responses to the Further Alterations to the London Plan (FALP) and the Mayor’s 2050 Infrastructure Plan suggest that there is potential for developing more effective arrangements over time to:
 - identify the broad strategic challenges and opportunities facing the area;
 - represent them to relevant agencies, including government and the Mayor; and
 - develop policy options to address them.
- 1.4 This paper is intended to inform discussion on potential arrangements including:
 - the objectives of wider SE dialogue and cooperation;
 - how to best develop options to take these objectives forward in terms of the structure of the arrangements in the short/medium and longer terms; and
 - initial ideas on the issues which might be considered through these arrangements.

- 1.5 As a discussion document this paper has gone through several iterations. To initiate political dialogue and cooperation a 'wider South East Summit' is taking place on 19 March 2015. At the Summit, views will be canvassed on options to improve political dialogue/cooperation and whether it would be useful to support one of the mechanisms proposed for taking wider soundings around the wider SE. The outcomes/recommendations emerging from this process would report to a second wider SE Summit in November 2015.
- 1.6 The work would complement that of the Mayor's established Outer London Commission (OLC)¹ which has been invited to explore, from a London perspective, more effective ways of coordinating approaches to common strategic planning issues facing London and the Wider South East. It is envisaged that both the next steps arising out of the Summit and the OLC will work collaboratively to enhance and strengthen future engagement between London and the Wider South East. The OLC will also report in late 2015.

2 **Draft objectives: more effective arrangements for dialogue and cooperation across the wider South East**

- 2.1 While not all stakeholders in the wider SE may agree with some of the detail of the National Planning Policy Framework (NPPF), it does provide a common policy benchmark for the area and it is suggested that most would support its central objective – to foster sustainable development. Given the significance of the interdependencies between London and East and South East England, and growth challenges and opportunities facing the areas, closer dialogue/engagement will be vital.
- 2.2 The statutory Duty to Cooperate (DTC) applies to all local authorities and the GLA in terms of Local Plans. In terms of the preparation of the London Plan, the Mayor is bound by his own Duties to Inform and Consult which effectively if not legally are similar to the DTC. His London Plan also gives strong policy support to cooperative working to address issues of concern in the wider SE. Irrespective of legal differences between London and the wider SE, it is suggested that all can rally round the need to engage constructively on common strategic issues and collaborate in addressing some of them, even if it may not be possible always to agree on a universal way forward.²
- 2.3 Three key objectives for wider SE dialogue and cooperation are proposed for consideration:
- i. **To better understand common issues:** currently there is a strong 'localist' focus in identifying and addressing planning issues within the wider SE. Could

¹ Its role is to advise how Outer London can play its full part in the city's economic success. For further details see <http://www.london.gov.uk/olc/>

² See also:

- *National Planning Policy Guidance (NPPG) – Paragraph: 007 Reference ID: 9-007-20140306: 'Cooperation between the Mayor, boroughs and local planning authorities bordering London will be vital to ensure that important strategic issues, such as housing delivery and economic growth are planned effectively'.*
- *FALP Inspector's Report (Nov 2014) – paragraph 57: 'In my view, the Mayor needs to explore options beyond the existing philosophy of the London Plan. That may, in the absence of a wider regional strategy to assess the options for growth and to plan and co-ordinate that growth, include engaging local planning authorities beyond the GLA's boundaries in discussions regarding the evolution of our capital city.'*

this usefully be complemented by developing consistent data collection/analytic capacity to identify strategic issues which affect the area more widely? An authoritative appreciation of the relationship between changing demographics and housing need is particularly important, backed by a similar understanding of the wider SE's changing economy and supporting infrastructure requirements under different future scenarios.

- ii. **To seek more effective engagement in the London Plan review:** consultation on the draft Further Alterations to the London Plan (FALP) and the 2050 Infrastructure Plan elicited a wide range of responses from the wider SE, many with a common theme – the need for more effective political and technical engagement in preparation of the full review of the London Plan. Facilitating this could be a core objective for the new arrangements.
 - iii. **To seek more effective engagement on strategic infrastructure provision:** this has emerged from discussions with EELGA and SEEC as an area with particular potential, not just in terms in making common cause in bidding for investment but also in bringing forward sustainable development. It might apply to social and environmental as well as physical infrastructure.
- 2.4 To develop options for practical arrangements for cooperation and collaboration, different mechanisms are proposed below. Underlying principles are that options for future engagement should be transparent and open, and make best use of existing resources and structures.

3 Developing more effective arrangements for dialogue and cooperation across the wider South East

Key steps/timetable:

STEP 1. Discuss and test options for engagement

- Initial wider SE Summit to consider options for exploring future dialogue/cooperation arrangements (see grey box below) and agree a preferred way forward – 19 March 2015
- Establish small political steering group to oversee the process – May 2015 onwards
- Take forward preferred option to explore dialogue/cooperation arrangements – Spring-Winter 2015
- Second wider SE Summit, with the aim of agreeing a way forward on future dialogue/cooperation – November 2015

STEP 2. Implementation

- Implementing mechanisms for dialogue and cooperation – November 2015 onwards

- 3.1 The following includes different options as potential mechanisms to advise on these arrangements by late 2015. All options would be supported by a small political steering group comprising representatives from the South East, East of England and London and a second summit in November 2015 which will, based on emerging outcomes and draft recommendations, aim to agree next steps:

Option 1 Wider South East Commission/Panel

Establishment of formal Commission/Panel (e.g. with one unitary, one county and two district authority representatives, and perhaps independent advisors on planning and the economy and an independent chair). This could follow the already established Outer London Commission model (meetings in public; officer/invited presentations; background papers circulated beforehand; local publicity; followed by private meetings to finalise the recommendations) with four sub-regional roadshows/events spread around the wider South East to sound out views of future structures. It would offer the opportunity for councillors to set out local issues. This arrangement would operate collaboratively with the work by the Outer London Commission, which will be taking soundings on such structures from a London perspective.

Option 2 Wider South East Roundtables

Less formal roundtable meetings taking place in London with councillors from the wider South East and an independent 'facilitation panel'; structured/facilitated questions and discussions. This arrangement would operate collaboratively with the work by the Outer London Commission (see Option 1 above).

Option 3 Wider South East Officer Group

Building on councillor input at the 19 March summit, an already established officer group (SSPOLG) would work on developing and testing options iteratively which are then assessed by the small political steering group (see paragraphs 3.1). This arrangement would operate collaboratively with the work by the Outer London Commission (see Option 1 above).

- 3.2 For all options the following issues will have to be considered:
- **membership** – size, geography, political and other representatives, chair?
 - **venues** – where would the required meetings take place?
 - **written contributions** – (how) should short written contributions for those not able to take part in person be considered?
 - **reporting** – who should be responsible for the administrative arrangements and ensure outcomes and draft recommendations are captured?
- 3.3 Effective political engagement of Council Leaders from outside London is a key issue, and therefore views on the role that councillors may wish to have in steering the process or getting involved are crucial.
- 3.4 For all options it may be useful to refine this Discussion Paper in the light of the Summit as the basis for the further discussions and to establish a small political steering group to oversee the process.
- 3.5 Any mechanism would consider options for future cooperation arrangements including building on current arrangements (EELGA/SEEC/Mayor + SSPOLG), with additional informal/sub-regional groupings focused on particular

challenging issues or opportunities eg early 'volunteers/partners for growth' which could carry out more detailed work.

- 3.6 It will also draw on the considerable body of thinking on how arrangements for wider SE cooperation/planning could be made more effective in the longer term (see Annex 1). Models range from loose voluntary associations to suggestions already made, eg a regional 'senate'; a regional equivalent to the London Planning Advisory Committee; lessons from other big city regions.
- 3.7 Would it be useful for these (see Annex 1) to be collated and summarised as a basis for discussion and to inform the meetings?

