

# CHAPTER 14 – Delivery and Monitoring

## An Introduction to Monitoring and Implementation

### Paragraphs 14.1-14.6

This policy and supporting text was responded to by 3 people/organisations.

Support	0
Object	5
Comment	0

### Summary of Representations

#### Overarching Summary

- Monitoring proposals welcomed but concern that thresholds are inadequate or delivery requirements omitted altogether e.g. green space, sports provision and affordable housing.
- Monitoring should be completed annually, rather than waiting until the end of the plan period.
- Concern over the capacity of UDC to monitor development.
- Concern that the existing Plan has been ignored by UDC so monitoring should be central to the Plan.
- Concern that the impact of development on residents should be minimised.
- The default assumption should be that consultation with residents and parish councils is vital e.g. implementation of housing schemes.
- There should be a provision whereby applications will not be considered from developers who have been found to be inadequate in the past.

#### Statutory consultees and other bodies

##### **WeAreResidents.org**

- The monitoring proposals are welcomed, but it is noted how poor some of them are, and the fact that the thresholds proposed are completely inadequate when looked at in relation to, for example, green space, sports provision, or affordable housing.
- It is difficult to assess the monitoring required in the absence of a district wide infrastructure plan. Until this is produced we cannot properly comment on the targets proposed.
- There is no delivery at all proposed of any community facilities or non-playing fields sports provision.
- There is nothing at all on sustainable transport and Objective 1c monitoring does not explain the meaning of smart travel solutions or require the delivery of any.
- Disagree with the focus on the provision of 4 bedroom homes rather than smaller ones and believe that the targets should be changed on accordance with the housing mix we have set out.
- There is nothing at all on schools, health facilities or other community facilities.
- The Appendix 2 targets are proposed only at a point in 2033 - there should be annual monitoring rather than waiting for the end of the Plan period.

#### Developers, Agents and Land Owners

No comments received.

#### Comments by Individuals

- UDC do not have the manpower to properly ensure these developments are completed at all, let alone to the high expectations outlined in this document.

- Central to Delivery and Monitoring should be the idea of monitoring to ensure that UDC officers abide by the Plan in every particular. In recent years the existing Plan has been ignored wholesale in various respects including large-scale building outside development limits; large new housing estates built on the Stansted Airport Countryside Protection Zone; ignored provisions to protect the character of the countryside; trees felled; failure to protect public rights of way; and approval of flats over garages with no gardens. The default assumption should be that consultation with residents and parish councils is vital e.g. implementation of housing schemes.
- The impact of developments on local residents should be minimised as far as possible - suggestions included to minimise these impacts.
- There should be a provision whereby applications will not be considered from developers who have been found to be inadequate in the past.

## The Approach to Monitoring and the Housing Trajectory

### Paragraphs 14.7-14.15

This policy and supporting text was responded to by 3 people/organisations.

Support	0
Object	5
Comment	1

#### Overarching Summary

- Concerns that the Plan is stretching growth to the limits rather than satisfying need. There should reference to a reluctance to spoil any more of the district's communities which have special, mainly rural, characteristics.
- Concerns that the housing trajectory is too dependent on overly optimistic delivery at the garden communities and so will not be able to fulfil the housing requirement over the whole plan period.
- The focus of employment opportunities should be widened, and not just focus on Stansted Airport.
- Some paragraphs in this section are policy statements and should be included earlier in the Plan.

#### Statutory consultees and other bodies

No comments.

#### Developers, Agents and Land Owners

No comments.

#### Comments by Individuals

- The Plan is not about satisfying a need but about stretching growth to the limits. It should not be so.
- Paragraph 14.9 is a statement of policy and so should be included much earlier in the plan.
- The final sentence of Paragraph 14.9 should be expanded to include "and a reluctance to spoil any more of the district's communities which have special, mainly rural, characteristics."
- The published housing trajectory assumes that the new settlements will start to deliver housing by 2021-22. Whilst the Local Plan admits that this is ambitious, experience of bringing forward new settlements in other authorities suggests that it is ambitious to the extent of being unrealistic. The adoption of the Garden Community model involves complex and detailed legal agreements which will need to be completed before master planning can commence. There is also a considerable amount of detailed technical work, especially on transport modelling, drainage and viability on the NUGV site which remains to be undertaken. It is unlikely that these new sites will start to deliver housing completions before the mid 2020s at the earliest. This has major implications for the plan's ability to demonstrate a consistent rate of delivery throughout the plan period or, indeed, to fulfill the full housing requirement over the whole plan period. The effect of delaying the start of delivery to, say, 2025-26 would result in the annual rate of housing delivery dropping from 485 in 2021-22 to 290 in 2024-25 against an annualised rate of 641 and a shortfall of 2,005 over the whole plan period. The estimated rate of build on the new major sites is, however, quite low at 175 pa each at NUGV and Gt Easton and 150 pa West of Braintree. It may be that these figures relate only to market housing (North Essex Garden Communities Concept Options and Evaluation, Colchester BC, Braintree DC & Essex CC, Section 8.4, p.128). When all housing delivery, including affordable is taken into account, average delivery rates of between 220 and 250 across economic cycles are achievable (eg Cambourne, Cambridge Southern Fringe). Factoring in, however, the increased rate of delivery once started, a delay in start until the mid decade would still result in an overall shortfall

