



**Final Report to Uttlesford District Council about the  
emerging Uttlesford Local Plan, including a review of  
progress to date (December 2016)**

**Report by Intelligent Plans and Examinations (IPE) Ltd**

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## **1. Introduction**

1.1 Intelligent Plans and Examinations (IPE) are instructed to prepare a report about progress on the emerging Uttlesford Local Plan. The main part of this report sets out my comments in response to the questions posed in the terms of reference for the review, as agreed in final form on 4 November 2016.

1.2 In the time available, I have taken into account some of the information published on line as the Local Plan evidence base at [www.uttlesford.gov.uk/planning](http://www.uttlesford.gov.uk/planning) policy/background studies. I have also considered some of the information contained in a draft Duty to Cooperate Statement sent to me on 13 December 2016.

1.3 In addition, I held a series of meetings and a telephone call with Council officers and members on 21 December to clarify certain factual matters and discuss the issues raised in my draft report. I have taken into account the feedback from these meetings in this final report and acknowledge that the Council Officers are working on a number of evidence base studies that should address the issues identified in my report below.

## **2. Question A - Is the present Local Plan timetable suitable for completing a sound Local Plan?**

2.1 My understanding is that the Local Plan (LP) timetable resulted from the Council's concern about announcements from DCLG about the need to produce plans by early 2017 or risk the threat of government intervention and potential withdrawal of the New Homes Bonus. My understanding is that the publication of the LP for comment was paused at the end of October 2016 to reflect upon and consider feedback from neighbouring authorities and give members time to digest the evidence base, pending the findings in my review of the plan process so far. I have not been supplied with a full chronology to date, nor any commentary from the Council or its plan-making consultants, but I am aware of the following key events. The previous 2014 Local Plan was withdrawn in January 2015 after initial consideration by the Planning Inspectorate. The Inspector's main concerns were related to the provision of new housing to meet the Objectively Assessed Housing Need (OAHN) for the District and with the proposals for a major extension to the village of Elsenham. Since then the Council has undertaken more work to gather evidence to support a new Local Plan and carried out a consultation on an 'Issues and Options' document in late autumn 2015.

2.2 The Council has continued to gather evidence and to discuss draft proposals with a number of bodies, including other neighbouring Councils, with a view to publishing a draft submission plan (Regulation 19) for full statutory public consultation in January 2017. The very generalised consultation exercise earlier last year include two possible levels of housing provision and referred only to areas of search for new housing allocations. Moving straight to a Regulation 19 Plan without consulting on a preferred option may take many residents by surprise, given statements in the Issues and Options Plan that clearly indicate that an additional round of consultation would occur before the Regulation 19 pre-submission consultation. Proceeding directly from that Issues and Options document straight to Regulation 19 undoubtedly carries some risk, particularly in the light of the current evidence, as I discuss below. For example, there is uncertainty about the number and

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distribution of new homes required (again I discuss in more detail below); the location, timing, viability and transport implications of new settlements; and there are gaps in the evidence base regarding new infrastructure provision. Many of these issues may well benefit from preliminary comments from developers, other public bodies, local residents and businesses before the Regulation 19 plan is published.

### **3. 2. Question B - Is evidence adequate and robust to ensure that decisions on site allocations would be sufficiently informed?**

3.1 From my reading of material published so far, there are two key documents which form the basis of evidence justifying the overall strategy for housing provision in particular. These are the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) for the Areas of Search and Strategic Scenarios Consultation, published by place services (ps) in September 2015 and the Interim Appraisal of New Settlement Options published by ps in October 2016. The non-technical summary of the first document summarises the 'issues to be overcome' and 'likely benefits' of the 14 Areas of Search for new growth set against 15 SA Objectives. Nine of the Areas of Search relate to sites for new settlements, although the assessment is very broad in nature, given that site specific boundaries and the exact amount of development, particularly new housing numbers, were not identified at the time. The narrative about each area gives a broad brush appraisal for the areas identifying key points but does not include any weighted scoring system to give any comparative analysis. Having said that, the comments appear sufficient to draw out the key constraints and major benefits of each area. The remaining five scenarios for growth comprise potential urban extensions to the main towns of Saffron Walden, Bishop's Stortford (immediately adjoining the district in East Herts) and Great Dunmow, together with assessments for small sites in key villages and a group of smaller 'Type A' villages.

3.2 The SA then examines a range of scenarios under the assumptions of two levels of growth: the 580 dwellings per year (dpa) put forward in the withdrawn LP and a higher growth figure of 750 dpa. Again, there is no comparative table to indicate any preferred scenario. The Conclusions and Recommendations section highlights that no single scenario can be guaranteed to meet the current and future needs of the district in a wholly sustainable manner. However, while acknowledging that any level of proposed growth is likely to have adverse environmental impact, the Plan strategy should seek to minimise these impacts and maximise the benefits of growth. Without being definitive, the SA conclusions lead towards a strategy of some proportionate expansion of the main towns and larger villages in the district to meet needs in the early years, supplemented by a new settlement(s) based on garden city principles to meet needs in the latter stages of the Plan period. On balance, this is an unsurprising and reasonable conclusion; the need for further work on detailed constraints affecting existing settlements and the main areas of search for the new settlements is clearly signposted.