4 What are the issues to address via new arrangements for political and technical dialogue and cooperation across the wider South East

- 4.1 The abolished Regional Spatial Strategies identified what at the time were considered to be the strategic issues facing the East and South East, but that was under different administrative arrangements for addressing them and prior to the recent recession and substantial growth in London's population and employment. It is anticipated that authoritative identification of strategic issues currently facing the wider SE will require further analysis, developing understanding of the issues and mechanisms for political and technical dialogue and cooperation where appropriate. The headlines set out in the following paragraph are intended to inform initial discussions.
- 4.2 Key issues³ where London and the wider SE have strong inter-dependencies or face significant challenges:
- **Sustaining and growing economic success** – what are key economic links and dependencies across/beyond the wider SE? what's needed to underpin ongoing success?
 - **Tackling economic under-performance and regeneration** – how can all areas benefit from the wider SE's economic potential?
 - **Housing the growing population** – what demographic changes are expected and where will people live?
 - **Balancing growth and environmental priorities, including open space and addressing climate change** – how will constraints and opportunities influence future development?
 - **Delivering strategic transport infrastructure** – what are the priorities for investment to support economic success?
 - **Providing services for communities, including education/skills, health, care, power, water, waste** – how to ensure all partners play their part meeting the needs of the growing population?

³ Also informed by FALP and London Infrastructure Plan consultation and discussions since then.

Annex 1 - Strategic Planning – Recent Publications⁴

English Regional Planning 2000 – 2010 Lessons for the Future (2013) – edited by Corinne Swain et al: Study contributes to understanding of how strategic planning can – based on past experience - provide a framework for guiding spatial change and allocating resources, looking to a long-term sustainable future.
<http://www.routledge.com/books/details/9780415526081/>

Lyons Housing Review (Oct 2014): Housing funding streams should be consolidated as part of an economic development fund and devolved to city and county region authorities working across functional economic areas.
http://www.yourbritain.org.uk/uploads/editor/files/The_Lyons_Housing_Review_2.pdf

Royal Town Planning Institute: Strategic Planning –

- Beyond ‘Co-operation’ (Sept 2014): Proposals draw on existing arrangements but require much stronger incentives to cooperation and making plans for the future.
<http://rtpi.org.uk/media/1110489/Strategic%20Planning%20Beyond%20Cooperation.pdf>
- Effective Cooperation for Planning Across Boundaries (Jan 2015): Includes a range of case studies. For England the focus should be on incentives where the duty to cooperate has not been effective, and to build on the momentum to harness the potential of the city regions. <http://www.rtpi.org.uk/media/1230885/RTPI-Strategic%20Planning-Brochure%20FINAL%20web%20PDF.pdf>

Highbury Group on Housing Delivery: In response to the above RTPi paper, it calls for a new strategic planning for the London metropolitan preparing a Metropolitan regional plan.
http://www.westminster.ac.uk/_data/assets/pdf_file/0006/338118/HIGHBURY-GROUP.-Response-to-RTPi-strategic-planning-paper.-FINAL.-3.10.14.pdf

Future of London: Working Beyond Boundaries (Oct 2014): Calls for the Mayor to take a broader perspective and relieve planning pressure on local elected officials.
<http://www.futureoflondon.org.uk/futureoflondon/wp-content/uploads/downloads/2014/10/Working-Beyond-Boundaries-briefing-paper-web.pdf>

Andrew Boff GLA Conservatives: Southern Power House (Jan 2015): Promotes a comprehensive reform of London’s governance and tax powers and the establishment of a Thames City-Region to give the South East a say in London’s growth and prosperity.
<http://glaconservatives.co.uk/wp-content/uploads/2015/01/southern-powerhouse.pdf>

Also relevant in this context:

Nathaniel Lichfield & Partners: London’s Unmet Housing Needs – Meeting London’s overspill across the wider South East (Apr 2014): Study shows how London’s unmet housing needs could be distributed using a ‘Gravity Model’ approach and calls for the GLA and the authorities within the wider London Housing Market Area to work together to address this unmet need effectively.
<http://www.london.gov.uk/sites/default/files/285GladmanDevelopmentsLtdResponse.pdf>

Foresight, Government Office for Science: Investing in city regions – How does London interact with UK system of cities and what are the implications of this relationship? (Oct 2014): Study discusses whether stronger UK supply chains would enable faster growth for a number of cities and the UK as a whole. It concludes that a strong counterweight to London’s global role should not be its restriction and that local rivalries should be made a positive force for innovation.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/365099/london-and-UK-system-of-cities.pdf

DCLG: National Planning Policy Guidance: Duty to Cooperate, paragraph 7: Cooperation between the Mayor, boroughs and local planning authorities bordering London will be vital to ensure that important strategic issues, such as housing delivery and economic growth, are planned effectively.
<http://planningguidance.planningportal.gov.uk/blog/guidance/duty-to-cooperate/what-is-the-duty-to-cooperate-and-what-does-it-require/>

Planning Advisory Service has developed a suite of practical guidance tools to facilitate compliance with the Duty to Cooperate. This includes a ‘Duty Statement template’, which addresses Governance and working arrangements and suggests for example memorandums of understanding to evidence agreements.
http://www.pas.gov.uk/web/pas1/events-and-support2/-/journal_content/56/332612/6387362/ARTICLE

⁴ Only selection – not comprehensive.

Committee: Planning Policy Working Group

Agenda Item

Date: 26 November 2015

9

Title: Update to Housing Trajectory and 5-Year Land Supply Statement

Author: Sarah Nicholas, Senior Planning Officer,
01799 510454

Summary

1. At the Working Group of 8 June 2015, members considered the Housing Trajectory and 5-Year Land Supply Statement. Since that date the Council has published its Strategic Housing Market Assessment which provides the council with the scale of its housing need. There have also been a number of appeal decisions where the Inspectors have commented on 5-year land supply issues. The Statement has therefore been updated to incorporate this additional evidence.
2. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.3 years of supply depending on the housing target.

Recommendations

3. That the update to the Housing Trajectory and 5-Year Land Supply Statement be noted.

Financial Implications

4. None:

Background Papers

5. 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.

Uttlesford Residential Land Availability Survey 2015

Impact

- 6.

Communication/Consultation	Statement will be made available on the website
Community Safety	N/A

Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

7. The Housing Trajectory and 5 Year Land Supply Statement was first published in June 2015. The Statement has been updated primarily to include the findings of the Strategic Housing Market Assessment (SHMA) published in September 2015. This figure for housing need has replaced the figure derived from the 2012 Household Projections. The statement has also been updated to include an explanation and evidence as to why the Council considers that it has not persistently under delivered in the past and therefore needs to apply the standard 5% buffer. The base date for the number of houses completed and with planning permission remains at 31 March 2015.

Risk Analysis

- 8.

