



# Uttlesford District Council

Chief Executive: John Mitchell

## Scrutiny

**Date:** Thursday, 10 September 2015  
**Time:** 19:30  
**Venue:** Committee Room  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors Heather Asker, Graham Barker, Paul Davies, Alan Dean (Chairman), Marie Felton, Thom Goddard, Stephanie Harris, Barbara Light, Edward Oliver, Geoffrey Sell

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given two working days prior notice.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest.
- 2 Minutes of the meeting held on 24 June 2015 5 - 10
- 3 Matters Arising
- 4 Consideration of any matter referred to the Committee in relation to call in of a decision
- 5 Responses of the Executive to reports of the Committee (standing item)

6	Cabinet Forward Plan	11 - 16
7	Scrutiny Work Programme	17 - 18
8	Local Plan Review - PAS	19 - 64
9	Car Park Review - verbal update	
10	Any other items which the Chairman considers to be urgent	

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The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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**SCRUTINY COMMITTEE MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 24 JUNE 2015 at 7.00pm**

Present: Councillor A Dean – Chairman.  
Councillors G Barker, P Davies, M Felton, T Goddard, B Light, E Oliver and G Sell.

Also present: Councillor S Barker – Portfolio Holder for Environmental Services and Mr T Young, Scrutiny and Policy Advisor.

Officers in attendance: R Auty ( Assistant Director Corporate Services), R Dobson (Principal Democratic Services Officer), J Game (ICT Officer), V Taylor (Business Improvement and Performance Officer) and A Webb (Director of Finance and Corporate Services).

**SC1 CHAIRMAN'S ANNOUNCEMENT**

The Chairman welcomed all those present and asked that everyone introduce themselves as this was the first meeting of the committee in the new council year.

**SC2 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor H Asker.

**SC3 SCRUTINY TRAINING**

Members received scrutiny training from Tim Young.

**SC4 MINUTES**

The Minutes of the meeting held on 24 March 2015 were received and signed by the Chairman as a correct record.

**SC5 MATTERS ARISING**

(i) Minute SC59 – Local Plan Review

Councillor G Barker referred to the Planning Advisory Service presentation. He said it had been his intention following the presentation to put a question to an officer, which would have necessitated the meeting moving to Part II in order to exclude the public. There were occasions when in order to understand matters in

full the committee should be able to question officers on business which required the public to be excluded from the meeting. He therefore sought clarity on when matters might be considered in Part II.

Councillor Dean asked officers to provide an explanation of the circumstances in which the committee could move to exclude the public.

The Director of Finance and Corporate Services said this advice would be provided.

Councillor Sell said there should be a presumption of openness at meetings of the Committee.

Councillor Dean said that as the local plan process was to be scrutinised at the September meeting, members should start now in considering the questions they wished to ask.

The Assistant Director of Corporate Services said the Planning Advisory report considered at the March meeting of the committee was available on the website, and this provided a good starting point for members who were new to the committee. He would circulate the report by email.

SC6

## **CABINET FORWARD PLAN**

Members considered the Forward Plan.

The Assistant Director of Corporate Services said this was a standing item to make the committee aware of what was coming up and to identify possible items for pre-scrutiny.

Councillor Dean suggested the committee consider whether it wished to pre-scrutinise any of the business listed on the Forward Plan, as follows:

### **Local Council Tax Support Scheme**

Regarding the Local Council Tax Support Scheme (LCTS), Councillor Dean said it had been agreed at Cabinet that consultation would take place on this scheme.

The Director of Finance and Corporate Services said the LCTS was scheduled to come before the committee in November as part of the budget setting process, and that this timing would enable members to consider the outcome of the consultation and the recommendations which were to be made to Cabinet.

Councillor S Barker said this was the third year of the LCTS programme. The Cabinet was now looking at proposals for 2016-17 and then soon after would have to look at costs for 2017-18.

Councillor G Barker said one aspect of the LCTS was the cost of running the scheme against the cost of the budget from the government, so the only possible scrutiny would be to examine the level of the percentage being charged. The Council was meeting the cost of 87% of Council Tax which beneficiaries of the scheme would otherwise pay.

Councillor Dean said it would be useful to receive information on the different costs if a different level of Council Tax support were to be provided, and to understand the background information, in readiness for the November meeting.

The Director of Finance and Corporate Services said in November consideration of the LCTS would essentially be looking at the outcome of the consultation, whereas in order to carry out pre-scrutiny of the scheme, the Committee could schedule it for consideration at its meeting in March 2016.

### **Housing strategy**

Councillor Dean invited views on whether members wished to scrutinise the Housing Strategy.

Councillor G Barker said members did not have the papers so could not form a view on whether to do so.

Councillor Dean said he was aware that the housing revenue account programme of works was subject to continuing slippage. Councillor G Barker said the committee should remind itself of the importance of its aim in scrutinising the reasons for work to be behind schedule.

The Director of Finance and Corporate Services said the slippage in the housing strategy was for the most part caused by a delay to the works to Mead Court in Stansted. There were two main reasons, one of which was delay on the part of the utility company in locating the water mains, and the other was the discovery of house martens in one of the buildings. He reminded members this item had been discussed at the meeting of Cabinet on 18 June, and that the discussion was available to listen to on Audiominutes. Issues relating to Mead Court would be addressed at forthcoming meetings of the Housing Board, which was chaired by Councillor Felton, a member of this committee.

### **Essex Building Control**

Councillor Oliver said this item would be considered in Part II at the Cabinet meeting on 23 July 2015. The reason for exemption of the consideration of the item in public was because of the financial information which would

prejudice this council's interests in competition with the private sector if made public.

The Director of Finance and Corporate Services said the area of building control was one which the committee might wish to consider scrutinising. This was a service to which the council found it very difficult to recruit, due to pay scales which lagged behind those in the private sector. Whilst there were few partnerships between councils in Essex, this partnership was progressing rapidly. Partnership working was becoming more important, and therefore scrutiny of this venture was potentially productive.

Councillor Dean asked what value the Committee could provide to this initiative at this stage.

The Director of Finance and Corporate Services said members might wish to understand the principles before the pre-scrutiny stage, whilst avoiding as much as possible consideration of sensitive financial information.

Councillor Light said the Forward Plan gave only limited information on which members could form a view about whether to scrutinise matters listed, as it contained little detail: for example, the documents section was blank. She felt there was a need for key points to be included.

The Director of Finance and Corporate Services said including extra information was likely to be feasible, and officers would report back on how to accede to the request. That information would in the normal course of the year become apparent to members, as the committee's work would involve discussions with officers where that information could be examined prior to committee meetings. Therefore this meeting, as the first of the year, was unusual in that members and officers had not yet met to discuss the work programme beforehand.

### **Ongoing items**

Members noted two items, development plans and the Localism Act 2011, had been included as "ongoing" business on the Forward Plan, but that it was when key decisions under these categories were listed on the Forward Plan that they would come forward to particular Cabinet meetings.

Councillor Dean asked if there were other items which the committee ought to consider within its programme of scrutiny.

The Director of Finance and Corporate Services said a further two reports had come forward since the forward plan document had been taken to Cabinet, a report on write offs, and the car park review.

### **Write Offs**

The Director of Finance and Corporate Services said this report was for information to report to members on the positive outcome in a case where monies had been recovered post-write off. The council had on occasion in the



past been challenged about recovery of monies in such circumstances, and this case was a good example of the council's practice of continuing to pursue debtors even where there had been a decision to write off their debts.

### **Car Park Review**

Scrutiny Committee would receive an update on this item at its September meeting. Councillor Dean invited Councillor S Barker as the portfolio holder to attend that meeting.

Councillor Dean asked if there were other items for scrutiny.

The Assistant Director for Corporate Services said further items would come forward throughout the year, so capacity for additional scrutiny work should be allowed for.

The Director of Finance and Corporate Services said a realistic agenda in his view would be two substantive reports and one scoping report.

Councillor Dean asked whether if there were a system of task and finish groups these could make recommendations to another body, other than the Scrutiny Committee.

The Director of Finance and Corporate Services said recommendations would come to Scrutiny Committee and it would be for the Committee to then make any recommendations to Cabinet.

Councillor Sell said a further item for scrutiny could be the way in which the Council engaged with its residents.

Councillor Oliver said the Constitution Working Group had set up a task group to report on community engagement, to be chaired by Councillor Davies, a member of this committee.

Members noted the agenda for the September meeting would address the substantive issues of the local plan review and car park review, with an update on the building control partnership.

Councillor G Barker said he wished to make three comments regarding the forthcoming scrutiny programme.

First, the day centres report undertaken by the previous Scrutiny Committee could be carried forward. The committee had not addressed the reason why the Council provided day centres since such provision was not one of the Council's statutory functions.

Secondly, he wished to ensure the new committee was aware of the fact that the last committee had obtained from officers a list of functions which were statutory and non-statutory. This information could be used to compile a list of areas for scrutiny.

Thirdly, he would like to look into the robustness of the statistics provided by the Food Bank set up in the district, to which the Council had given money.

Councillor Dean asked officers to obtain further information.

The Director of Finance and Corporate Services said officers would bring further information to the Chairman and Vice Chairman to the next pre-meeting.

The meeting ended at 9.35pm.

**UTTLESFORD DISTRICT COUNCIL  
FORWARD PLAN**

**KEY DECISIONS**

Decision	Decision maker	Date of decision	Brief information about the item and details of documents submitted for consideration	Portfolio Holder	Contact officer from where the documents can be obtained
Housing Strategy	Cabinet	10 December 2015	To consider and adopt a new Housing Strategy  The Housing Strategy sets out how the council wants to improve both the quality of accommodation and lives of people who live in the district	Cllr J Redfern	Andrew Taylor – Assistant Director Planning and Building Control  <a href="mailto:ataylor@uttlesford.gov.uk">ataylor@uttlesford.gov.uk</a>
Homelessness Strategy	Cabinet	10 December 2015	To consider and adopt a new Homelessness Strategy  The Homelessness Strategy sets out how the council will try to prevent and tackle homelessness in the district	Cllr J Redfern	Roz Millership - Assistant Director Housing and Environmental Services  <a href="mailto:rmillership@uttlesford.gov.uk">rmillership@uttlesford.gov.uk</a>
HRA Business Plan	Cabinet	10 December 2015	To consider and adopt the revised Housing Revenue Account Business Plan  The Business Plan sets out the council's housing investment priorities and	Cllr J Redfern	Roz Millership - Assistant Director Housing and Environmental Services  <a href="mailto:rmillership@uttlesford.gov.uk">rmillership@uttlesford.gov.uk</a>

Decision	Decision maker	Date of decision	Brief information about the item and details of documents submitted for consideration	Portfolio Holder	Contact officer from where the documents can be obtained
			sources of funding to deliver these over the next 30 years.		