3.3 My understanding is that the call for sites was undertaken in spring 2015 and a draft assessment for each site, forming part of the Strategic Land Availability Assessment (SLAA) published in February 2016, brought forward seven possibilities for new settlements which were the subject of an interim

SA published in October 2016. This provides a commentary on how each potential site performs in relation to 15 planning objectives, in a standard 'traffic light' system of assessment, with written summaries of key points. It does not indicate a preference between the sites nor does it give any weighting to each of the appraisal objectives. The sieving and refining of decisions on site allocations is a complex iterative process which requires further work at this stage, as I discuss below.

**4. Question C - Are there gaps in the necessary evidence to make decisions on site allocations? What are the gaps? Question D - Is the evidence impartial and even-handed?**

4.1 From the material available to me, it appears that the SA documents I have considered generally appear to have assessed each option in an impartial way. However, it must be borne in mind that town planning is not a purely scientific discipline based on mathematical formulae with certain outcomes. A significant element of subjective judgement is also part of the process, for example, in landscape quality appraisals and most importantly in the weighting between different impacts on different objectives. Beyond saying that, it is not possible at this juncture, given that the necessary evidence is not all in place, for me to make definitive judgements, particularly given the limited time available to consider the evidence base and processes carried out so far.

4.2 Nevertheless, it appears to me that there are some significant gaps in the published evidence base for the Plan. I note that a Strategic Housing Market Assessment (SHMA) was prepared for the West Essex/East Herts area by ORS, published in September 2015. This appears to be a thoroughly researched document which analyses the information available at the time in a logical way, in accordance with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The identification of the housing market area across four districts takes into account the difficulties of assessing such boundaries in areas where a number of complex interrelationships between employment and housing demand and consequent travel patterns exist, and is justified. The study looks at population data and 2012 household projections published by the Department for Communities and Local Government (CLG), which are used as baseline for an Objectively Assessed Housing Need (OAHN) for housing, adjusted to take into account factors such as affordable housing need, consistency with employment projections and market signals. The 2015 SHMA projects an OAHN of 46,100 for the whole SHMA, of which Uttlesford's share is set at 12,500, although the method of apportionment between the authorities is not clear.

4.3 The evidence base on the Council's website does not include a revised SHMA, updated to take into account the latest 2014 CLG household projections published in July 2016. I understand that some re-modelling has been done by the SHMA authorities which has resulted in an agreed OAHN figure of 54,600 for the whole area, of which Uttlesford's component is 14,100. Again, I have seen no explanation as to how the OAHN figure has been apportioned. I understand that the four authorities intend to plan for only 51,000 dwellings, based on an updated SA by AECOM which I have not seen. I agree with the Planning Inspector who made an advisory visit to Uttlesford that the Council should take the OAHN figure of 14,100 as a starting point and that any housing requirement

set at a lower figure would need very robust justification. From what I have seen, staying with the 12,500 figure would be a serious risk to the soundness of the Plan.

4.4 The overall housing requirement will have implications for the detailed site allocations, including the possibilities for new settlements and their programme of development. What appears to be missing in the published evidence base is an explanation of the selection process for reducing nine or seven areas of search to the final proposed options. A more comprehensive SA for the chosen sites, including the new settlement options, is essential. A viability assessment of seven potential sites for new settlements did appear on the Council's website at the end of November, under the Planning Policy Working Group (PPWG) committee page, after the decision to pause the plan process was made. This study did include information about the infrastructure requirements for the sites.

4.5 On a related point, the Infrastructure Development Plan dates back to 2014 and must clearly be out of date. More recent information about district-wide infrastructure needs, costing and programming is required. This applies in particular to the new settlement proposals, as for developments of this magnitude, one would normally expect to have a preliminary masterplan in place. Any Inspector will be concerned to establish the viability of the schemes and the transport implications, including the costs of new highways or improvements to existing roads, especially the strategic road network. I understand that an update to an earlier transportation study has been carried out, but it is not publicly available. Further essential work on the transport implications of implementing the various scenarios and the position in Saffron Walden has yet to be completed.

4.6 A report to the Council's PPWG committee on 28 November 2016 identified the most up to date position regarding the evidence base for the Plan. Several LP studies were published for this meeting. Clearly, much work is continuing on a range of topics and some recently completed studies need to be publicised. Apart from the topics I have already mentioned, updates of the affordable housing viability study and the employment land study will also need to be completed. As the Council's officers say, a revised Habitats Regulations Assessment (HRA) screening will be needed when the Plan proposals have been firmed up.