Risk	Likelihood	Impact	Mitigating actions
That councillors have insufficient information to make an informed decision on planning applications.	Low likelihood of un-informed decisions being made due to information and advice being available	High impact on the outcome of appeals against the Council's refusal of planning permission and on Local Plan process if unsound decisions are made.	Annual assessments and monitoring to take place to ensure the number of units planned, commenced and constructed is known.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

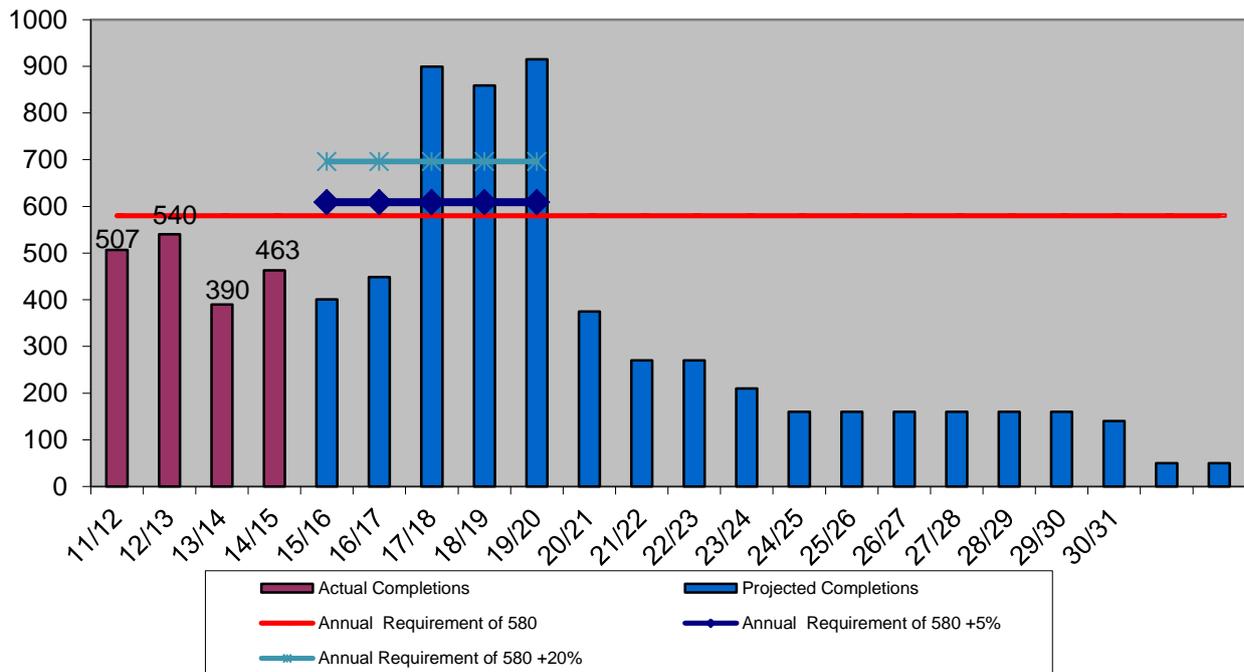
3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



UTTLESFORD DISTRICT COUNCIL
HOUSING TRAJECTORY AND 5-YEAR LAND SUPPLY
1 April 2015

Diagram 1: - HOUSING COMPLETIONS AND TRAJECTORY 2011 TO 2033



Introduction

1. The Housing Trajectory and 5 Year Land Supply Statement was first published in June 2015. The Statement has been updated primarily to include the findings of the Strategic Housing Market Assessment (SHMA) published in September 2015 and the decisions of relevant appeals. It also updates the situation in the preparation of the new Local Plan. The base date for the number of houses completed and with planning permission remains at 31 March 2015.
2. Paragraph 47 of the National Planning Policy Framework requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
3. The purpose of this Statement is to set out the Council's 5 year housing supply and an indicative trajectory of housing delivery during the plan period. The 5 year period covers the period 2015/16 to 2019/20.



4. The 5-year land supply data uses a base date of 31 March 2015 and only uses known data i.e. actual completions and actual planning permissions.

Housing Need

5. The council's adopted Local Plan 2005 pre-dates the National Planning Policy Framework (NPPF) and a new Local Plan reflecting the NPPF is being prepared and is programed to be submitted for examination in 2017.
6. The Council together with its partner authorities of East Herts, Epping Forest and Harlow commissioned consultants ORS to carry out a Strategic Housing Market Assessment (SHMA) which was published in September 2015 and will be used to develop the housing target for the area. The study has been carried out following the requirements of the National Planning Policy Framework and the Planning Practice Guidance and a technical advice note published by the Planning Advisory Service. The SHMA identifies the Full Objectively Assessed Need for Housing in West Essex and East Hertfordshire to be 46,100 dwellings over the 22 year period 2011-2033. The need within Uttlesford for that period is 12,500 dwellings or 568 dwellings per year.
7. Prior to the publication of the SHMA the Council accepted the final conclusions and recommendations of the Local Plan Inspector. In his conclusions, dated 19 December 2014, the Local Plan Inspector considered that the demographically modelled household projections required some upward adjustment to take into account market signals such as affordability. In his view it would be appropriate to examine an overall increase of around 10% to about 580 dwelling per annum.
8. The recommended OAN provides a slightly lower figure of 568 dwellings per year to the 580 recommended by the Local Plan Inspector. It also forms a basis for discussions with neighbouring authorities under the Duty to Cooperate and to decide how much, if any, additional housing needs to be provided by any neighbouring authorities. Those discussions are ongoing and will not be finalised for some months. The figure of 580 has been subject to examination whilst the figure of 568 has not. For the purposes of this updated Statement it is considered appropriate to consider both figures in relation to 5 year land supply.
9. In relation to other aspects of housing requirement the Local Plan Inspector made the following comments
 - a. That housing delivery performance over the last 13 years has not fallen significantly below appropriate targets for the years in question and therefore the buffer does not need to be increased beyond the standard 5%. Appendix 1 provides further explanation and evidence as to why the Council considers that a 5% buffer is appropriate.
 - b. There is no local or contemporary evidence which would justify the application of a standard 'lapse rate; for outstanding residential planning permissions.
 - c. There is no requirement to add to the Objectively Assessed Need to cater for any 'backlog' calculated against years preceding the 2011 base year.
10. It is therefore considered that it would be prudent to consider a range of housing requirements from the Strategic Housing Market Assessment to the Inspector's conclusions.



		+ 5% buffer
Requirement A based on Inspector's conclusions (December 2014)	580	609
Requirement B based on Strategic Housing Market Assessment (published September 2015)	568	596

Housing Supply

11. In relation to supply of housing, the Local Plan Inspector concluded that the windfall allowance of 50dpa is reliably based upon well-evidenced research and consistent with the NPPF.
12. He considered that the housing trajectory at the time of the examination reflects a generally healthy land supply with deliverable sites of various sizes controlled by a wide range of house-builders across a good range of locations. The housing supply has now been rolled forward a year and updated with completions and new planning permissions.
13. Appendix 2 lists, in order by Parish, all the sites which are considered to provide housing during the period up to 2033. It includes an allowance for windfall sites of 50 dwellings per year based on historic rates of completions on windfall sites and the policy context in which they are likely to continue to be provided at this rate. All sites for 6 or more dwellings are individually listed. There are 9 categories of site. The current trajectory does not include any sites in categories 7 to 9.
 1. under construction
 2. with planning permission (full or reserved matters covering whole site)
 3. with outline permission with part(s) covered by reserved matters
 4. with outline only
 5. where full, outline or reserved matters at post committee resolution subject to S106 negotiations
 6. with application submitted
 7. with pre-application discussions occurring
 8. allocation only
 9. draft allocation
14. Tables 1 to 3 below sets out the actual and estimated completions for each year during the plan period.

Table 1 Actual completion rate since 2011					
Year	11/12	12/13	13/14	14/15	total
completions	521	540	390	463	1914

Table 2 Estimated completion rate for 5 year period						
Year	15/16	16/17	17/18	18/19	19/20	Total
	Yr1	Yr 2	Yr 3	Yr 4	Yr 5	
estimated completions years 1-5	397	443	897	859	915	3511

Table 3 Estimated completion rate for years 6 to 18													
Year	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33
	6	7	8	9	10	11	12	13	14	15	16	17	18
Estimated completions	375	270	270	210	160	160	160	160	160	160	140	80	87



15. As set out in Table 4 the Council's overall target over the next 5 year period is estimated to range between 3358 and 3471 dwellings which includes making up the shortfall of dwellings and the buffer of 5%.