## DECISIONS TO BE TAKEN IN PRIVATE

Private Decision	Brief details - for information	Decision maker	Date	Reason for decision to be taken in private	Portfolio Holder	Contact officer from where the documents can be obtained

## OTHER DECISIONS

Non-Key Decision	To be taken in private?	Decision maker	Date	Brief information about the item and details of any documents submitted for consideration	Portfolio Holder	Contact officer from where the documents can be obtained
2015/16 Budget Outturn Report	No	Cabinet	17 September 2015	To present a report of the predicted financial position for the year 2015/16 as at period 4.	Cllr Howell	Angela Knight – Assistant Director – Finance  <a href="mailto:aknight@uttlesford.gov.uk">aknight@uttlesford.gov.uk</a>
Transfer of small piece of land currently part of Dunmow depot	No	Cabinet	17 September 2015	Following an accident in the depot resulting in damage to an adjacent residential property it is proposed to transfer about 60sq m of the depot into the grounds of the house as part of package of risk mitigation	Cllr S Barker	Roger Harborough – Director of Public Services  <a href="mailto:rharborough@uttlesford.gov.uk">rharborough@uttlesford.gov.uk</a>

				measures.		
Designation of Stansted Mountfitchet Neighbourhood Plan area	No	Cabinet	17 September 2015	To consider the designation of an area for the Stansted Neighbourhood Plan. This follows a submission by the Parish Council and a public consultation.	Cllr Barker	Andrew Taylor – Assistant Director Planning and Building Control <a href="mailto:ataylor@uttlesford.gov.uk">ataylor@uttlesford.gov.uk</a>
Christmas car parking	No	Cabinet	17 September 2015	To consider a report dealing with free car parking over the Christmas and New Year period.	Cllr Barker	Andrew Taylor – Assistant Director Planning and Building Control <a href="mailto:ataylor@uttlesford.gov.uk">ataylor@uttlesford.gov.uk</a>
Clavering Parish Plan	No	Cabinet	17 September 2015	To consider the Parish Plan and to adopt it as Council Approved Guidance in determining planning applications in the Parish and as background evidence in the preparation of the Local Plan.	Cllr Barker	Andrew Taylor – Assistant Director Planning and Building Control <a href="mailto:ataylor@uttlesford.gov.uk">ataylor@uttlesford.gov.uk</a>
Quendon and Rickling Parish Plan	No	Cabinet	17 September 2015	To consider the Parish Plan and to adopt it as Council Approved Guidance in determining planning applications in the Parish and as background evidence in the preparation of the Local Plan.	Cllr Barker	Andrew Taylor – Assistant Director Planning and Building Control <a href="mailto:ataylor@uttlesford.gov.uk">ataylor@uttlesford.gov.uk</a>
Car Parking Review	No	Cabinet	10 December 2015	To receive the Car Parking Review following consultation with Town Team and relevant	Cllr Barker	Andrew Taylor – Assistant Director Planning and Building Control

				Parish/Town Councils. Report to include overview of situation, commentary on Scrutiny review and proposals for changes to tariffs, timings etc.		<a href="mailto:ataylor@uttlesford.gov.uk">ataylor@uttlesford.gov.uk</a>
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## Work Programme 2015/16

Date	10 September 2015	17 November 2015	09 February 2016	15 March 2016	03 May 2016
Standard agenda items	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in
	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee
	Leaders forward plan	Leaders forward plan	Leaders forward plan	Leaders forward plan	Leaders forward plan
	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan
Agenda items	Local Plan Review - PAS	Budget Process – Preparatory report and briefing.	Budget	LCTS 2017/18 – Scheme parameters and consultation.	2015/16 Scrutiny review and forward plan
	Car Park Review – verbal update.		LCTS 2017/18 – Scoping Report.		
			Day Centre Review – update.		



**Committee:** Scrutiny  
**Date:** 10 September 2015  
**Title:** Local Plan Review  
**Author:** Adam Dodgshon, Planning Advisory Service  
Simon Ford, Amec Foster Wheeler

**Agenda Item**

**8**

Item for information

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## Summary

1. The following documents comprise the review carried out by the Planning Advisory Service (PAS) on the Local Plan process.
2. The council commissioned PAS in February to review the process leading up to the withdrawal of the Local Plan in December 2014.
3. The review has looked at the decision making process and technical work since 2007 and comprises the following documents:

Executive Summary

Timeline of meetings

Review of the Inspector's Letter

Review of the Strategic Environmental Assessment and Sustainability Appraisal

Review of the Site Selection process



## 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.

<b>Meeting</b>	<b>Date</b>	<b>PAS Commentary on the context of the discussions relating to the ULP process</b>
<b>LDF Management Group</b>	2007	No comments on ULP of relevance
<b>Policy choices and options for growth summary of representations received and recommendations</b>	Jul-07	No comments on ULP of relevance
<b>Policy choices and options for growth assessment of growth options</b>	Aug-07	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'. It is difficult to see how Option 3 is taken forward in the matrix. It is described as 'growth split over a hierarchy of settlements and the start of new settlement'. Yet although 'growth split over a hierarchy' is assessed (Option 2) and 'new settlement' is assessed in the matrix, there doesn't appear to be a specific option combining the two. At best, this is very confusing. At worst it's a process failure. SA is an essential part of the evidence base, and must be used to assess and explain why options are chosen, and why they are rejected.
<b>LDF Management Group</b>	Aug-07	No comments on ULP of relevance
<b>Environment Committee</b>	Sep-07	<p>This appears to start with a false premise, namely that there is enough information now to determine the preferred option. Elsenham was named as a potential location for 750 houses under Option 2 (West of Elsenham), and for 1,440 houses under Option 3 (North East of Elsenham) 'as the start of a new settlement of at least 3,000 homes'.</p> <p>If taken at face value then, the Council resolved to insert a new option into the consultation, albeit one presented 'without any rationale', and also moved to approve this as the preferred spatial strategy. This appears to contradict an evidence-based approach. That said, the option to develop 'at least 3,000 homes' North East of Elsenham was part of option 3.</p>
<b>Scrutiny</b>	Oct-07	This appears to show that there was continued pressure to have more explanation of the decision to include Elsenham as the preferred option for the plan. In voting not to take this back to Full Council the way was cleared to continue. There is little doubt that at the least there would have been further discussion prior to making the decision on the preferred option. Whilst this may have led to short term delay, given what followed and the evidence that supported the 'dispersal', it would have meant a speedier arrival at the eventual (initial) preferred option. There is little that could be done to alter the subsequent changes once the latest population projections came out, which led to the return to some more development around Elsenham.
<b>Environment Committee</b>	Oct-07	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.

<b>Preferred Options Consultation</b>	Nov-07	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.
<b>Local Development Framework Task Group</b>	May-08	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.
<b>LDF Task Group</b>	Sep-08	This effectively highlights that the work on Option 4 had not been done before the decision was made to take it forward. There are also signs that all is not well in terms of the consultation on various issues.
<b>Environment Committee</b>	Nov-08	Further evidence that Option 4 was not supported by evidence. The sentence that 'the Council had been required to put forward a preferred option for consultation' simply suggests that the decision to go out to preferred option was flawed, and should not have been taken at that time.
<b>LDF Working Group</b>	Jul-09	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.
<b>LDF Working Group</b>	Aug-09	This simply highlights an awareness of the need to plan expediently. However, 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.
<b>LDF Working Group</b>	Nov-09	Again, it appears as though decisions are being made in advance of detailed evidence. The preferred option does not appear to include Elsenham.
<b>Extraordinary Environment Committee</b>	Nov-09	This decision appears to suggest that all other options are now back in play, although the Elsenham option has been refined to clarify where the rest of the development will go. This additional consultation would not have been necessary if the work to support Elsenham had been carried out prior to the original preferred option being chosen. This adds delay and cost. It also adds a layer of confusion. Note that there are still some technical studies to carry out/finalise. 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 this time.



<b>LDF Working Group</b>	Jul-10	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.
<b>LDF Working Group</b>	Aug-10	<p>Whilst a lot of the language here is very much current thinking, there are clearly some areas of major concern. The mandate to drive down the number is clearly contrary to NPPF. Although this was not even in draft at the time, I think it shows the prevailing political desire was always going to make decisions on housing numbers difficult.</p> <p>There is also the clash between this wish and that of making affordable housing a top council priority. In the absence of grant funding, only market housing can deliver high levels of affordable housing. Whilst some councillors appear to lament this, it is nevertheless a fact.</p> <p>A perhaps unintended consequence of the accepted motion is the notion that by adopting smaller numbers, difficult decisions can disappear. It introduces the idea that policy should drive numbers rather than evidence.</p>
<b>Environment Committee</b>	Sep-10	The mandate is clear. However, it is apparent that the consultation has been ongoing and also perhaps confusing to many. All of which has led to the realisation that the single settlement option is not apparently supported by evidence to deliver council objectives. The idea that only a reduction in numbers can make it go away is somewhat strange.
<b>LDF Working Group</b>	Feb-11	It seems officers did not feel confident in putting forward a more robust case for a higher figure (based on what we now know to be a more conventional way of looking at the projections), at worst, they did not know what the proper response was. Either way, 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. At least they moved away from zero-net migration.
<b>Environment Committee</b>	Mar-11	Clearly some councillors were aware this was not necessarily the right figure. Whilst it was also correct to say that the NPPF could be taken on board as and when it came out, if there was a draft at this stage, it should have been treated seriously.
<b>LDF Working Group</b>	Jul-11	The quote from the DHoP is very disappointing. Using language such as 'forcing councils to provide for housing' really should not come out from an officer. However, merely 4 months after one councillor questioned whether the NPPF would have an impact, it is clear that it has.

<b>Cabinet Meeting</b>	Aug-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.
<b>LDF Working Group</b>	Sep-11	This is a side note on the fact they looked at the green belt and suggested there was no scope to warrant a change. This decision was probably right at the time, given that at this point they did not know what the revised housing requirement was likely to be.
<b>LDF Working Group</b>	Oct-11	Officers now mention the methodology is unsound and so the figure has to be revised. This could have been said earlier, when initial discussions about a new figure were being held. The national policy may not have been in place but the direction of travel may have been.
<b>Cabinet Meeting</b>	Dec-11	This is a further piece of the narrative that affordable housing is a key council priority. Once again, this was not borne out when considering potential 'market signals'.
<b>Cabinet Meeting</b>	Dec-11	Over a year after suggesting they needed to review the housing requirement, the council consults on a range of distribution of sites but does not consult on a new requirement. The statement from the Leader that the 'ground rules had changed and were continuing to change' is perhaps to some extent true, but 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.
<b>Scrutiny Committee</b>	Apr-12	Decision taken on a scenario to support a new housing requirement, apparently balancing the economic needs with housing.
<b>Scrutiny Committee</b>	May-12	Hints that the consultation has not been well carried out, or has led to criticism from some quarters. The scenario most favoured is now dispersal, which was one of the original scenarios back in 2007. Finally, with all the evidence behind it, an option of dispersal is seen to be the best.
<b>Scrutiny Committee</b>	May-12	This shows some good responses to some parochial points being made, namely that there is a wider process, a body of evidence and some tough decisions to be made. The link to infrastructure is made. It clarifies the hierarchy of settlements as a driver for the distribution.
<b>Cabinet Meeting</b>	May-12	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?
<b>Cabinet Meeting</b>	May-12	Note, previous justification for Elsenham was that all the infrastructure could be provided. It is now for precisely that reason that the option is not seen to be deliverable.