of around 670 dwellings over the whole plan period. Thus the excessive dependence on new settlements could, in the absence of very robust evidence that the projected timetable is achievable, result in the plan being found unsound.

- Paragraph 14.10 should state that the Housing Trajectory for the Local Plan is to be found at Appendix 3. This paragraph is a statement of policy and as such should be included much earlier in the Plan.
- The draft Plan places too much emphasis on job opportunities at Stansted Airport. Based on the last ten years, this has proven to be a fragile industry. The Council should work towards spreading the employment risk.

Sustainability Appraisal June 2017

Officer response

Proposed changes to plan

## Policy M1- Monitoring and Review

This policy was responded to by 11 people and organisations.

Support	4
Object	2
Comment	8

## Summary of Representations

### Overarching Summary

- Some support for Policy M1 but detailed wording changes suggested as well as further details and clarification including in relation to the highway and transport infrastructure to support the spatial plan, neighbourhood plans, compulsory purchase order powers for garden communities, 'rolling 5-year land supply'.
- Recommendation that the Plan includes indicators to measure the success of the historic environment policies.
- Details of discussions with Highways England, Essex County Highways and Cambridge County Highways requested.
- Suggestion that a programme of completion/ build rates are agreed with developers at the development planning stage and penalties imposed for variation from these rates.
- Objection to Policy M1 as it is not compliant with the guidance set out in the NPPF and Planning Practice Guidance with regards to the spreading of the backlog over the Plan period. It is also not sufficiently positive when it comes to potential contingencies should the Plan be failing.

### Statutory consultees and other bodies

**Braintree District Council** - Support criteria d in this policy which sets out the potential opportunity to use Compulsory Purchase Order Powers. However as there is a second policy on the monitoring of major projects it is not clear as to whether this criterion could be applied to the garden community, if it was required.

### **Clare College Cambridge**

- Policy M1, Point 4 should include details of the highway and transport infrastructure necessary to support the spatial plan.
- The Sustainability Appraisal for the Areas of Search and Strategic Scenarios consultation sets out AoS (area that equates to NUGC) directs that discussion with South Cambridgeshire will be needed, as the site lies on the boundary of the two districts. Early discussions with Highways England, Essex County Highways, and also Cambridge County Highways is also advised as needed. Has UDC undertaken these discussions?

**East Hertfordshire District Council** - Support the proposed approach to monitoring the delivery of the Local Plan, in particular the delivery of the three new proposed settlements.

**Environment Agency** – Supportive of the general thrust of Policy M1.

**Historic England** – Recommend that the Plan should include indicators to measure how successful historic environment policies are. These can include preparation of a local list, completion of conservation area action plans and management plans. It is noted that a target which seeks a reduction in the number of assets that are classified as heritage at risk is provided which is welcomed.

**Saffron Waldon Neighbourhood Plan Steering Group** – Supported. Propose amend point b by deleting 'or' and inserting "and".

## **Saffron Waldon Town Council**

- Policy M1, Point 2 should state “rolling 5-year land supply”.
- Policy M1, Point b amend ‘for the market towns and key villages AND (not OR) additional support for Neighbourhood Plans...’

**Stansted Neighbourhood Plan Steering Group** - Supported. Propose amend point b by deleting ‘or’ and inserting “and”.

## **Thaxted Parish Council**

- Policy M1, Point 2 should state “rolling 5-year land supply”.
- Policy M1, Point b amend ‘for the market towns and key villages AND (not OR) additional support for Neighbourhood Plans...’