16. The Council estimates that 3511 dwellings will be delivered over the next 5 years which provides the District with 5.1 – 5.3 years of supply depending on the housing target.

Table 4 Calculation of 5 year housing supply		Requirement A (Inspector's conclusions)	Requirement B (SHMA)
Annual Target	AT	580	568
Target years 1 – 5	AT x 5	2900	2840
Shortfall	(ATx4) – completions since 11/12	406	358
Target plus shortfall		3306	3198
5% of target plus shortfall		165	160
Overall target	T+	3471	3358
Supply	S	3511	3511
% of target available on deliverable sites	(S/T+)x100	101%	105%
Supply in years	S/(T+ /5)	5.1	5.3
Deficit/Surplus	S-(T+)	+40	+172



Appendix 1

In considering whether the council has a record of persistent under delivery the Council has considered its delivery against its annual requirement over the last 10 years and also its cumulative delivery against annual requirements over the last 10 years as shown in the two tables below.

Delivery against 10 Year Annual Requirements				
Year	Target	Delivery	Delivery against Targets	
2005/2006	320	542	222	✓
2006/2007	430	326	-104	x
2007/2008	430	543	113	✓
2008/2009	430	441	11	✓
2009/2010	430	523	93	✓
2010/2011	430	302	-128	x
2011/2012	523	521	-2	x
2012/2013	523	540	17	✓
2013/2014	523	390	-133	x
2014/2015	580	463	-117	x
Total	4619	4591	-235	

Cumulative delivery against 10 Year Annual Requirements					
Year	Target	Cumulative	Delivery	Cumulative	
2005/2006	320	640	542	542	✓
2006/2007	430	750	326	868	✓
2007/2008	430	1180	543	1411	✓
2008/2009	430	1610	441	1852	✓
2009/2010	430	2040	523	2375	✓
2010/2011	430	2470	302	2677	✓
2011/2012	523	2993	521	3198	✓
2012/2013	523	3516	540	3738	✓
2013/2014	523	4039	390	4128	x
2014/2015	580	4619	463	4591	x
	4619		4591		-28

The targets applied and accepted by the Local Plan Inspector were derived from the former East of England Plan (RSS) which was the only policy document to set out annualised targets. The former Structure Plan contained no annual target and was superseded in 2008



by the RSS before the expiry of the Structure Plan period. Policy H1 of the East of England Plan set an annual target of 400 but the Council recognised that it had not met this target in previous years and used the higher figure of 430, as also set out in Policy H1, to compensate. The RSS recognised that where delivery had fallen short in previous years a higher delivery would be required in order to meet the housing targets of the Plan. The lower figure of 320 (also set out in Policy H1) for the period before 2006/07 therefore offsets the 430 for the following years. In fact from 2001 to 2008 there were no specific annual targets against which the Council was required to measure performance and it was only with the introduction of the RSS and the later NPPF that annual targets have been used to provide an assessment of successful delivery for each year.

The target of 523 used for the years 2011 to 2014 was used by the Council in its draft Local Plan and was used to measure delivery. These were the targets that the Local Plan Inspector considered to be appropriate. The latest year has been increased to 580 to reflect the Inspector's recommendation. Subsequent years are likely to reflect the SHMA.

When assessing the individual years of delivery against the respective target for that year, (i.e. the tick box approach) it is accepted that there has been under-delivery in 5 of those years. However, there is no requirement set out in guidance that delivery of dwellings has to match the average provision every year. This approach does not reflect that housing is delivered in 'lumps' and it follows 'cycles' so variations about the annual average should be expected. The second table above therefore considers the degree to which there has been under or over delivery. It shows that over the last 10 years the Council has only under delivered by 28 dwellings. It had, therefore, delivered 98% of its target requirement over the last 10 years.

The Council therefore consider that the evidence shows that the Council has not persistently under delivered and should therefore apply a 5% buffer.

The Council's belief that it needs to apply a 5% buffer has also been supported by recent appeal decisions within Uttlesford District, as described below, and the Local Plan Inspector.

Flitch Green (APP/C1570/A/12/2181608)

Inquiry held May 2013; Decision August 2013; Appeal dismissed

This appeal related to a development that included 168 dwellings as well as sport pitches and community facilities at Flitch Green. The Inspector considered that:

Because the Council has in most years provided the necessary housing, I consider that there is not persistent under delivery and so only a 5% buffer would be required as specified in the Framework.' (paragraph 27)

Bentfield Green at Stansted Mountfichet (APP/ C1570/A/13/2201844)

Inquiry held November 2013; Decision January 2014; Appeal dismissed

This appeal related to a development including 140 dwellings and primary school. The Inspector accepted that Uttlesford was a 5% authority and did not require a 20% buffer.

Bolford Street, Thaxted (APP/C1570/A/14/2212188 & 2210404)

Considered through written representation; Decision June 2014; Appeal dismissed



The appeals related to a development of 5 dwellings and a development of 13 dwellings. The issue of persistent under-delivery was addressed and the Inspector commented that:

The figures allow for a 5% buffer rather than the 20% required where there has been a record of persistent under delivery of housing. However, while the housing trajectory 2001-2018 shows that there has been under-delivery in some years in the past, this has not been such a regular occurrence as to be persistent in my judgement, and a 5% allowance is therefore appropriate. (paragraph 19)

Sunnybrook Farm, Felsted (APP/C1570/A/14/2213863)

Hearing Date August 2014; Decision September 2014; Appeal dismissed

The appeal related to a development of 13 dwellings. The decision supported the Council's belief that it was a 5% authority. The Inspector commented that

The Council has set a target to provide 2885 dwellings over the five-year period 2014/15 – 2018/19. This includes 133 dwellings not delivered since 2011; and 137 dwellings to provide a 5% buffer in addition to the 523 dwellings required annually. The appellants consider that the Council has a record of persistent under-delivery of housing and that the buffer should be increased to 20% accordingly.

The dispute centres on how the previous RSS target for the period 2001/02 – 2010/11 should be apportioned to individual years and by the Council's interpretation, delivery against the annual target was achieved in most of them. By the appellants' interpretation, it was not. Either way, the overall target for the 10 year period was met and the Council has not carried forward any pre-2011 shortfall into its present assessment of objectively assessed needs. On this basis, I am satisfied that there is no record of persistent under delivery. (paragraphs 23 & 24)

Aylands, Felsted (APP/C1570/A/14/2226257)

Hearing date December 2014; Decision January 2015; Appeal dismissed

The appeal related to a single dwelling. The Inspector concluded that there was a persistent under delivery of housing. However, it is clear from the decision notice that the Inspector only had access to the Summary Conclusions of the Local Plan Inspector (dated 3 December 2014), and not his Full Conclusions which were published later (dated 19 December 2014) and effectively superseded them. The Local Plan Inspector did not address the issue of persistent under delivery in his Summary Conclusions and the Aylands Inspector would not therefore be aware of the Local Plan Inspector's findings and recommendation in respect of the buffer.