<b>LDF Working Group</b>	Jul-12	Members now question the ability of the chosen strategy to deliver the infrastructure required. Apparently, only now are consultants being commissioned to look at this. This does not seem and surely cannot be right.
<b>LDF Working Group</b>	Aug-12	Just to note they feel the plan is broadly NPPF compliant
<b>LDF Working Group</b>	Sep-12	At the time, using RSS was still acceptable (ie pre-Hunston)
<b>LDF Working Group</b>	Oct-12	Shows the time lag between new information coming out and being treated in the plan. May not need to be reflected, just a statement of where they were at relative to new evidence.
<b>LDF Working Group</b>	Nov-12	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! However, it is not clear that the advice about the lifespan of the plan was correct, from officers. That said, it has not been a major issue nationally. However, whether linked to this or not, there is already more comment about reinstating the single settlement option.
<b>Cabinet Meeting</b>	Dec-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.
<b>LDF Working Group</b>	Feb-13	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?
<b>LDF Working Group</b>	Mar-13	Revising the SCI 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'.
<b>LDF Working Group</b>	Jun-13	Continued feedback on lack of trust between public and council over local plan.
<b>Local Plan Working Group</b>	Aug-13	This shows that there were questions raised about the timeframe of the plan. At the time, the decision was deferred until advice had been sought.  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.

<b>Cabinet Meeting</b>	Sep-13	Clarification the relationship between the Local Plan Working Group and Cabinet.
<b>Local Plan Working Group</b>	Oct-13	This meeting confirmed what the new numbers should be and what the plan period is. It's interesting to note the highways comments, in particular that there is no consideration (even at this stage) of any of the potential growth from the as-yet unpublished plans in the area (Harlow and East Herts to name but two). If, as reported, 'meetings were regularly held with neighbouring authorities', this is a positive. But the Inspector raised the issue of engagement with HE. This is not reported and must have been less 'regular'.
<b>Local Plan Working Group</b>	Nov-13	The redistribution of the numbers confirms a slight hybrid of existing dispersal and more concentration in one place (Elsenham). However, it is not immediately apparent what the difference between options A and C is? The proposed sites are SHLAA sites and so have been in the public domain. It would have been important to be very clear why these were the chosen sites.
<b>Cabinet Meeting</b>	Nov-13	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'?
<b>Local Plan Working Group</b>	Feb-14	Duty to cooperate with neighbouring authorities is being formalised and an MoU being drawn up. The only potential concern would be how they demonstrated the working to this point?
<b>Scrutiny Committee</b>	Feb-14	Just the 'admission' that driving down the numbers was a 'mistake'.
<b>Cabinet Meeting</b>	Mar-14	Ongoing concern about water capacity for Elsenham. It also shows that most of the houses are planned there for the end of the 20 year plan period. This is interesting as it shows that Elsenham is clearly not deliverable in the short term. If that was always the case then it shows that it was never a deliverable option when the plan period was much shorter and one could question its' inclusion at that early stage once again.
<b>Local Plan Working Group</b>	Mar-14	This highlights further issues with Elsenham not having a developed evidence base relative to other sites.
<b>Council Meeting</b>	Apr-14	Indications of a diversity of opinions, many references to a lack of trust and transparency, and of course, more criticism about the reappearance of Elsenham. It would appear that the process isn't flawed overall. If the council chooses to make decisions at cabinet and committee, as advised by a working group, that is a reasonable way forward. There were many representations from individuals minuted, they are clearly emotional statements but they do show the general feeling of mistrust. The Council will still have to consider how it moves forward. Perhaps most telling is the statement that this is the first time the plan has appeared before Council.

## Uttlesford Inspector's Letter

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

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

### Main issues

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

### Other issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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







# Uttlesford District Council: Uttlesford District Council Pre-Submission Local Plan Review (DRAFT)

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## 1. Introduction

### 1.1 Overview

Amec Foster Wheeler Environment and Infrastructure UK Ltd (hereafter referred to as Amec Foster Wheeler) has completed a critical friend review of the Uttlesford District Council Pre-Submission Local Plan (LP) Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) Environmental Report (April 2014) and addendum (June 2014).

This review is intended 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.

### 1.2 Context

#### The Uttlesford District Council Pre-Submission Local Plan

The Council is preparing its Local Plan with reference to the National Planning Policy Framework (NPPF) to replace the 2005 Adopted Local Plan for the district. The new ULP will contain the Council planning policies and site allocations which collectively will set out the scale, nature and location of new development in the District up to 2031.

On 4 July 2014 the Local Plan and its supporting documents were submitted for independent examination to the Secretary of State for Communities and Local Government via the Planning Inspectorate. The Local Plan Examination was programmed for 18-21 November and 2-5 December 2014; however, the Inspector halted the Examination on 3 December 2014. He concluded with regard to the soundness of the ULP that:

- ▶ The submitted plan did not provide for a full Planning Policy Guidance compliant objectively assessed housing need and that the proposed annual housing requirement of 523 per annum required an uplift of at least 10% to take into account such matters as affordable housing needs, employment issues and market signals.
- ▶ The justification for the Elsenham strategic allocation was inadequate given the lack of evidence to demonstrate the suitability of the local roads and the capacity of junction 8 on the M11. He questioned whether the Council considered the claims of other candidate locations for growth ('new settlement' or otherwise) to the transparent extent required to constitute 'proportionate evidence'

He concluded that he could not recommend adoption of the Plan unless these matters were addressed. In consequence, the council formally withdrew the Local Plan on 21 January 2015.

The next steps were identified in a report to the Full Council, dated 18 December 2014, 'Uttlesford Local Plan Examination: Inspector's decision and next steps' as:

- ▶ Reassess the 5 year land supply requirement based on an objectively assessed housing need of 580 homes a year from 2011.
- ▶ Complete a new Strategic Housing Market Assessment
- ▶ Review the SEA methodology in the light of recent case law to ensure it is fit for purpose.
- ▶ Seek to ensure that M11 J8 modelling and other technical assessment work is brought to a conclusion to confirm scope for improvement works and capacity that can be created, together with estimated costs. Duty to Cooperate discussions to take place and conclude on this and other relevant transport related matters.
- ▶ Issue a call for sites focusing on a new settlement once the Council's OAN is determined.

A revised Local Development Scheme has also been approved<sup>1</sup> for the production of the revised ULP. The key dates are as follows:

- ▶ Jan – April 2016 Regulation 18 public consultation;
- ▶ May – June 2016 Regulation 19 Local Plan Pre-Submission Consultation;
- ▶ July / Aug 2016 Local Plan Submission;
- ▶ December 2016 – Hearing sessions;
- ▶ March 2017 Local Plan adoption.

The recommendations from this review will support the Council to ensure that it undertakes the future development of the ULP in manner the requirements of the SEA Directive and relevant regulations and the principles established by case law.

### Requirement for SA/SEA

Uttlesford District Council as the local planning authority (LPA) is required to carry out a SA of the Local Plan to help guide the selection and development of policies and proposals in terms of their potential social, environmental and economic effects under Section 19(5) of the Planning and Compulsory Act 2004. In undertaking this requirement, LPAs must also incorporate 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, and its transposing regulations the Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No. 1633).

The SEA Directive and transposing regulations seek to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes. The aim of the Directive is *"to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment."*

At paragraphs 150-151, the National Planning Policy Framework<sup>2</sup> (NPPF) sets out that local plan are key to delivering sustainable development and that they must be prepared with the objective of contributing to the achievement of sustainable development. Paragraph 165 reiterates the requirement for SA/SEA as it relates to local plan preparation:

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<sup>1</sup> Minutes of meeting of Uttlesford Planning Policy Working Group, 26 January 2015

<sup>2</sup> DCLG (2012), The National Planning Policy Framework

*“A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.”*

The Planning Practice Guidance (paragraph 016) also makes clear that SA plays an important role in demonstrating that a local plan reflects sustainability objectives and has considered reasonable alternatives. In this regard, SA will help to ensure that a local plan is “justified”, a key test of soundness that concerns the extent to which the plan is the most appropriate strategy, when considered against the reasonable alternatives and available and proportionate evidence.

## SA/SEA of the Uttlesford District Council Local Plan

To-date, the development of the ULP represents a considerable body of work, undertaken over an eight year period. Outputs from the SA and SEA process during this period as follows:

- ▶ Sustainability Appraisal of the Core Strategy Objectives and the Different Growth Options (2007);
- ▶ Sustainability Appraisal of Preferred Options Document (2007);
- ▶ Sustainability Appraisal of Options for Delivering the Balance of the Housing Requirement (2010);
- ▶ Core Strategy Sustainability Appraisal (2010);
- ▶ Scoping Report October (2011);
- ▶ Sustainability Appraisal of Role of Settlements and Site Allocations DPD (January 2012);
- ▶ Sustainability Appraisal of Proposals for a Draft Local Plan (June 2012);
- ▶ Sustainability Appraisal of Additional Housing Numbers and Sites (November 2013);
- ▶ Sustainability Appraisal of Uttlesford Local Plan Pre-Submission (April 2014);
- ▶ Pre-Submission Local Plan Sustainability Appraisal Addendum (April 2014).

### 1.3 This Report

This report provides an assessment and commentary on the SA and SEA Environment Report against the requirements of the SEA Directive (with specific emphasis on the Environmental Report) (**Section 2**). It also contains more specific comments on the consideration of reasonable alternatives (**Section 3**) and proposed structure for any subsequent Environmental Report (**Section 4**). A summary of the key findings of the review and associated recommendations are provided for consideration by officers in undertaking the assessment of the revised ULP (**Section 5**).

Whilst the report will provide an assessment against the requirements of the SEA Directive, presented using a checklist from Government guidance<sup>3</sup>, it does not provide a full technical review of the documentation with detailed consideration of the validity of the identification, characterisation and evaluation of effects. The time available to consider such matters has been insufficient and it is recommended that officers complete a detailed technical review of the SA and SEA Environmental Report before each stage of future publication.

This review is offered in the spirit of a ‘critical friend’ and does not constitute a legal opinion of the soundness of the SA/SEA process to-date in relation to the SEA Directive.