## Developers, Agents and Land Owners

### **Gladman**

- Objection to Policy M1 as it is not compliant with the guidance set out in the Framework and Planning Practice Guidance with regards to the spreading of the backlog over the Plan period. It is also not sufficiently positive when it comes to potential contingencies should the Plan be failing.

- The PPG firmly promotes the Sedgefield approach as the most appropriate method: “Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the ‘Duty to Cooperate’. The choice is not between Sedgefield and Liverpool but between Sedgefield and redistributing need to other authorities where it cannot be met in the first 5 years”. It might be argued that the paragraph doesn’t prevent the application of the Liverpool approach, although the plain wording of the paragraph does not appear to support that interpretation. At the very least, the paragraph creates a strong presumption in favour of the Sedgefield approach, and if the Council wants to rebut it, they must have compelling evidence and reasons to demonstrate that it is not possible to meet the shortfall in the first 5 years of the plan.

- It is considered that the Council should be doing all it can in the early part of the Plan period to meet the backlog of housing need as this backlog represents real people with real housing needs in the immediate future. The Council should be seeking to provide greater flexibility in the Local Plan through the identification of additional smaller sites capable of delivering within the early part of the Plan Period. Gladman is promoting a site in Takeley that could provide such flexibility.

- It is considered that the list of bullet points in the second part of the policy regarding potential housing shortfalls is not sufficiently positive. The bullet point list contains a number of corrective actions that the Council will take if a shortfall in housing delivery should occur. The first bullet point to review the targets does not address the problem of the shortfall, it simply improves the position in mathematical terms and does nothing to identify or tackle the root causes of the delivery problem. This will make the targets in later years even more difficult to achieve. The second bullet point also does little to improve actual delivery in the short term as the preparation of a plan simply takes time and again, does not address the root cause of the delay. The third bullet point does not explain how the mechanism of supporting changes to locations for allocations would work and the final bullet point, although it is a positive measure, will take a considerable amount of time to achieve and will not help delivery in the short term.

- The mechanism that should be employed should a housing shortfall be identified is to allow flexibility in the policies of the Local Plan so that sustainable sites can come forward to deliver housing in the short term both within and on the edge of settlements and to initiate a review of the Local Plan should the shortfall be of a certain magnitude. The wording of any review mechanism needs to be clear, easily understandable, effective and be enforceable (see the recent North West Leicestershire Local Plan Examination). The

wording of the review mechanism should therefore contain a trigger, a start date, an end date that is the control of the Local Planning Authority and should set out the consequences of failing to meet the target dates. The ultimate aim of any review mechanism should be to get the Local Plan review completed in as shorter timeframe as possible.

- Policy M1 should be substantially reviewed to ensure that it is effective and positive and does everything it can to address any shortfalls identified in housing delivery in the most expedient manner.

#### Comments by Individuals

- Is it possible to create a framework of completion rates for housing developments above a certain number (e.g. 25?) at the detailed planning stage, which creates an enduring obligation on developers to deliver homes at a minimum rate/annum, with suitable effective penalties?

#### Sustainability Appraisal June 2017

#### Officer response

#### Proposed changes to plan

## Major Projects Monitoring Including New Garden Communities Paragraphs 14.16-14.21

This supporting text was responded to by 3 people and organisations.

Support	2
Object	1
Comment	0

### Summary of Representations

#### Overarching Summary

- Support for the mechanism to review Garden City allocations if necessary.
- Appendix 3 should contain a separate entry for each Garden Community.

#### Statutory consultees and other bodies

##### **Saffron Waldon Town Council**

- Support Paragraph 14.20 which sets out measures to review the Garden City allocations to ensure that the principle of Garden Cities is not lost.

#### Developers, Agents and Land Owners

No comments.

#### Comments by Individuals

- Paragraph 14.19 states that the Housing Trajectory contains a separate entry for each Garden Community, which will be used to monitor progress. However, this is not included in Appendix 3. It should be included or this reference amended to 'will contain'. does not do so.
- Paragraph 14.20 is supported.

#### Sustainability Appraisal June 2017

#### Officer response

#### Proposed changes to plan

## Policy M2- Implementation and Monitoring of Major Projects

This policy was responded to by 12 people and organisations.