St Edmunds Lane, Great Dunmow (APP/C1570/A/14/2223280)

Inquiry date November 2014 and February 2015; Decision May 2015; Appeal allowed

This appeal related to 22 Custom Build dwellings. The Inspector considered that Uttlesford should be a 20% authority. That Inspector did have access to the Local Plan Inspector's Conclusions but considered that '*when the revised objectively assessed need figure of 580dpa is applied retrospectively from 2011/12, the Council has failed to meet its target in 4 of the last 5 years,*' at a time when the Government is seeking to boost significantly the supply of housing. The Inspector commented that '*In my opinion, although I note the Local Plan Inspector's comments in this regard, I consider that this would represent a record of persistent under delivery of housing. As such, the requirement for a 20% buffer applies in this District.*'



The Council's concerns regarding this appeal decision relates to the retrospective application of the 580dpa figure to the last three-years. This was never the figure towards which the Council was working during that period. During the preparation of the Local Plan, the maximum housing supply figure towards which the Council was working towards was 523pa. It seems illogical to judge whether the Council has a record of persistent under-delivery by assessing the supply against a figure which was not, at the relevant time, the appropriate target.

Walden Road, Thaxted (APP/C1570/A/14/222958)

Inquiry date January 2015; Decision June 2015; Appeal dismissed

This appeal related to a development of 120 houses. The Inspector considered that a 5% buffer was reasonable and accorded with the aims and objectives of the Framework. He commented that:

'There is no guidance on how far back one should go to look at the supply achieved. The council fairly points out that the appropriate benchmark is the annual figure contained in the RSS (2008), as before that there were global figures and it was for the council to choose their own trajectory. If you look back at the recent past, while there has been some under-delivery, I would agree with the Local Plan inspector that on the basis of the RSS the delivery has not fallen significantly below appropriate targets for the years in question.'

Thaxted Road, Saffron Walden (APP/C1570/A/14/2221494)

Inquiry date March 2015; Decision June 2015; Appeal dismissed

This appeal related to a development of 300 dwellings and land for open space/recreation use, including an option for a new primary school site. The Inspector concluded that there had not been persistent under delivery and therefore a 5% buffer is appropriate. He commented that

'The Council has exceeded its cumulative requirement for 9 of the 10 years since 2004 even if 580 dpa is used as the target for recent years. The housing requirement for this past period has otherwise been derived from the former East of England Plan which emphasised that the targets were minima with a need to provide for an upward trajectory of completions. Nonetheless, taking account of the peaks and troughs of the housing market cycle it seems to me that the evidence does not support a conclusion of persistent under delivery.'



Appendix 2 Trajectory Data 2011 - 2033

<p>KEY TO STATUS</p> <p>1. under Construction</p> <p>2. with planning permission (full or reserved matters covering whole site)</p> <p>3. Outline with some reserved matters determined</p> <p>4. with outline only</p> <p>5. where full, outline or reserved matters at post committee resolution to Subject S106 negotiations</p> <p>6. with application submitted</p> <p>7. with pre-application discussions occurring</p> <p>8. allocations only</p>																							
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Site	UTT reference	Date of Permission	Capacity (Gross)	11/12	12/13	13/14	Reporting 14/15	Yr1 15/16	Yr2 16/17	Yr3 17/18	Yr4 18/19	Yr5 19/20	6 20/21	7 21/22	8 22/23	9 23/24	10 24/25	11 25/26	12 26/27	13 27/28	14 28/29	15 29/30	16 30/31	17 31/32	18 32/33	Status
Small sites(< 6 Units) with PP				85	62	68	70																			
Windfall Allowance								50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	
Aythorpe Roding: Windmill Works	UTT/14/0779	Nov-14	9					9																		1
Birchanger 300 Birchanger Lane	UTT/1527/09/DFO	built	9	9																						Built
Clavering: Land to the rear of the shop and Oxleys Close	UTT/2251/11/FUL	07-Aug-12	14					14																		1
Clavering: Land south of Oxleys Close	UTT/13/0327/OP	13-Jan-14	13							13																3
Clavering: Jubilee works	UTT/13/3357/DFO	26-Sep-14	14				2	10	12																	1
Elsenham: The Orchard	UTT/1500/09/OP UTT/2166/11/DFO	25/11/2010 10 August 2012	51			44	7																			1
Elsenham: Land at Alsa Leys	UTT/13/2836/FUL	12-Mar-14	6							6																2
Elsenham: Hailes Wood	UTT/13/2917/FUL	Jul-14	32					15	16																	2
Elsenham: Former Goods Yard, Old Mead Lane	UTT/12/6116/FUL	07-Feb-14	10								10															2
Elsenham: Land at Stansted Road	UTT/0142/12/OP [UTT/14/3297/DFO]	09/05/2013 [May 2015]	155						24	30	50	50														3
Elsenham: Land at Stansted Road (Retirement housing)	UTT/0142/12/OP	09-May-13	55									55														3
Elsenham: Land west of Hall Road	UTT/13/0177/OP	19-Dec-13	130							40	45	45														3
Elsenham: Land south Stansted Road	UTT/13/1790/OP	23-Dec-13	165							55	55	55														3
Flitch Green: Land at Webb Road, Hallett Road	UTT/13/1123/FUL	Jul-13	9					9																		2



Site	UTT reference	Date of Permission	Capacity (Gross)	11/12	12/13	13/14	Reporting 14/15	Yr1 15/16	Yr2 16/17	Yr3 17/18	Yr4 18/19	Yr5 19/20	6 20/21	7 21/22	8 22/23	9 23/24	10 24/25	11 25/26	12 26/27	13 27/28	14 28/29	15 29/30	16 30/31	17 31/32	18 32/33	Status	
Flitch Green: Land off Tanton Road	UTT/14/0005/OP	Sep-14	98						25	25	24	24														3	
Flitch Green: Village Centre	UTT/14/3357/FUL		25										25														6
Felsted: Land East of Braintree Road	UTT/13/0989/OP UTT/14/2591/DFO	11/07/2013 Dec 2014	25						12	13																	2
Great Chesterford: New World Timber and Great Chesterford Nursery, London Road	UTT/14/0174/FUL	Dec-14	42							21	21																2
Great Chesterford: Land south of Stanley Road	UTT/12/5513/OP UTT/13/3444/DFO	12 July 2013; 13 February 2014	50				41	9																			2
Great chesterford: land north of Bartholomew Close	UTT/14/0425/OP	Oct-14	14							14																	3
Gt Dunmow 37-75 High St	UTT/1185/02/FUL	Built	51	7																							Built
Gt Dunmow Chequers Inn	UTT/1200/02/FUL	Built	8	8																							Built
Gt Dunmow rosemary lane infants school	UTT/1006/10	built	31	31																							Built
Gt Dunmow: Springfields	UTT/1412/09	Built	25		25																						Built
Gt Dunmow: Woodlands Park Sectors 1 - 3	UTT/1006/04; UTT/1809/02; UTT/0395/05; UTT/0496/05; UTT/0386/05; UTT/0392/05; UTT/0246/07; UTT/13/1600	ranges between 26 November 1992 - July 2013	1633	24	23	22	43	32	37	42	43	45	50	50	50	50	50	50	50	50	50	50	50	50	50	50	1
Gt Dunmow: Woodlands Park Sector 4	UTT/2507/11/OP. UTT/13/1663/DFO	2 August 2012; 31 October 2013	125					10	28	28	29	29															2
Gt Dunmow Waldgrooms	UTT/0644/09/FUL	built	6	6																							Built
Gt Dunmow 39 Causeway and land r/o 37& 41-49 The Causeway	UTT/0601/08/FUL	built	7	7																							Built