<sup>3</sup> Appendix 9 Quality Assurance checklist, A Practical Guide to the Strategic Environmental Assessment Directive, ODPM (2005).



## 2. Compliance with the SEA Directive

### 2.1 Approach

Annex I of the SEA Directive sets out the information that is required for inclusion in an environmental report “*in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and geographical scope of the plan or programme, are identified, described and evaluated*”. Environmental reports should therefore comply with Annex I to be compliant with the SEA Directive.

The requirements of the SEA Directive have provided the framework for the review set out in **Section 2.2**. The review relates particularly to the Environmental Report prepared in support of the Pre-Submission ULP as this is the most recent document that has been produced by the Council, in order to determine whether it provides a suitable framework to enable compliance against the requirements of the SEA Directive in future. The review also draws upon previous SEA and SA reports as evidence, although a detailed analysis of these documents has not been undertaken.

### 2.2 Findings

**Table 2.1** 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.

Table 2.1 Coverage of SEA Directive Requirements

SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
<p>a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes.</p>	<p>Section 1 of the Environmental Report provides a very high level overview of the contents of the ULP, supporting by brief commentary on the earlier iterations of the plan and SA:</p> <ul style="list-style-type: none"> <li>• Uttlesford Core Strategy - Policy Choices and Options for Growth, January 2007</li> <li>• Uttlesford Core Strategy - Preferred Options Consultation, November 2007</li> <li>• Uttlesford Core Strategy - Further Consultation on Preferred Options, February 2010</li> <li>• Public Participation on the Role of Settlements and Site Allocations Development Plan Document, January 2012</li> <li>• Public Participation on Proposals for a Draft Local Plan, June 2012</li> <li>• Public Participation on Consultation on Additional Housing Numbers and Sites, November 2013</li> </ul>	<p><b>Yes</b>, 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.</p>	<p>It is recommended that any subsequent Environmental Report provides a high level overview of the spatial strategy set out in the ULP in terms of the quantum and distribution of development which could be accompanied by a map or figure. It would also be preferably if it included the proposed vision, objectives and listed the policies and allocations. Consideration could be given to providing a comprehensive list of ULP policies as an Annex. The text that summarises the evolution of the plan should be retained.</p> <p>The review of plans, programmes and policies could be expanded to include international and European plans and programmes. The national plans and programmes also need to be reviewed, as there are some omissions, including:</p> <ul style="list-style-type: none"> <li>• DCLG (2012) Planning Policy for Traveller Sites</li> <li>• DCLG (2014) National Planning Policy for Waste</li> </ul> <p>All plans and programmes will need to be reviewed to ensure that</p> <ul style="list-style-type: none"> <li>• the documents identified are up-to-date;</li> <li>• any gaps are addressed;</li> <li>• any comments received during consultation on previous SEA reports have been taken into account.</li> </ul> <p>This information should be presented in an Annex (and Annex A forms a suitable basis) and should also be summarised in the main body of any subsequent Environmental Report. It would be useful for this section to include a summary of the key messages arising from the review.</p>
	<p>Within the assessment sections of the Environmental Report, detailed information is provided on the wording of the vision, objectives plan policies and sites; however, as this is spread through sections 3 -16, it is not easily accessible to the reader from the outset.</p>		
	<p>It would, however, be useful for this section to describe the overarching ULP spatial strategy in terms of the quantum of development to be delivered over the plan period and its broad distribution. It would also be preferably if it included the proposed vision, objectives and listed the policies and allocations.</p>		
	<p>The review of plans, programmes and policies is summarised in Section 2 of the Environmental Report. Annex A of the Environmental Report contains a detailed review of plans, programmes and policies at the national, county and local level. This review includes specific consideration of the relationship of these documents with the ULP. It has not been possible within the scope of this review to undertake a detailed analysis of Annex A. However, a brief evaluation indicates that it would be useful to extend the scope of the review of plans and programmes, to consider international and European plans and programmes and it is usual to reference relevant European Directives, for example:</p>		

## SEA Directive requirements

## Where and to what extent is this requirement addressed in the Environmental Report?

## Is the SEA Directive requirement met?

## What actions are required to meet the SEA Directive requirement?

- The Cancun Agreement (2011)
- Council Directive 91/271/EEC for Urban Waste-water Treatment
- European Commission (EC) (2011) A Resource-Efficient Europe- Flagship Initiative Under the Europe 2020 Strategy, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM 2011/21)
- European Landscape Convention 2000 (became binding March 2007)
- EU Nitrates Directive (91/676/EEC)
- EU Directive on the Landfill of Waste (99/31/EC)
- EU Water Framework Directive (2000/60/EC)
- EU 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (SEA Directive)
- EU Environmental Noise Directive (Directive 2002/49/EC)
- EU Floods Directive 2007/60/EC
- EU Air Quality Directive (2008/50/EC) and previous directives (96/62/EC; 99/30/EC; 2000/69/EC & 2002/3/EC)
- EU Directive on the Conservation of Wild Birds (79/409/EEC)
- EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC) & Subsequent Amendments
- EU Directive on Waste (Directive 75/442/EEC, 2006/12/EC 2008/98/EC as amended)
- EU (2011) EU Biodiversity Strategy to 2020 – towards implementation
- UNFCCC (1997) The Kyoto Protocol to the UNFCCC
- World Commission on Environment and Development (1987) Our Common Future (The Brundtland Report), The World Summit on Sustainable Development (WSSD), Johannesburg, September 2002 - Commitments arising from Johannesburg Summit (2002)

Additional national plans and programmes that could also be considered relevant could include (but not be limited to):

- DCLG (2012) Planning Policy for Traveller Sites

SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
	<ul style="list-style-type: none"> <li>• DCLG (2014) National Planning Policy for Waste</li> <li>• Department for Food and Rural Affairs (Defra) (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland</li> <li>• Defra (2009) Safeguarding Our Soils: A Strategy for England</li> <li>• Defra (2011) Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services</li> <li>• Defra (2011) Natural Environment White Paper: The Natural Choice: Securing the Value of Nature</li> <li>• Defra (2012) UK post 2010 Biodiversity Framework</li> <li>• Defra (2013) The National Adaptation Programme – Making the Country Resilient to a Changing Climate</li> </ul> <p>The plans and programmes could also be presented in accordance with the identified topics for the assessment.</p>		
<p>b) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.</p>	<p>Section 2.3 of the Environmental Report provides an overview of the baseline for the following topics:</p> <ul style="list-style-type: none"> <li>• Economy and Employment</li> <li>• Housing</li> <li>• Population and Society</li> <li>• Health</li> <li>• Transport</li> <li>• Cultural Heritage</li> <li>• Biodiversity and Nature Conservation</li> <li>• Landscapes</li> <li>• Water Environment</li> <li>• Climate</li> <li>• Air and Noise</li> <li>• Waste</li> </ul> <p>More detailed information on each of these topics is contained in Annex B of the Environmental Report.</p> <p>The topics contained in the Environmental Report cover the SEA Directive Annex I (f) topics of biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage and landscape. It is noted that whilst soil is not an explicit heading, information is contained under the landscape section of the report. The additional</p>	<p><b>Yes</b>, although the baseline analysis will need to be reviewed and updated as appropriate. Further information could be provided in respect of trend based data and the evolution of baseline without the ULP.</p>	<p>Section 2.3 and Annex B provide a comprehensive range of data presented in a variety of formats (text, tables, figures); however, any subsequent Environmental Report will need to include updates datasets, where available.</p> <p>Consideration should be given to improving the treatment of the evolution of the baseline without the implementation of the ULP by drawing on projections and targets (taken from those relevant plans and programmes reviewed), to supplement the information contained in Table 4, of section 2.5.</p>

SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
	<p>topics included in the Environmental Report (Economy and Employment, Housing, Society, Transport and Waste) address the subjects that could be included under the heading of material assets, and also provide the opportunity to include subjects that would be expected to be part of the wider interpretation of sustainability.</p> <p>The extent of baseline information provided in Annex A is comprehensive and appears to include recent data (from ONS etc), although it has not been possible to consider this in detail. The information is presented in a variety of formats (text, tables, figures). Section 2.3 summarises the information for the topics and the level of detail provided appears appropriate.</p> <p>The likely evolution of the baseline without implementation of the plan or programme is contained as part of Table 4 and this reflects a qualitative judgement on possible changes. Given the availability of projections for some subjects (population and climate change for example) and targets (so for conditions of European sites), it is possible to supplement the existing commentary with some quantitative information</p>		
<p>c) The environmental characteristics of areas likely to be significantly affected.</p>	<p>Section 2.3 and Annex A of the Environmental Report presents the baseline context which includes the identification of specific designated sites/areas. However, there is no explicit consideration of the areas likely to be most significantly affected by the ULP. For example, this could include details of those factors affecting the Sites of Special Scientific Interest (so an expansion of the information contained in Figure 25 'Condition of Sites of Special Scientific Interest' of Annex B) or a summary of the environmental characteristics of the differing settlements within District.</p>	<p><b>Partially.</b> The environmental characteristics of those areas likely to be significantly affected by the ULP are implicitly rather than explicitly described.</p>	<p>Any subsequent Environmental Report should include specific consideration of the environmental characteristics of those areas of the District likely to be significantly affected by the ULP (for example, towns and larger villages, designated sites etc).</p> <p>Consideration should be given to improving the information presented with regard to the national or local factors that are currently affecting designated conservation sites (which could include direct habitat loss from new development, habitat damage and species disturbance from recreational activities, trampling and cat predation, as well as noticeable urban edge effects).</p>
<p>d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular</p>	<p>Table 4 within section 2.5 provides a summary of issues and constraints for each topic considered within the Environmental Report. There are no international or European designated sites within Uttlesford. Nationally designated sites include 2 National Nature Reserves (NNRs)</p>	<p><b>Yes.</b></p>	<p>Any subsequent Environmental Report should build on the information contained in Table 4 of the previous report and update it as appropriate to reflect any additional issues arising from the revised baseline analysis. In particular, this should include commentary relating to the condition of designated</p>



SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
<p>environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.</p>	<p>and 12 Sites of Special Scientific Interest (SSSIs) which are referenced in Table 4.</p>	<p></p>	<p>sites and any particular issues/threats to their status/integrity.</p>
<p>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.</p>	<p>As noted above, Annex A of the Environmental Report contains a detailed review of plans, programmes and policies at the national, county and local level. This review includes specific consideration of the objectives relevant to the ULP. It has not been possible within the scope of this review to undertake a detailed analysis of Annex A. However, a brief evaluation indicates that it would be useful to extend the scope of the review of plans and programmes, to consider international and European plans and programmes and it is usual to reference relevant European Directives. Additional national plans have also been identified.</p> <p>The review of plans, programmes and policies is signposted in Section 2.3 of the Environmental Report.</p>	<p><b>Yes</b>, although the review of plans, programmes and policies should be updated.</p>	<p>The review of plans, programmes and policies could be expanded to include international and European plans and programmes. The national plans and programmes also need to be reviewed, as there are some omissions, including:</p> <ul style="list-style-type: none"> <li>• DCLG (2012) Planning Policy for Traveller Sites</li> <li>• DCLG (2014) National Planning Policy for Waste</li> </ul> <p>All plans and programmes will need to be reviewed to ensure that:</p> <ul style="list-style-type: none"> <li>• the documents identified are up-to-date;</li> <li>• any gaps are addressed;</li> <li>• any comments received during consultation on previous SEA reports have been taken into account.</li> <li>• relevant objectives are identified and summarised, along with the relationship with the ULP.</li> </ul> <p>Any subsequent Environmental Report should contain a summary of those plans, programmes and policies reviewed in Annex A. It would be useful for this section to include a summary of the key messages arising from the review and how they have been reflected within the SEA (for example how they have informed the assessment objectives).</p>
<p>f) The likely significant effects on the environment, including on issues such as biodiversity, population, 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,</p>	<p>Section 3-16 of the Environmental Report presents the findings of the assessment of the high level spatial options/alternatives, objectives, policies (including alternative approaches where these have been identified) and site allocations.</p> <p>The assessment uses the assessment framework set out in Table 4, section 2.5 of the Environmental Report. Annex C contains further detail on the sustainability assessment framework. The assessment framework comprises of 12 sustainability objectives with an extensive suite of further appraisal questions for each topic. Separate questions are used for the completion of the site appraisal in recognition of the need to tailor the objectives to reflect specific quantifiable aspects of the sites (such as proximity to designated nature</p>	<p><b>Partially.</b> Whilst the LDP vision, objectives, policies and site allocations have been assessed, there is 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.</p>	<p>A number of recommendations have been identified based on the review of sections 3 - 16 of the Environmental Report. These are listed below:</p> <ul style="list-style-type: none"> <li>• Any subsequent assessments should be based on the assessment framework (reflected any updated information) comprising of 12 assessment objectives, which has been modified to reflect application to proposed policy and sites.</li> <li>• Any subsequent assessment of the ULP vision and objectives should be based on an approach similar to that of the compatibility assessment contained in the 2014 Environmental Report.</li> </ul>

SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
positive and negative effects).	<p>conservation and cultural heritage sites, location with a flood risk zone 2 or 3 or proximity to public transport and community facilities). The use of assessment objectives and questions is consistent with Government Guidance and is standard practice. The development of the assessment framework was undertaken as part of the 2011 scoping and was subject to consultation with the three statutory consultation bodies (the Environment Agency, Natural England and English Heritage) and a wider set of organisations listed on the Statement of Community Involvement (July 2006), Sustainable Uttlesford, Essex County Council and Saffron Walden and District Friends of the Earth. All information was made available on Uttlesford District Council's website for wider consultation. Given the range of topics covered by the assessment objectives, their relationship to the baseline information collected and that views of a broad range of consultees sought, it is considered an appropriate basis to identify the likely significant effects of the ULP.</p> <p>The ULP objectives have been tested for their compatibility with the SEA objectives. Alternatives, policies and site allocations, meanwhile, have been awarded scores ranging from 'Major Positive' impacts to 'Major Negative' impacts.</p> <p>Specific comments in relation to the assessment of each Plan component are set out below.</p> <p><b>Options/Alternatives to the Plan</b></p> <p>The assessment of ULP strategic options is contained within the Environmental Report; however, it is not readily summarised early in the report and is instead located in a number of different places within the report:</p> <ul style="list-style-type: none"> <li>• Section 5.1 (page 72 - 75) presents Strategic Policy SP3 - Employment Strategy which contains the provision of employment land allocation and the strategic sites where it will be allocated. This section includes the assessment of the preferred option and the reasonable alternatives.</li> <li>• Section 7.1 (page 92 - 96) presents the housing requirement (10,460 new homes between 2011 and 2031), the justification, the assessment of the preferred options along with reasonable alternatives</li> <li>• Section 7.3 (pages 98-102) presents Strategic Policy</li> </ul>		<ul style="list-style-type: none"> <li>• Any subsequent Environmental Report should contain a section describing the evolution of the plan, with respect to the principal questions (how much housing is required, how much employment land is required, where will it be distributed and over what time frame). Whilst it is appreciated that the Council has the opportunity to start afresh following the withdrawal of the ULP, there will be a need over subsequent iterations of the ULP to present the evolving thinking, and the influence of the evidence base, consultation and the SA on the revisions.</li> <li>• The Council should review the merit of presenting alternatives for all policy options contained in the ULP. This is exceptionally precautionous interpretation of the SEA Directive requirement to consider reasonable alternatives to the ULP, leads to an assessment of excessive length and obscures the detailed consideration of the key alternatives regarding the quantum of growth and the approaches to its distribution.</li> <li>• The commentary provided on the assessment of likely significant effects of policies and sites in any future revised Environmental Report is considered objectively to ensure that all significant effects are identified, described and evaluated. The use of uncertainty should be avoided as there appear to be instances (such as Elsenham) where the use of uncertainty understates the nature and scale of adverse effects.</li> <li>• With specific regard to the assessment of site allocations, the approach to present the cumulative effects on identified settlements is continued.</li> <li>• An approach should be developed to address the cumulative effects of the ULP as a whole and in combination with other plans and programmes.</li> </ul>

SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
	<p>SP7 - Housing Strategy which contains the preferred spatial strategy to distribute the housing requirement. This section includes the assessment of the preferred option and the reasonable alternatives. Section 7.3.5 presents an assessment of the alternatives to the preferred distribution of housing (which includes a new settlement at Elsenham):</p> <ul style="list-style-type: none"> <li>○ Alternative 1: Distribute development between the District's three main settlements of Great Dunmow, Saffron Walden and Stansted Mountfitchet</li> <li>○ Alternative 2: Distributing the development across a hierarchy of settlements, from the towns to the villages.</li> <li>○ Alternative 3: Distributing development across a similar hierarchy of developments as proposed under Alternative 2 i.e. across a hierarchy of settlements, from towns to the villages but with significantly less development at Takeley/Little Canfield and a significant increase in development as the start of a new settlement.</li> </ul> <p>The Environmental Report does not contain alternative possible site locations to the new settlement at Elsenham.</p> <ul style="list-style-type: none"> <li>• Section 15.2.27 (page 235 – 236) Elsenham Policy 1 - Land North East of Elsenham presents the policy regarding the strategic site north east of Elsenham, allocated for 2100 homes. Whilst alternatives to the development around the village of Elsenham are provided, the justification of a new settlement approach and in particular one sited at such a location is absent.</li> </ul> <p>The fragmented approach to presenting the strategic options and in particular the limited commentary on the strategic alternatives to a new settlement option, and one located at Elsenham hinders an understanding of the key choices made by the Council.</p> <p>The scoring of alternatives itself may also be questioned in some instances. For example, regarding the 3 alternatives to the preferred Housing Strategy, against the 12 objectives, the scoring is assessed as the same, with the only discriminator being a long term benefit identified for alternative 3 against objectives 10 (promote the efficient use</p>		

**SEA Directive requirements**
**Where and to what extent is this requirement addressed in the Environmental Report?**
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of resources and the necessary provision of infrastructure) and objectives 11 (improve education and skills). These scores are the same as the preferred option. It is perhaps surprising that there was not greater differentiation between the options and that the concerns subsequently raised against the development of the Elsenham new settlement by the Inspector (unsuitability of the local roads and the capacity of junction 8 on the M11) did not score negatively (against either objectives 6, 7 and/or 11). It would be expected that all proposals for growth would have some adverse effects on some of the sustainability objectives (for example, resource use and emissions to air in both the short term during construction and in the longer term once development is occupied/operational). It could also be expected that those options which seek to disperse development would be more likely to have adverse effects on the sustainability objectives relating to biodiversity and landscape (due to, for example, increased pressure on greenfield sites for development).

The reasons for the selection of the new settlement however reflect earlier decisions taken in the SA/SEA process. However, the Environmental Report does not present the outcomes of previous assessments and the alternatives considered at that stage, so the reader is unclear on the reasons for the selection of the proposed strategic options (so the quantum and distribution of development across the district and the selection of the new settlement option at Elsenham in particular) and the influence of earlier assessment on the evolution of the ULP. To some extent this is understandable as the evolution of the scale and location of development is complex and reflects a number of changing factors; however, its absence, does make it problematic to understand the context for the assessment.

However, whilst understanding the evolution of the ULP and how it addresses the key questions of how much growth, and its location and distribution over the plan period is problematic, the Environmental Report does contain information on individual policies. Specifically, in considering the detail of individual policy assessments, the Environmental Report does provide, on occasion, instances of previous alternatives considered and where amendment has been made to policy wording at a previous stage.

## SEA Directive requirements

### Where and to what extent is this requirement addressed in the Environmental Report?

### Is the SEA Directive requirement met?

### What actions are required to meet the SEA Directive requirement?

#### Vision and Objectives

Section 3 presents a compatibility assessment of the ULP vision and objectives with the SEA objectives. The approach, presentation and level of assessment accords with standard practice.

#### Policies

Sections 4 – 14 and section 16 present the assessment of the proposed policies that are contained in the ULP. For each policy considered the following information is presented:

- Justification
- Impact on SA objectives
- Progress through the SA process
- Alternatives considered
- Impact on indicators
- Proposed mitigation measures

The use of standard headings does ensure consistency in the approach; however, for some policies, the alternatives proposed are not particularly meaningful (particularly where the policies are designed for environmental benefit) and take the concept of assessing the reasonable alternatives to the plan to a level of potentially unnecessarily detail that obscures the key issues that need to be considered in the assessment.

It has not been possible within the scope of this review to consider in detail the validity of the assessment of individual ULP policies against the SEA objectives.