Support	6
Object	3
Comment	3

### Summary of Representations

#### Overarching Summary

- Support for Policy M2
- Braintree District Council suggest that the West of Braintree GC may require a different delivery model and so require a bespoke policy.
- Braintree District Council and Little Chesterford Parish Council express concern that the contingency measures set out Policy M2 could allow developers to reduce the amount of community facilities, infrastructure, affordable housing and land for non-residential use in the garden community.
- The expected phasing and delivery of highway and transport infrastructure should be delivered before it is needed.
- Support for the delivery rates at West of Braintree Garden Community (Andrewsfield NSC and Galliard Homes) and at North Uttlesford Garden Community (Grosvenor). Support for monitoring and contingency measures.
- Galliard Homes suggest that encouragement should be given in the event that the figure for homes included in the Local Plan can be exceeded (in the case of West of Braintree 970), subject to the provision of suitable infrastructure.
- EA Securities are concerned that the proposed time-frame for the delivery of the Garden Communities and related infrastructure is too optimistic. Suggest that the monitoring review target is amended so as to allow for the provision of alternative sites to deliver housing, specifically reserve sites in Type A Villages.
- Gladman consider that Policy M2 should be substantially reviewed to ensure that it is effective and positive and does everything it can to address any shortfalls identified in housing delivery in the most expedient manner. In particular, it is stated that given that approximately 40% of all new development over the Plan period will take place on the Garden Communities their delivery will need to be closely monitored. The existing reference in Policy M2 that where performance over a rolling three-year period falls more than 25% below the expected rate of completions then a number of actions will be undertaken should be reduced to two years. In addition, the final three bullet points relating to seeking funding for infrastructure, marketing and renegotiating S106 Agreements are development management good practice which should be followed as a matter of course during the lifetime of the strategic development sites. See also response to Policy M1.

#### Statutory consultees and other bodies

**Braintree District Council** – The delivery of the West of Braintree Garden Community may be on a different model to that on other projects within UDC. As such it may require a bespoke policy which, as it applies across two local authority areas, could be set out in detail within the site specific DPD, with the broad principles set out here. Housing delivery within the garden communities is of course very important but BDC are concerned that as currently worded the contingency measures set out in the policy could allow developers to try and vary planning conditions to reduce the amount of community facilities, infrastructure contributions or land for non-residential uses in the garden community. The timely provision of these facilities, infrastructure and a mix of uses on the site are a key component of the garden community

principles and are key to the vision for the new standalone new garden community. We do not believe it is the intention of UDC, but the wording within this section may need to be revised to make this clear.

**Clare College Cambridge** - The expected phasing and delivery of highway and transport infrastructure should be delivered before it is needed.

**Environment Agency** – Supportive of the thrust of Policy M2 and note applications should include robust information on the expected phasing which should include the timetable and proposed arrangements for infrastructure delivery.

**Little Chesterford Parish Council** – Concern that the implementation of the contingency measures and the last paragraph of Policy M2 allows developers to get out of North Uttlesford Garden Village planning commitments. This allows UDC and developers to accelerate building by comprising required benefits such as affordable housing and infrastructure, resulting in a flawed design that would be detrimental to all stakeholders.

**Saffron Waldon Town Council** - Support Policy M2.

**Thaxted Parish Council** – Support.

#### Developers, Agents and Land Owners

**Andrewsfield New Settlement Consortium (ANSC)** – Support the proposed delivery rate of 970 homes at the West of Braintree Garden Community by 2023 within Uttlesford District. The need for the Council to monitor the delivery of homes at the WBGC and the other garden communities within the District is recognised and appropriate contingency measures, as set out by Policy M2, are supported. ANSC fully expect that, together with the land controlled by Galliard Homes at Boxted Wood, will be brought forward to realise at least 970 dwellings by 2033, including appropriate infrastructure as necessary to support the development.

**EA Securities** – The Council's housing trajectory contained at Appendix 3 of the Draft Local Plan outlines a proposed timeframe of four years (2021/22) before the first residential units are delivered on the first garden community. The anticipated delivery then increases year on year following the implementation of necessary infrastructure requirements and as the other two Garden Communities are brought forward. At present the Council's draft plan does not identify the proposed timeframes for phasing and delivery for key infrastructure, albeit provides an Implementation and Monitoring of Major Projects policy (Policy M2) to ensure the delivery of the garden communities as outlined above. Given that that the Local Plan is unlikely to be adopted before the end of 2019 this timescale seems optimistic. Even if an application was ready for one of the Garden Communities by the end of 2019, discharging all the conditions and beginning to deliver the infrastructure of the scale required in two years does not appear feasible. It is suggested that 2024/2025 is the very earliest that the first Garden Community could begin delivering units and it is unlikely that all three projects could meet this challenging timetable.