Site	UTT reference	Date of Permission	Capacity (Gross)	11/12	12/13	13/14	Reporting 14/15	Yr1 15/16	Yr2 16/17	Yr3 17/18	Yr4 18/19	Yr5 19/20	6 20/21	7 21/22	8 22/23	9 23/24	10 24/25	11 25/26	12 26/27	13 27/28	14 28/29	15 29/30	16 30/31	17 31/32	18 32/33	Status
Gt Dunmow: 14 Stortford Road, Perkins Garage	UTT/12/5270/FUL	08-Oct-13	12								12															2
Gt Dunmow: Land Adj Harmans Yard	UTT/0912/10/FUL	12-Jul-13	6			6																				Built
Gt Dunmow: Former Council Offices, 46 High Street	UTT/2116/10	Built	10		8	2																				Built
Gt Dunmow: North of Ongar Road	UTT/1147/12/OP	01-Jan-13	73								33	40														3
Gt Dunmow: Barnetston Court	UTT/1519/12/FUL	19-Apr-13	10				5	5																		1
Gt Dunmow: Brick Kiln Farm	UTT/13/0847/OP UTT/14/0265/DFO	11 July 2013 4 June 2014	68							30	35															2
Great Dunmow: west of woodside way	UTT/13/2107/OP	Resolution to approve 12/2/14.	790							50	50	50	60	60	60	60	60	60	60	60	60	60	40			5
Great Dunmow: Land west of Chelmsford Road	UTT/13/1684/OP	04-Nov-14	370						20	50	50	50	50	50	50											2/3
Gt Dunmow: South of Ongar Road	UTT/1255/11/OP	12-Jul-12	100							25	25	50														3
Great Dunmow: Canada Cottages	UTT/14/0787/OP	Sep-14	7									7														3
Great Dunmow: Land adjacent Tower House, St Edmunds Lane	UTT/14/3280/FUL	Mar-15	7								7															2
Great Easton: The Moat House Dunmow Road Care home	UTT/0874/11/FUL	29/07/2011	26				26																			Built
Hatfield Heath: The Stag Inn,	UTT/13/2499/FUL	Nov-13	6				6																			Built
Hatfield Heath: Broomfield	UTT/12/5349/FUL	Oct-13	14				14																			Built
Henham: land north of Chickney Road and west of Lodge Cottages	UTT/14/0065/FUL	15-May-14	16				10	6																		1
Henham: Land south of Chickney Road	UTT/14/2655/FUL	Jan-15	21					10	11																	1
High Roding: Meadow House Nursery	UTT/13/1767/FUL	07-Jan-14	31								15	15														2



Site	UTT reference	Date of Permission	Capacity (Gross)	11/12	12/13	13/14	Reporting 14/15	Yr1 15/16	Yr2 16/17	Yr3 17/18	Yr4 18/19	Yr5 19/20	6 20/21	7 21/22	8 22/23	9 23/24	10 24/25	11 25/26	12 26/27	13 27/28	14 28/29	15 29/30	16 30/31	17 31/32	18 32/33	Status	
Leaden Roding: Holloway Crescent	UTT/1357/11/FUL	Built	8		-18	8																				Built	
Little Dunmow: Dunmow Skips Site	UTT/13/2340/OP	27-Oct-14	40				-2			19	19															3	
Littlebury: Peggys Walk	UTT/1984/10	Built	14	2	12																					Built	
Manuden: Site off the Street	UTT/0692/12/FUL	12-Feb-13	14			9	5																			Built	
Newport: The Maltings Station Rd	UTT/1405/09	Built	11		11																					Built	
Newport: Carnation Nurseries	UTT/14/3506/DFO	Feb-15	21					5	15																	2	
Newport: Bury Water Lane/Whiteditch Lane	UTT/13/1769/OP	29-Nov-13	84								42	42														3	
Newport : Hillside and land to rear, Bury Water Lane Retirement village (40 retirement units; 120 extra care; 5 market houses) [5 respite care bungalows not included] Loss of 2 units	UTT/13/1817/OP UTT/14/2900/DFO UTT/14/2901/DFO UTT/14/2902/DFO UTT/14/2903/DFO UTT/14/2904/DFO	30/10/2013 Dec 2014	45 + 120									3			43	60	60										3/2
Newport: Reynolds Court, Gaces Acre	UTT/14/3655/FUL	01-Mar	41					-31	15	26																2	
Quendon: land r/o Foxley House	UTT/1359/12/OP UTT/13/0027/OP	30-Aug-13	18							19																3	
Radwinter: Land north of Walden Road	UTT/13/3118/OP	28-Feb-14	35					5	15	15																3	
S Walden Bell College Peaslands Road	UTT/0503/10	Built	86	86																						Built	
Saffron Walden: Land south of Radwinter Road	UTT/13/3467/OP	Resolution to grant 30 April 2014	200							50	50	50	50													5	
Saffron Walden: Land south of Radwinter Road for retirement	UTT/13/3467/OP	Resolution to grant 30 April 2014	102								12	60	30													5	



Site	UTT reference	Date of Permission	Capacity (Gross)	11/12	12/13	13/14	Reporting 14/15	Yr1 15/16	Yr2 16/17	Yr3 17/18	Yr4 18/19	Yr5 19/20	6 20/21	7 21/22	8 22/23	9 23/24	10 24/25	11 25/26	12 26/27	13 27/28	14 28/29	15 29/30	16 30/31	17 31/32	18 32/33	Status	
village (60 bed care home; 12 extra care bungalows; 30 extra care apartments)																											
Saffron Walden: Former Willis and Gambier Site, 121 Radwinter Road	UTT/13/3406/FUL	July 204	52						26	26																2	
Saffron Walden: Former Willis and Gambier Site, 119 Radwinter Road	UTT/13/1981/OP	24-Jul-14	60							60																	3
Saffron Walden: Land to the West of Debden Road (Tudor Works)	UTT/1252/12/OP UTT/14/0356/DFO	21/11/2012 24 July 2014	24					12	12																		1
Saffron Walden: Land at Ashdon Road Commercial Centre	UTT/13/2423/OP	26/11/2014	167							50	50	50	17														3
Saffron Walden: Bell College South Road	UTT/0828/09	Built	62	25	37																						Built
Saffron Walden: Bell College South road (retirement flats)	UTT/1981/10	Built	27		27																						Built
Saffron Walden: Friends School	UTT/0188/10	31-Mar-11	76		30	37	7																				1
Saffron Walden: Lt Walden Road	UTT/1576/12/DFO	15-Nov-12	15			15																					Built
Saffron Walden: Ashdon Road	UTT/1572/12/DFO	21-Nov-12	130			22	72	36																			1
Saffron Walden: Lodge Farm, Radwinter Rd (Pt of Jossaumes)	UTT/12/5226/FUL	04-Jan-13	31				31																				Built
Saffron Walden: Goddards Yard	UTT/13/0669/FUL UTT/13/2395/FUL	21/06/2013 July 2014	14				12	2																			1
Saffron Walden: Thaxted Rd (Kiln Court)	UTT/13/1937/OP	11-Oct-13	52								26	26															3
Saffron Walden: Former Gas Works Thaxted Rd	UTT/0123/09	24-Mar-09	9		4	5																					Built
Saffron Walden: 8-10 King Street	UTT/0280/12/REN of UTT/1733/08/FUL	21-Jun-12	8							8																	2