#### Site Allocations

Section 15 presents the assessment of the proposed site allocations that are contained in the ULP. For each site considered the following information is presented:

- Impact on SA objectives
- Secondary, Cumulative and Synergistic Effects
- Alternatives Considered
- Recommendations / Mitigation Measures

The consideration of secondary, cumulative and synergistic effects presents the potential effects of all sites proceeding

**SEA Directive requirements**

**Where and to what extent is this requirement addressed in the Environmental Report?**

**Is the SEA Directive requirement met?**

**What actions are required to meet the SEA Directive requirement?**

on specific settlements (such as Saffron Walden, Great Dunmow and Stansted Mountfitchet). This is a very useful approach to determine the extent to which the development on the new sites can be accommodated or whether the effects will be detrimental on the receiving community unless additional infrastructure or further mitigation measures are provided. With regard to the Elsenham site, this is where the effects on accessibility and access would be expected to be identified; however, whilst a number of negative effects were described, the potential effects on accessibility are described as uncertain:

*'There will however be a number of cumulative negative impacts. The scale of development on greenfield land will see negative landscape implications (including those in the Countryside Protection Zone), which will need sensitive mitigation and design features for individual developments. There will also be a significant cumulative loss of high quality agricultural land. There will additionally be cumulative negative impacts associated with the disruption of existing historic field boundaries.*

*There will be negative impacts on the capacity of nearby schools resulting from the site allocations in Elsenham. It is recommended that the cumulative impacts of development on the capacity of schools are carefully addressed with the relevant service providers, and new education provision is delivered so as to not to have any significant shortfalls in local capacity. There will also be negative cumulative impacts on the capacity of healthcare facilities.*

*A number of uncertain impacts are associated with safe highways access and accessibility by sustainable transport means, walking and cycling.'*

**Cumulative Effects**

As noted, the cumulative effects of the site allocations on settlements have been considered; however the cumulative effects of the plan overall (so the combined effects of all ULP policies) has not been considered. Similarly the cumulative effects of the plan in conjunction with other plans or programmes (so other local planning authority local plans) have not been considered. This is a gap that needs to be addressed.

g) The measures envisaged to

Sections 4 – 14 and 16 present the assessment of the

**Yes.** The Environmental

Following revision to the assessment of ULP objectives,

SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
<p>prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.</p>	<p>proposed policies that are contained in the ULP. For each policy considered, there is a heading to permit the identification of mitigation measures, which usually takes the form of minor amendments to policy wording and specific policy criteria. For a number of policies (such as SP7 – Housing Strategy however, it is surprising that there is no reference to other policies within the plan, that would ensure that any adverse effects of the development of the housing requirement were minimised).</p> <p>Section 15 presents the assessment of the proposed site allocations that are contained in the ULP. For each collection of site policies (based around a settlement) a range of recommendations and mitigation measures are identified. This can include direction towards working with relevant service providers, for example of the provision of additional capacity at local schools. These also anticipate that further work will be required which will be resolved by individual masterplanning.</p>	<p>Report does identify specific mitigation measures.</p>	<p>options, policies and site allocations, officers should review the assessment in order to identify opportunities to both mitigate adverse effects and enhance positive effects associated with the Plan’s implementation. It would be expected that the site assessments in particular will identify a range of measures to address any potentially adverse effects. In identifying the mitigation measures, officers should ensure the use of cross referencing where appropriate. The measures identified should be clearly set out in the Environmental Report together with how they have been addressed in the Plan (where appropriate).</p>
<p>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.</p>	<p><b>Alternatives</b> As set out above, the Environmental Report includes an assessment of alternatives of policies and sites. To this extent it is comprehensive; however, the approach is problematic in attempting to identify the likely significant effects of the reasonable alternatives to the key questions facing the ULP regarding how much growth, its location and distribution over the plan period.</p> <p>A detailed review of the Environmental Report indicates that this is contained in a number of disparate sections:</p> <ul style="list-style-type: none"> <li>• Section 5.1 (page 72 - 75) presents Strategic Policy SP3 - Employment Strategy</li> <li>• Section 7.1 (page 92 - 96) presents the housing requirement (10,460 new homes between 2011 and 2031)</li> <li>• Section 7.3 (pages 98-102) presents Strategic Policy SP7 - Housing Strategy</li> <li>• Section 15.2.27 (page 235 – 236) Elsenham Policy 1 - Land North East of Elsenham</li> </ul> <p>However, in regard of one key policy (Elsenham Policy 1 and the commitment to a new settlement), the Environmental</p>	<p><b>No.</b> 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.</p> <p>The Environmental Report does not describe the difficulties encountered during the assessment.</p>	<p><b>Alternatives</b> Officers should consider the inclusion of a specific chapter with any subsequent Environmental Report that outlines the reasons for the selection of the alternative dealt with, for the rejection of reasonable alternatives and for the selection of the preferred options. These alternatives should include differing scales of growth for both housing and employment, differing spatial distributions and differing configurations of proposed sites.</p>

SEA Directive requirements	Where and to what extent is this requirement addressed in the Environmental Report?	Is the SEA Directive requirement met?	What actions are required to meet the SEA Directive requirement?
	<p>Report is deficient, as it does not contain alternative possible site locations to the new settlement at Elsenham.</p> <p>It is understood that the reasons for the selection of the new settlement reflect earlier decisions taken in the SA/SEA process. However, the Environmental Report does not present the outcomes of previous assessments and the alternatives considered at that stage (with the exception of 2007), so the reader is unclear on the reasons for the selection of the preferred option.</p> <p>The justification section (7.3.1) for the Housing Strategy states:</p> <p><i>'The NPPF specifies that Local Plans should set out the strategic priorities for the area and include strategic policies that can deliver the homes and jobs needed. They should specify the housing need and then identify a supply of sites or broad locations for growth that will deliver the housing strategy across the plan period.'</i></p> <p>This does not provide sufficient justification for the selection of the new settlement approach to the allocation of development.</p> <p>The Environmental Report describes at section 2.4 data limitations as a difficulty encountered during the assessment.</p>		
<p>i) A description of measures envisaged concerning monitoring in accordance with Art. 10.</p>	<p>Annex C of the Environmental Report sets out a monitoring framework.</p>	<p><b>Yes.</b> The Environmental Report includes a monitoring framework.</p>	<p>Officers should review any outcomes of future assessments of likely significant effects of a revised ULP to ensure proposed monitoring measures are appropriate.</p>
<p>j) A non-technical summary of the information provided under the above headings.</p>	<p>A non-technical summary has been provided.</p>	<p><b>Yes.</b> A non-technical summary is provided.</p>	<p>Officers should prepare a non-technical summary of the information provided in the Environmental Report.</p>



### 3. Reasonable Alternatives

#### 3.1 The Requirement to Consider Reasonable Alternatives

Consideration of reasonable alternatives to a plan is a fundamental aspect of planning policy development and the requirements of the SEA Directive (Article 5(1)) formalise this, requiring that the choices and resulting decisions be made explicit through their inclusion in the resulting environmental report. The consideration of reasonable alternatives has been the focus of recent legal challenges to local plans in England, based on the inadequate implementation of the SEA Directive. This is the case law that the Inspector referred to in his concluding remarks on the SA. These legal challenges include:

- ▶ **Save Historic Newmarket v Forest Heath District Council [2011] EWHC 606 (Admin) (25 March 2011)** case in which it was found that reasonable alternatives to a 1,200 home Sustainable Urban Extension in northeast Newmarket had not been adequately assessed and the reasons why it was rejected had not be sufficiently explained in the SA Report. The High Court ruling, in quashing parts of the Forest Heath Core Strategy, stated:

*“40. .... It was not possible for the consultees to know from it what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in the residential development made no difference. The previous reports did not properly give the necessary explanations and reasons and in any event were not sufficiently summarised nor were the relevant passages identified in the final report. There was thus a failure to comply with the requirements of the Directive and so relief must be given to the claimants.”*

- ▶ **Heard v Broadland District Council et al. [2012] EWHC 344 (Admin) ( 24 February 2012)** case in which it was found that the reasons for the selection of the reasonable alternatives and the preferred option had not been presented in the final SA Report (or in the Joint Core Strategy), nor was there any evidence presented in the final SA Report that the options had been examined to the same degree and in the same depth. The judge held at [71]:

*“the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option. It is part of the purpose of this process to test whether what may start out as preferred should still end up as preferred after a fair and public analysis of what the authority regards as reasonable alternatives. I do not see that such an equal appraisal has been accorded to the alternatives referred to in the SA of September 2009. If that is because only one option had been selected, it rather highlights the need for and absence here of reasons for the selection of no alternatives as reasonable. Of course, an SA does not have to have a preferred option; it can emerge as the conclusion of the SEA process in which a number of options are considered, with an outline of the reasons for their selection being provided. But that is not the process adopted here.”*

- ▶ **Cogent Land LLP v Rochford District Council [2012] EWHC 2542 (Admin); (21 September 2012)** case in which the claimant submitted that documents produced in 2008 for the SA/SEA did not set out adequately the reasons for preferring the selected locations over alternatives that had been rejected, so that the public was not allowed the early and effective engagement that was required. Rochford's preparatory work on the Core Strategy had been carried out before the decision in *Save Historic Newmarket v. Forest Heath District Council*. On consideration of Forest Heath (which was handed down after the Examination in Public into the Rochford Strategy had closed) Rochford asked the Inspector to defer her report to allow the Council to prepare an Addendum SEA Report which addressed the conclusions in Forest Heath. The Inspector agreed. The Addendum (which supported the policies in the Core Strategy) was made public and all parties were given the opportunity to respond to it, but the Inspector declined to reopen the EiP. When the Inspector concluded that the Core Strategy was sound and the document was subsequently adopted, the Claimant challenged and Bellway Homes (which had an interest in land in West Rochford) was joined as an interested party. The judge was inclined

to accept that submission but he held that a July 2011 Addendum cured any defects in the earlier stages of the process and that the Inspector's decision not to reopen the EiP was fair

- ▶ **Chalfont St Peter PC v Chiltern DC [2013] EWHC 1877 (Admin)** case in which the claimant attempted to quash part of Core Strategy. The ruling applied *Heard v Broadland* in respect of the adequacy of consideration of alternatives and found that alternatives which were obvious non-starters did not need to be considered.
- ▶ **Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2014] EWHC 406 (Admin) (21 February 2014)** case in which the claimants sought to extend similar arguments to those pursued in *Save Historic Newmarket* and *Heard*, to an extent that was considered inapplicable and impermissible by the court. The judge ruled that:

*“97 A plan-making authority has an obligation under the SEA Directive to conduct an equal examination of alternatives which it regards as reasonable alternatives to its preferred option (interpreting the Directive in a purposive way, as indicated by the Commission in its guidance: see *Heard v Broadland DC* at [71]). The court will be alert to scrutinise its choices regarding reasonable alternatives to ensure that it is not seeking to avoid that obligation by saying that there are no reasonable alternatives or by improperly limiting the range of such alternatives which is identified. However, the Directive does not require the authority to embark on an artificial exercise of selecting as putative “reasonable alternatives,” for full strategic assessment alongside its preferred option, alternatives which can clearly be seen, at an earlier stage of the iterative process in the course of working up a strategic plan and for good planning reasons, as not in reality being viable candidates for adoption.”*

In consequence, in regard to the identification, development, appraisal and discarding of reasonable alternatives and the selection and justification of a preferred option, the SA/SEA Reports must provide a sufficiently detailed narrative around the reasons for the selection of key options (whether the preferred quantum of growth, distribution of growth or the allocation of sites) at each stage of the process. Whilst it is for the LPA to determine what constitutes a reasonable alternative, once identified, each must be treated in the same manner as the preferred option (and so appraised to the same degree using the same methodology).