## **5. Question E - Has the Duty to Cooperate (DtC) requirement been met?**

5.1 The Council is right to recognise the importance of the duty to co-operate. At the Examination, the Inspector will seek to establish whether or not the duty has been complied with before his/her Examination of the plan's provisions begins. If he/she concludes that the duty has not been complied with, the Examination will proceed no further as there would be little point in assessing the contents of a plan when the process by which it has been produced is inherently flawed. There would be no opportunity at that stage to remedy any shortcomings in the co-operative process. It is crucially important, therefore, that the Council can show, at the beginning of the Examination, that the duty has been satisfied.

5.2 The Council has submitted a spread sheet which shows that a number of meetings and discussions have been held with various bodies, including neighbouring Councils, others from

Cambridgeshire and further afield, and statutory agencies such as Highways England etc. The schedules within the spreadsheet appear in chronological order, rather than addressing key topics such as housing, employment, environment, transport which would be a more focussed and useful approach. There is no commentary accompanying the schedule. Clearly there are some gaps, as I have already indicated in my discussion of the evidence base, particularly regarding housing provision, where a narrative explaining the evolution of the final strategy in the context of constructive engagement with relevant bodies will be essential. The third section of the spreadsheet containing details of memoranda of understanding between various authorities and/or consultees is very sparse at this stage, even though some have been drafted.

5.3 Another issue where a specific section in a DtC statement would be desirable concerns the new settlement to the west of Braintree, which straddles the Braintree DC and Uttlesford DC boundary. I note that the DtC spreadsheet indicates that there has been a significant change in the size of the proposed settlement west of Braintree, with a much-reduced element in Uttlesford, from 1400 to 600 dwellings. This has been explored through ongoing DtC work between the Districts. However, the implications for the viability of the new settlement, any necessary infrastructure and the overall housing provision in the SHMA and Uttlesford district still need to be considered.

**6. Question F - What would be the risks in extending the timetable for the work programme, and delaying the submission date for the Plan's examination? What would be the risks in not extending the timetable if the Plan is not ready for examination in public?**

6.1 As UDC officers have identified, the government has indicated that it may intervene if plans are not 'produced' by early 2017. It seems that some further changes to planning policy may be announced for consultation in the new year. The Council can show that work on the preparation of the Plan has been continuing steadily since the withdrawal of the 2014 version and intervention at a relatively late stage may seem unlikely. But I have no more knowledge than anyone else not in government about its intentions and proposals. One of the main risks of delay concerns the five year housing supply; if this cannot be demonstrated there is a considerable potential for unplanned development following appeals.

6.2 However, matters would not necessarily be improved by the early submission of an incomplete Plan with an inadequate evidence base and insufficient justification. As the Council should know, assuming the first critical test of meeting the DtC is met, there could well be severe delays, including a possible suspension of the examination, if the Inspector considers that critical elements of the Plan such as housing provision are not sound unless shortcomings are addressed. In any event, it would be unusual if main modifications to a Plan of this type were not required, which would of course have to be advertised for further comment.

**7. Has UDC followed a sound process that is leading towards a sound Local Plan that has a low risk of rejection at Examination in Public?**

7.2 This question is not especially easy to answer in the light of some acknowledged gaps in the evidence base provided so far. At the present time, there is more work to be done on the main topics as I have discussed above. I would need to see a revised DtC statement and more SA analysis before saying definitively that the work to date was soundly based. However, the basic strategy for housing and employment seems to have evolved in a reasonable way and publishing a Regulation 18 preferred option for consultation with more supporting information would provide more confidence that the examination of the Regulation 19 publication plan would not throw up any unforeseen or insurmountable obstacles to the approval of a sound Plan.

**8.Question H - Are there any issues to be advised which may pose significant risks to the Plan being found sound at examination?**

8.1 I understand that an update to the Gypsies and Travellers Accommodation Assessment (GTAA) has been carried out which indicates that there are no Gypsy and Traveller households in Uttlesford which meet the new definition of such persons for planning policy purposes. However, the updated GTAA identifies a maximum 'unknown' need of 12 households and a non-travelling need of 10 households over the Plan period. National guidance indicates that for those households that do not meet the new definition, a criteria based policy should be included within the LP to meet these needs.

8.2 I have read the comments on the draft Plan prepared by the Council's consultants, Troy Planning. In general I agree with most of the points raised. Of particular importance are the following:

- the need to set out the spatial policy more clearly
- the housing issues already raised, including a review of affordable housing viability and the related policy context
- the need to clarify the relationship of the Plan to forthcoming Neighbourhood Plans
- the need to review employment policy in relation to an updated employment study, referring back to ensure consistency with housing policy
- the need to revise policies for the historic environment to ensure consistency with the NPPF

8.3 I would like to think that many of these points have already been taken on board and acknowledge that my own reading of the material available to me has been constrained by limited time. There may therefore be other matters to be reconsidered but I have endeavoured to set out the key concerns with the process so far as I see them. Nonetheless, it is apparent that there is still a considerable amount of work to be undertaken before the Council is in a position to submit a plan that has a good chance of passing examination.

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