Site	UTT reference	Date of Permission	Capacity (Gross)	11/12	12/13	13/14	Reporting 14/15	Yr1 15/16	Yr2 16/17	Yr3 17/18	Yr4 18/19	Yr5 19/20	6 20/21	7 21/22	8 22/23	9 23/24	10 24/25	11 25/26	12 26/27	13 27/28	14 28/29	15 29/30	16 30/31	17 31/32	18 32/33	Status
Saffron Walden: The Sun Inn Gold Street	UTT/0681/12	07-Jul-12	6			6																				Built
Saffron Walden: Garage Site, Catons Lane	UTT/14/2514/FUL	01-Oct-14	6					6																		2
Saffron Walden: Moores Garage, Thaxted Road	UTT/14/0003/FUL	Resolution to grant 15 October 2014	10							10																5
Stansted Mountfitchet: Rochford Nurseries	UTT/2265/07/DFO	28-Feb-08	663	84	148	64	35																			Built
Stansted Mountfitchet: 68-70 Bentfield Rd	UTT/2479/11/FUL	07-Feb-12	9		3	6																				Built
Stansted Mountfitchet: 2 Lower Street	UTT/1522/12/FUL	07-Jan-13	14						14																	1
Stansted Mountfitchet: Mead Court Redevelopment of 27 units with 29 units therefore net gain of 2	UTT/13/0749/FUL	06-Jun-13	29				-23	25																		1
Stansted Mountfitchet: Land at Walpole Farm	UTT/13/1618/OP	1 April 2014	160							50	50	60														3
Stansted Mountfitchet: Land at Elms Farm	UTT/13/1959/OP	17-Jan-14	51								25	26														3
Stebbing: land to east of Parkside and rear of Garden Fields	UTT/14/1069/OP	Feb-15	30								15	15														3
Takeley: Priors Green			792	98	162	76	32	4	4	4	4	4														Built
Takeley: Priors Green Stansted Motel & 2 Hamilton Rd	UTT/0240/12/OP UTT/14/1819/FUL	03/09/2012 29/10/14	13					13																		1
Takeley: Priors Green, Takeley Nurseries	UTT/0515/10	Built	35	35																						Built
Takeley: Land South of Dunmow Road and east of The Pastures/Orchard Fields	UTT/1335/12/FUL	24-Sep-13	41				15	14	12																	1
Takeley: Land adj Olivias, Dunmow Rd	UTT/12/5142/FUL	14-Dec-12	6				1	5																		1



Site	UTT reference	Date of Permission	Capacity (Gross)	11/12	12/13	13/14	Reporting 14/15	Yr1 15/16	Yr2 16/17	Yr3 17/18	Yr4 18/19	Yr5 19/20	6 20/21	7 21/22	8 22/23	9 23/24	10 24/25	11 25/26	12 26/27	13 27/28	14 28/29	15 29/30	16 30/31	17 31/32	18 32/33	Status
Takeley: Brewers End Takeley	UTT/13/1393/OP UTT/14/3295/DFO	23/08/2013 Feb 2015	100					25	37	38																1
Takeley: Chadhurst Takeley	UTT/13/1518/FUL	12-Sep-13	13					12																		2
Takeley: North View and 3 The Warren	UTT/13/1779/FUL	03-Oct-13	46				-1	22	23																	1
Takeley: Ersamine, Dunmow Road, Little Canfield	UTT/14/0122/FUL	Sep-14	15							15																2
Thaxted: Wedow Road	UTT/1562/11/OP UTT/12/5970/DFO; UTT/13/3420/OP x 4	9 December 2011; 18 February 2013; Feb 2014	59				30	25		4																1
Thaxted: Land off Wedow Road	UTT/13/1170/OP	May-14	47							15	15	17														3
Thaxted: Sampford Road	UTT/12/5754/FUL	08-Feb-13	60				23	18	19																	1
Thaxted: Land East of Barnards Fields Thaxted	UTT/13/0108/OP UTT/14/2426/DFO	07/06/2013 15 October 2014	8					8																		1
Thaxted: Artington, Orange Street	UTT/13/1678/FUL	Aug-13	6						6																	2
Wendens Ambo: Mill House Royston Road	UTT/13/3474/P3JPA	24 February 2014	6						6																	2
Wendens Ambo: The Mill, Royston Road	UTT/14/3091/P3JPA	Dec-14	16				2	14																		1
Wimbish: Land at Mill Road	UTT/14/1688/FUL	Mar-15	11						11																	2
								397	443	897	859	915	375	270	270	210	160	160	160	160	160	160	140	80	87	

KEY TO STATUS
 1. under Construction
 2. with planning permission (full or reserved matters covering whole site)
 3. Outline with some reserved matters determined
 4. with outline only
 5. where full, outline or reserved matters at post committee resolution to Subject S106 negotiations
 6. with application submitted
 7. with pre-application discussions occurring
 8. allocations only

Committee: Planning Policy Working Group

Agenda Item

Date: 26 November 2015

10

Title: Waste Local Plan – Additional
Consultation: Newport Quarry

Author: Sarah Nicholas, Senior Planning Officer,
01799 510454

Summary

1. Work by Essex County Council to prepare a Replacement Waste Local Plan has been ongoing for a number of years. The most recent public consultation on the Revised Preferred Approach took place in June-July 2015. The consultation was considered by this working group on the 13 July 2015 and by Cabinet on the 23 July.
2. Essex County Council received more than 1,000 comments and these can now be viewed on their online consultation portal at <http://consult.essexcc.gov.uk>.
3. During the consultation in June-July, an additional waste site was proposed at Newport Quarry, Newport. Essex County Council (ECC) and Southend-on Sea Borough Council (SBC) are undertaking public consultation on the proposed site at Newport Quarry for a period of six weeks from Thursday 15 October and closing at 5pm on Thursday 26 November 2015. Details of the consultation can be found at www.essex.gov.uk/WLP.
4. The purpose in undertaking this additional consultation is to ensure that all sites have been subject to a comparable and appropriate degree of stakeholder and public consultation. It is necessary to give consultees and those living and working in the vicinity of the sites opportunity to comment and bring information about the sites to the attention of ECC.
5. As this working group takes place after the closing date of the consultation, this report has been sent as an officer's response to be followed up with any additional points made by this group. The comments of the Members for Newport have been sought in the preparation of this report and none have been received.

Recommendations

6. That Members endorse the officer comments submitted to Essex County Council as set out below in paragraph 17.

Financial Implications

7. None

Background Papers

8. 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

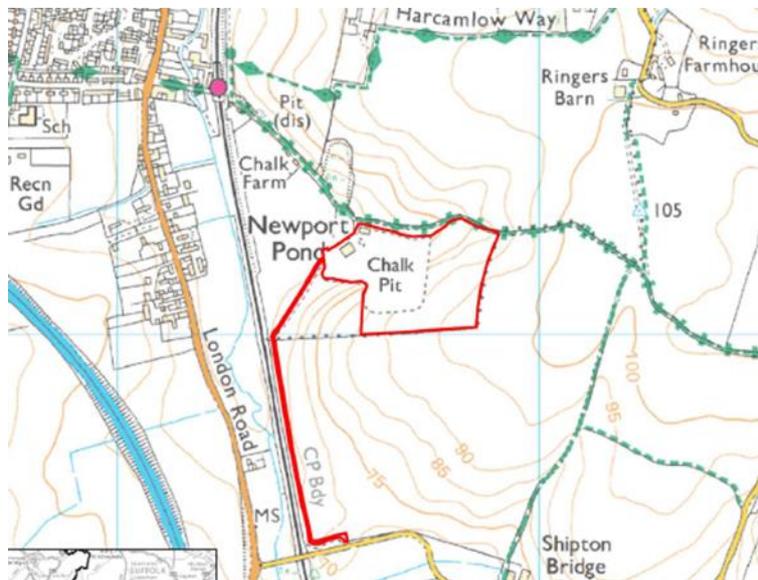
Impact

- 9.