### 3.2 Consideration of Reasonable Alternatives in the SA/SEA of the LP

The revised Local Development Scheme indicates that the Council has determined to start afresh with the ULP. In consequence, whilst there has been a considerable body of evidence, assessment and information gathered, the Council does not need necessarily to be constrained by what has been considered already.

With regard to the reasonable alternatives to the ULP, for the regulation 18 iteration of the plan, these should address the following key questions:

- ▶ How much housing is required?
- ▶ How much employment land is required?
- ▶ What is the preferred spatial distribution of the growth?
- ▶ Given the sites available, what is the preferred configuration of sites that best meets the preferred spatial distribution?

In determining the quantum of growth, reference should be made to the evidence base (so ONS SNPP figures for the district, with further allowance made for projected migration and household formation rates over the period covered by the ULP). As noted in the Inspectors letter to the Council, consideration is also need for an upward adjustment for market signals and for an adequate provision of affordable homes. This should lead to the generation of a number of differing options, depending on the variables selected. Before being subject to assessment, each should be considered to determine whether each is a reasonable alternative. So for example, an option that is based on net zero migration for example would not be considered realistic or reasonable.

When considering the preferred distribution of growth, there is considerable previous consideration of options to draw upon. For example, section 2.3 of the Sustainability Appraisal of the Core Strategy Objectives and the Different Growth Options (Jan 2007) identified 12 options:

- ▶ 1a: Concentrate all development in Saffron Walden.
- ▶ 1b: Concentrate all development in Great Dunmow:
  - ▶ (i) 1 large greenfield urban extension;
  - ▶ (ii) Larger number of smaller greenfield sites;
  - ▶ (iii) Reuse of employment designated sites within Greater Dunmow for housing.
- ▶ 1c: Concentrate Development in Stansted Mountfitchet – greenfield extension.
- ▶ 1d: Concentrate Development in the largest centres of Great Dunmow, Saffron Walden and Stansted – split growth between settlements, with growth located on greenfield sites.
- ▶ 1e: Concentrate Development in a single new settlement (consistent with EoE Plan – unspecified location):
  - ▶ (i) East of Stebbing;
  - ▶ (ii) Between Elsenham and Henham;
  - ▶ (iii) Within the vicinity of Stansted airport.
- ▶ 2a: Distribute development over hierarchy of settlements from villages with services and facilities through key rural centres to largest settlements.
- ▶ 2b: Distribute Development along the West Anglia Rail Corridor.
- ▶ 2c(i): Distribute all the development in villages around the District.
- ▶ 2c(ii): Distribute all the development in villages around the District - proportionate to facilities.
- ▶ 2d: Distribute development along the A120 corridor and in Dunmow.

The Pre-Submission Local Plan Sustainability Appraisal and Strategic Environmental Assessment Addendum (June 2014) attempted to address concerns over alternatives to the new settlement at Elsenham by considering specific sites:

- ▶ Easton Park to the north west of Great Dunmow (LtEAS1);
- ▶ Boxted Wood and Andrewsfield, two separate proposals to the east of Stebbing (STE1 and STE2);
- ▶ Chelmer Mead, between Great Dunmow and Felsted (LtDUN1); and
- ▶ Land to the north east of Great Chesterford (GTCHES7).

However, the underlying concern not adequately addressed by the Addendum relates to whether a new settlement is the most appropriate and sustainable way to accommodate the development that the district needs.

Given the Inspectors comments regarding Elsenham, and that the justification for the Elsenham strategic allocation was inadequate and that the Council needed to consider the claims of other candidate locations for growth ('new settlement' or otherwise), it is recommended that further attention is given to options perhaps similar to those from 2007 above, as a starting point, to examine the competing merits of a new spatial strategy.

Once this has been subject to consultation and SA/SEA, and revised to reflect any changes in the evidence base and submissions, consideration could then be given to specific site allocations and the preferred configuration of sites best able to deliver the preferred spatial strategy (which then may or may not include a new settlement). This would then be presented in the Regulation 19 Local Plan Pre-Submission

Consultation ULP. It is recommended that both a preferred configuration of strategic sites and reasonable alternatives is considered and the effects assessed to demonstrate adequate consideration of reasonable alternatives.

All options should be considered against the sustainability objectives, and the effects recorded in the same manner and the detail presented to the same degree. This will be important to demonstrate that the effects of the plan and reasonable alternatives to it have been considered to the same degree and depth (and so addresses the requirements of *Heard v Broadland District Council et al.* [2012] EWHC 344).

## 4. Reporting Approach and Structure

### 4.1 Contents of any Subsequent Environmental Report

The Council may wish to consider how any subsequent Environmental Report is structured. Adopting a logical structure that meets the requirements of the SEA Directive will help to avoid unnecessary consultation responses, lead to the publication of a more accessible document and help ensure compliance. Whilst there is much to be commended in the current Environmental Report, there are a number of key points, where the structure does not support the ready demonstration of compliance against the SEA Directive requirements.

In this context, a possible alternative structure for an Environmental Report is set out below:

- ▶ **Non-Technical Summary.**
- ▶ **Section 1: Introduction** (including the context, description of the ULP, an overview of the SEA process, summary of other assessments (including how they have informed the SEA process) and report structure)).
- ▶ **Section 2: Evolution of the ULP** (describing the development of the ULP to-date, the options considered and how the evidence base and other considerations have informed the Plan. This should include an explicit statement of the reasons for rejecting alternative options and selecting preferred options (for the scale of growth, its broad distribution and the location of sites). [NB, this section becomes increasingly important at the Regulation 19 Stage, as it demonstrates the evolution of the key issues for the ULP, the extent to which the evidence base, assessment and consultation responses have informed its development and the Council's rationale for its choices].
- ▶ **Section 3: Review of Plans and Programmes** (summarising the updated reviews of plans and programmes).
- ▶ **Section 4: Baseline Context** (including the updated baseline analysis and summary of sustainability issues).
- ▶ **Section 5: Methodology Framework** (providing an overview of the evolution of the SEA Framework and its application across the assessment of the different plan components and any technical difficulties encountered during the assessment process (including uncertainties and assumptions)).
- ▶ **Section 6: Assessment** (presenting the findings of the assessment of the vision, objectives, plan options, policies and site allocations including cumulative effects and a summary of mitigation measures).
- ▶ **Section 7: Next Steps** (including consultation arrangements and monitoring proposals).
- ▶ **Appendices** (including a record of consultation responses, site assessments, quality assurance checklist and review of plans and programmes).

## 5. Conclusions and Recommendations

The Council is now committing to completing a ULP, in accordance with the revised Local Development Scheme. As part of this process, it has an opportunity to revisit and revise its approach to undertaking

SEA/SA, to ensure that it complies with the requirements of the SEA Directive and Regulations and the principles established by case law. To aid compliance, when completing the next Environmental Report, the Council are recommended to consider the following matters:

- ▶ The assessment process:
  - ▶ Any subsequent assessment of the ULP vision and objectives should be based on an approach similar to that of the compatibility assessment contained in the 2014 Environmental Report.
  - ▶ Any subsequent assessments should be based on the assessment framework (reflected any updated information) comprising of 12 assessment objectives, which has been modified to reflect application to proposed policy and sites.
  - ▶ The Council should review the merit of assessing alternatives for all policy options contained in the ULP. It is recommended that effort is focused on the key choices for the ULP regarding the scale and location of growth with assessment of:
    - Options for growth reflecting the comments from the Inspector, the updated evidence base and guidance dealing with market signals and affordable homes.
    - Options for the location of growth including a number of broad choices, such as
      - Concentration of development on principal settlements (Saffron Walden, Great Dunmow and Stansted Mountfitchet through combination of infill and greenfield extensions).
      - Concentrate Development in a single new settlement (to be located east of Stebbing, between Elsenham and Henham or within the vicinity of Stansted airport).
      - Distribute development over hierarchy of settlements.
      - Distribute Development along a transport corridor (either the West Anglia Rail Corridor or the A120).
      - Distribute all the development in villages around the District proportionate to facilities.
  - ▶ An approach should be developed to address the cumulative effects of the ULP as a whole and in combination with other plans and programmes.
  - ▶ Following the assessment of the ULP, officers should review the assessment in order to identify opportunities to both mitigate adverse effects and enhance positive effects associated with the Plan's implementation.
  - ▶ Officers should review any outcomes of future assessments of likely significant effects of a revised ULP to ensure proposed monitoring measures are appropriate.
- ▶ The reporting process:
  - ▶ Information is presented that provides a high level overview of the spatial strategy set out in the ULP in terms of the quantum and distribution of development which could be accompanied by a map or figure. It would also be preferably if it included the proposed vision, objectives and listed the policies and allocations. Consideration could be given to providing a comprehensive list of ULP policies as an Annex. The text that summarises the evolution of the plan should be retained.
  - ▶ Completing a new section which presents information on the evolution of the ULP (describing the development of the ULP to-date, the options considered and how the evidence base and other considerations have informed the Plan. This should include an explicit statement of the reasons for rejecting alternative options and selecting preferred options (for the scale of growth, its broad distribution and the location of sites).

- ▶ Including a section and Annex that presents a review of plans, programmes and policies building and supplementing the information already collated and summarised. All plans and programmes will need to be reviewed to ensure that
  - The documents identified are up-to-date;
  - Any gaps are addressed;
  - Any comments received during consultation on previous SEA reports have been taken into account.

It would be useful for this section to include a summary of the key messages arising from the review.

- ▶ Including a section that presents the baseline, building on the comprehensive range of data already collated and analysed. Up to date datasets should be used, where available. Consideration should be given to improving the treatment of the evolution of the baseline without the implementation of the ULP by drawing on projections and targets (taken from those relevant plans and programmes reviewed), to supplement the information already presented. This section should include specific consideration of the environmental characteristics of those areas of the District likely to be significantly affected by the ULP (for example, towns and larger villages, designated sites etc).
- ▶ The commentary provided on the assessment of likely significant effects of policies and sites in any future revised Environmental Report is considered objectively to ensure that all significant effects are identified, described and evaluated.
- ▶ With specific regard to the assessment of site allocations, the approach to present the cumulative effects on identified settlements is continued.
- ▶ Officers should prepare a non-technical summary of the information provided in the Environmental Report.

Author



Pete Davis

Reviewer



Simon Ford

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# Uttlesford District Council: Pre-Submission Local Plan Review



## 1. Introduction

### 1.1 Overview

Amec Foster Wheeler Environment and Infrastructure UK Ltd (hereafter referred to as Amec Foster Wheeler) has completed a critical friend review of the Uttlesford District Council Pre-Submission Local Plan (LP) Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) Environmental Report (April 2014) and addendum (June 2014).

This review is intended 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.

This note considers the process of site identification and the relationship to the Strategic Housing Land Availability Assessment (SHLAA) to plan making.

## 2. Process of Identification

### 2.1 Objectively Assessed Need

The Council has signalled the intent to commission a Strategic Housing Market Assessment in co-operation with neighbouring authorities to evaluate its Objectively Assessed Need (OAN). This is a discreet piece of evidence that will set out the demand for housing to be addressed through the Plan and is not considered further here.

### 2.2 Requirement

Site selection to meet the OAN is a product 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 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; and
- ▶ 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 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.

### 3. Towards Reasonable Options

#### 3.1 Characterisation of the District

The issues highlighted by the Inspector can be addressed through the following approach to characterise the opportunities and constraints of the District to assess the degree of realism of particular options for the LP given locational attributes.

##### Environmental Policies

The Council's evidence base sets out a process of sieving sites and identifying environmental constraints – through exclusionary and discretionary objectives. This approach is highly appropriate. If Stages 1 and 2 of the approach relate to the Exclusionary and Discretionary Constraints respectively, then suggested refinements are as follow.

##### Existing Settlements

Stage 3 would map settlement boundaries and the level of facilities found within them. This can be done on the basis of the settlement hierarchy but with a particular emphasis upon the incidence of higher level facilities and high trip generators such as secondary schools, supermarkets and business parks.

##### Accessibility

Stage 4 could map the accessibility of locations to highlight the implications for existing settlements and for the rural area. This would form a combination of barriers and opportunities which could inform site assessments in the SHLAA:

- ▶ The barriers presented by natural and physical features – e.g. the M11 and the railway at Elsenham and Newport. An example from an exercise that reflects the constraints posed by infrastructure on accessibility to educational facilities is at Appendix A. Other barriers such as the River Cam will already have been revealed under Stages 1 and 2;
- ▶ The standard of existing road infrastructure. This assessment would comprise a combination of junction capacity, accident data, highway width and extent of highway land and should, as a minimum, be applied to all 'A' and 'B' category roads as well as to motorway junctions;
- ▶ The incidence of 'pinch points' and potential associated capacity / environmental impacts on the network. The Inspector cited Lower Street in Stansted as an area of concern;
- ▶ Consideration could be given to the assessment of isochrone travel times around existing facilities and existing (and potentially) proposed employment locations and transport nodes such as – but not limited to – Stansted Airport, Saffron Walden, M11 Junction 8, Bishop's Stortford etc. This would form a context against which candidate sites could be assessed. The example at Appendix A depicts sustainable walking distances around secondary schools which

could be replicated in Uttlesford. As this exercise may be labour intensive it is suggested that it be restricted to higher order services with assessment of lower order services being requested from promoters as part of the SHLAA call for sites. A suggested division is in Table 3.1.

Table 3.1 *Plotting Facilities – A suggested division*

	SHLAA Call for Sites?	Apply Isochrones?	Source of Data
Convenience Store	Yes		
Supermarket	Yes		
Community Hall / Pub	Yes		
Primary School	Yes		
GP Surgery	Yes		
Playing Pitches	Yes		
Bus Stops with frequent service	Yes		
Retail Centre		Yes	Local Plan Layer
Employment / Commercial Location		Yes	Local Plan Layer
Secondary School (x6)		Yes	LEA Website
Railway Stations (x5)		Yes	
Leisure Centre (x2)		Yes	UDP Website
M11 / Trunk Road access		Yes	Local Plan Layer / other

A simplification of this process could be to apply a simple buffer around each facility according to the distances drawn from the report of the Urban Task Force which are attached at Appendix B. However, the presence of strong physical barriers in the District – the effect of which is demonstrated in the example at Appendix B – mean that this approach needs to be applied with thought.

This process should enable the existing environmental policy and accessibility of the District to be effectively characterised. When mapped, it should be possible to evaluate how far strategic development options and candidate sites in the SHLAA could be served by existing services and transport infrastructure.

A further Stage 4a could identify where gaps exist within the utilities network. Strategic issues such as wastewater treatment capacity should already be known and the implications for particular settlements understood. Other issues such as lengthy stretches of undersized trunk sewers / combined sewers may also have implications for viability in certain locations.

It is considered that the onus will be upon the promoter to demonstrate how non-designated assets and detailed constraints – archaeological potential / wildlife habitats can be accommodated within their own proposals.

### 3.2 Issues and Options Stage

The product of the above work could usefully support consultation on the Issues and Options providing a valuable element to the District Portrait as well as informing the future LP and the SA of each option.

### 3.3 Addressing the Urban / Rural Split

It is likely that the Issues and Options to be consulted upon will represent degrees of urban concentration, strategic extensions or new settlements but also a contribution from the rural area.

In addressing the rural area, there is danger in assuming that 'villages' will collectively contribute a particular percentage of growth as it removes this contribution from the supply that is supported by specific policy support in favour of unplanned windfalls. It would introduce an element of chance and, therefore risk.

Depending upon the extent to which the Council wishes to rely on urban or strategic sites. This decision will need to be informed by the following:

- ▶ The need to ensure the effectiveness of the ULP to deliver the significant boost in housing delivery that national policy requires;
- ▶ An analysis of the delivery of windfalls historically delivered across the villages;
- ▶ A judgement based on the Settlement Appraisals on the ability of villages to grow within acceptable limits and the level of facilities available to serve / be supported by growth;
- ▶ A judgement on the likely contribution of any Neighbourhood Plans being produced.

In the final analysis, a balance will need to be struck and the plan making process should be proportionate to the objectives it seeks to deliver. However, for a Plan to be 'sound' and to continue to be 'up to date' the LPA must demonstrate the effectiveness of its delivery. Should unrealistic or unspecified expectations be attached to village windfalls then the Council will be rendered vulnerable to appeals and lose control of its spatial strategy.

#### 4. The Relationship to the SHLAA and Site Promotion

The SHLAA forms a two way engagement with the development industry through which the attributes of potential sites are assessed. The Issues and Options stage of plan making can be used to further the Council's aims in the following way:

- ▶ Focus early attention on the constraints faced by particular locations. Whilst the Council will take its own view on the attributes of particular sites, it will also serve to prompt the developer to seek to address constraints and reassure the Council that their proposal represents a deliverable site;
- ▶ It could focus early attention on the attributes of particular locations where sites have not been promoted. This would send a strong message to the development industry which is likely to respond;
- ▶ This may imply a flexible approach to the SHLAA updated at year end but with sites accepted at any other time so removing any artificial deadline that would preclude the ongoing consideration of new options.

#### 5. Interim Arrangement and Five Year Supply

Time is clearly of the essence. As a new adopted LP is some years away, the Council is reliant upon the 2005 Uttlesford District Plan and windfalls to demonstrate a five year supply of housing land. As this may not be possible without an up-to-date OAN, then the Council will be vulnerable to speculative applications coming forward outside of the plan making process.

Clearly any such applicants will need to demonstrate that they represent sustainable development as required by the NPPF.



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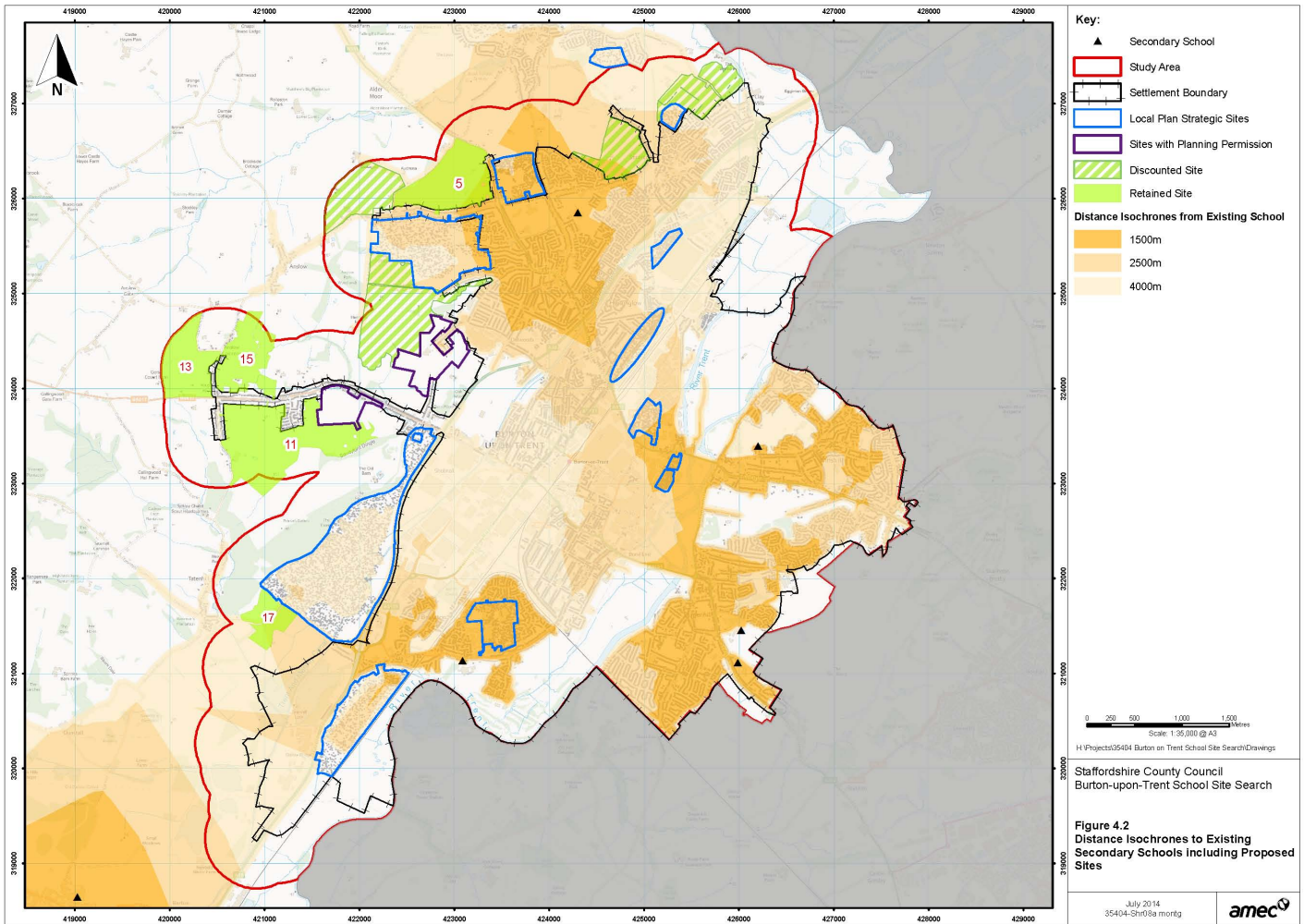
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# Appendix A

## Sample Isochrone Analysis



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# Appendix B

Sustainable Distances by Facility (Source: Towards an Urban Renaissance, the report of the Urban task Force, 1999)