Communication/Consultation	Consultation of the document is being undertaken by ECC
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	A sustainability appraisal accompanies the Local Plan
Ward-specific impacts	Newport
Workforce/Workplace	N/A

Situation

10. Newport Quarry (L(i)17R



11. In response to the recent consultation on the Waste Local Plan Revised Preferred Approach, the land owners and operators of the site have proposed this 8.40 ha site for Inert Recycling and landfill. The site is an existing void associated with mineral extraction works.
12. ECC are seeking views on the potential inclusion of Newport Quarry as a site for recycling and disposal of inert construction and demolition waste in the Replacement Waste Local Plan. As with all sites proposed for consideration, Newport Quarry has been subject to assessment by independent consultants. The results of this assessment are set out in a Site Assessment Proforma. ECC has not yet made any judgement as to whether the site should be included within the Replacement Waste Local Plan. Any such judgement will be informed by the responses received to this consultation.
13. The site has been assessed by the same method as all the sites in the June-July consultation. The stages were summarised in the report to this working group on 13 July.
14. The site passes stage 1 of the assessment as it is not excluded due to site size, area and shape; availability; flood risk; Ground water vulnerability; International and national ecology, heritage and landscape designations.
15. The second stage assesses the site against Green Belt policy and highway suitability. This site is not in the Green Belt. The site is accessed from the B1383 which is provided with a right turn lane, and a short section of minor road. Travelling north on the B1383 necessitates going under a low bridge. This bridge is already used by HGV traffic and the operator confirms that the height restriction is not an issue for mineral or waste related HGVs. The site is considered feasible in the opinion of the Highways Authority but note that a transport assessment and potential routing agreement would be required at planning application stage.
16. The third stage assesses the site against 12 site selection criteria. Significant issues relating to the site are that it lies within a Groundwater Source Protection Zone 3 and sits adjacent to the River Cam to the west. The Local Wildlife Sites Review 2007 identifies the site as a potential Wildlife Site as chalk quarries can give rise to scarce base-rich habitats. A Public Right of Way runs along the northern border of the proposed site. The assessment considers that the use would have neutral landscape and visual effects as the restoration of the mineral extraction site by landfill will make the chalk quarry conspicuous in the landscape.
17. *Draft response by Uttlesford District Council*
When members considered the sites in the initial consultation there was concern whether, in order to minimise the impact on the surrounding areas and prevent the loss of greenfield sites, the most efficient use was being made of mineral sites for waste management purposes. Essex County Council is therefore asked to consider this site in the light of this view and consider if it is more preferable to greenfield sites elsewhere in the District.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
That the Council's views are not taken into account.	1. The county council will take into account all duly made representations	3. That the Waste Local Plan includes policies which have not taken the District council's views into account	Ensure that comments are presented in line with the requirements set down in the consultation material

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.

Committee: Planning Policy Working Group

Agenda Item

Date: 26 November 2015

11

Title: Issues and Options Consultation Document – report of minor amendments

Author: Martin Paine, Planning Policy Team Leader

Summary

1. The attached report sets out for information the minor amendments that were made to the public consultation version of the Local Plan Issues and Options Consultation Document following Full Council on 13 October 2015.

Recommendations

2. That the minor amendments made to the Local Plan consultation document following Full Council and prior to consultation, be noted.

Situation

3. On 29 September 2015 the Planning Policy Working Group supported the Issues and Options Consultation Document as a basis for public consultation.
4. On 13 October 2015 Full Council approved the Local Plan Issues and Options Consultation Document for public consultation to commence on 22 October.
5. Following Full Council the Communications Team were asked to review the Full Council text of the Consultation Document for clarity. As a result of this review a number of minor amendments were made, and these are set out in the table below.

	Section	Change made	Notes/reason for change
1	Introduction, under Section 4: Scenarios	Changed ' conceptual scenarios' to ' potential scenarios'	Minor change for ease of understanding
2	Introduction, last sentence	Last sentence put into bold	For emphasis
3	Title in grey box	Changed ' Vision ' to ' vision ' (upper case to lower case)	
4	Section 2.1, third bullet	'Including both not limited to' changed to 'including but not limited to'.	Typographical error corrected.
5	Section 2.1, third	Deleted additional	Typographical error

	Section	Change made	Notes/reason for change
	bullet	'and'	corrected.
6	Question 3: Settlement Hierarchy	Changed 'sound set out' to 'soundly set out'	Typographical error corrected.
7	Question3: Settlement Hierarchy	Semi-colon added to 'the Council is particularly interested to know:'	Correct punctuation.
8	Question 3: Settlement Hierarchy	"If there been any significant changes..." changed to "if there has been any significant change"	Typographical error corrected.
9	Question 3: Settlement Hierarchy	"are there other relevant factors which should be considered which suggest..."	Redundant wording deleted for clarity.
10	Section 2.5: Employment, first paragraph.	"patterns to development" changed to "patterns of development."	Typographical error corrected.
11	Section 2.5: Employment, first paragraph.	Last sentence split into two.	Over-long-sentence shortened for clarity.
12	Section 2.6: Housing Tenure Mix and Affordability	"level of rent is 80% below market rent" changed to "level of rent is 80% of market rent"	Correct factual error.
13	Question 8: Natural And Historic Environment	Changed "natural and historic environment" to "natural environment and historic environment."	Remove ambiguity
14	Section 3.1: New Settlements First paragraph	Added 'and' to list in first sentence	Grammatical error corrected.
15	Section 3.1: New Settlements Second paragraph	Changed ' proponents of new settlements' to ' those who support new settlements'	Remove unnecessarily complex vocabulary.
16	Section 3.1: New Settlements Area of Search 5	SSSI ' Site of Special Scientific Interest '	Explanation of acronym added for clarity.
17	Section 3.1: New Settlements Area of Search 6	'To the east lie are some balancing ponds...to the west lie are Priory Wood...'	Remove unnecessarily complex vocabulary.

	Section	Change made	Notes/reason for change
18	Section 3.1: New Settlements Area of Search 7	'Located north of the A120 and west of Great Dunmow'	Typographical error corrected.
19	Section 3.3: Edge of Bishop's Stortford	"An inset map of has been prepared..."	Typographical error corrected.
20	Section 3.3: Edge of Bishop's Stortford	Added sentence: "Please note that Areas of Search 4 and 5 shown in blue relate to new settlement Areas of Search and are addressed as part of Question 11 above."	Minor change for clarity.
21	Section 3.4: Great Dunmow Area of Search 12A	"direct road link between which links the north and west"	Minor change for clarity.
22	Section 3.4: Great Dunmow Area of Search 12f	"The area is bisected divided east-west"	Remove unnecessarily complex vocabulary.
23	3.5 Villages Forest paragraph	Divided single sentence into two.	Over-long-sentence shortened for clarity.
24	3.5 Villages Forest paragraph	"Because of the small scale of villages relative to towns,... "	Deleted unnecessary words.
25	4.1: Scenarios A to D	Inserted footnote 1: "According to the Glossary in the National Planning Policy Framework, windfall means 'sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available'."	Reinstated footnote from original Planning Policy Working Group version (29 September 2015) (unintentionally omitted from Full Council version) to provide necessary explanation of planning terminology.
26	Table 2: Scenarios A-D	'Current' planning permissions' changed to 'existing' planning permissions.	Minor change for clarity.
27	Section 4.1, Scenario B	"For illustrative purposes" changed to "For Example".	Amend to simpler language.
28	Section 4.1,	Changed 'extant' to	Amend to simpler

	Section	Change made	Notes/reason for change
	Scenario C	'existing'	language.
29	Question 17: Development at 750 dwellings per year	"What do you think the implications of development under scenarios E to G would be, at around 750 dwellings per year." Changed to "What do you think the implications of development would be under scenarios E to G, of around 750 dwellings per year?"	Amended for clarity.
30	Section 4.3 Other scenarios First paragraph.	Changed 'cumulative' to 'increasing'	Remove unnecessarily complex vocabulary.