The provision of a monitoring tool is in line with the recent Housing White Paper publication; however, it is suggested the monitoring review target is amended to allow for the provision of alternative sites to deliver housing, thereby protecting the Council from unwanted and opportunistic development which it has seen in recent years. This could be done by amending Policy M2 to include the following final bullet point: 'The Council will release the identified reserve sites in Type A Villages.'

It is considered that the focus of reserve sites should be Type A Villages given how underrepresented they are in the current distribution of housing in the emerging plan and the contribution that can be made to rural sustainability by deliver additional growth in these locations. In addition, smaller sites in these locations can be delivered quickly and support existing infrastructure rather than requiring more in order to be delivered. Notwithstanding whether there is an increase of development in Type A Villages separate to increase rural sustainability, it is considered that the reserve sites mechanism is still required to underpin the uncertainty around deliverability of the Garden Communities.

**Galliard Homes** – Recognises there is a need for measures such as proposed in Policy M2. Similarly, however, every encouragement should be given in the event that the figure for homes included in the Local Plan can be exceeded (in the case of West of Braintree 970), subject to the provision of suitable infrastructure.

**Gladman** - It is essential, given that approximately 40% of all new development over the Plan period will take place on the Garden Communities, that delivery of the Garden Communities is closely monitored. The policy currently states that where performance over a rolling three-year period falls more than 25% below the expected rate of completions then a number of actions will be undertaken. It is considered that this is too long a timeframe to wait to take corrective action as this level of undersupply would be significant. It is considered that the timeframe for continuous under supply should be reduced to two years. In addition, Gladman has some concerns regarding the corrective actions listed in Policy M2. The final three bullet points relating to seeking funding for infrastructure, marketing and renegotiating S106 Agreements are simply development management good practice which should be followed as a matter of course during the lifetime of the strategic development sites. It should not take three years' under-delivery to trigger these types of actions. In terms of the first bullet, this should relate back to the review mechanism discussed in Gladman's response to Policy M1. It is considered therefore that Policy M2 should also be substantially reviewed to ensure that it is effective and positive and does everything it can to address any shortfalls identified in housing delivery in the most expedient manner.

**Grosvenor Britain & Ireland** – Support Policy M2 and the positive and proactive approach set out in relation to supporting the delivery of major projects. The proposed delivery of at least 1,900 homes at the NUGC up to the end of the plan period of 2033 is supported.

#### Comments by Individuals

- Support.

#### Sustainability Appraisal June 2017

#### Officer response

#### Proposed changes to plan

## Infrastructure Delivery Paragraphs 14.22-14.24

This supporting text was responded to by 6 people and organisations.

Support	3
Object	2
Comment	1

### Summary of Representations

#### Overarching Summary

- Support for Paragraph 14.22.
- Recent development at Takeley and Elsenham has not been supported by required infrastructure. No strategy to address this at Elsenham.
- Significant concerns over the objectiveness of the Infrastructure Delivery Plan in relation to references to infrastructure requirements and provision at Easton Park Garden Community and at Takeley.
- No clear reason given as to why further growth at Takeley would be difficult to achieve.

#### Statutory consultees and other bodies

**Saffron Waldon Town Council** – Support statement in paragraph 14.22.

**Thaxted Parish Council** – Support statement in paragraph 14.22.

#### Developers, Agents and Land Owners

- **Countryside Properties UK Limited** – Significant concerns over the objectiveness of the Infrastructure Delivery Plan. It is noted at Table 5 (infrastructure package included within garden community site submissions) that the only physical infrastructure proposed by the promoter of Easton Park is a new fast track/ fast bus service. No reference is made to the requirement for a new junction onto the A120 or Junction 8 improvements. Clarification is sought that the promoters will indeed fund required physical infrastructure, including highways improvements. In contrast, in relation to the land north of Priors Green, Takeley, it is stated that further growth at Takeley would be difficult to achieve given additional pressures that would be placed on M11 Junction 8. It is not clearly stated within the IDP why this conclusion has been drawn. However, detailed discussion with the District and County Councils on this point has indicated that this is related to the assumption that development traffic from the Takeley area will use the B1256 rather than the A120 in trips to/ from Junction 8. This assumption is unjustified and fails to take into account route choice.

#### Comments by Individuals

- Recent additional growth in the amount of residential properties in the Takeley area, approved by this Council, has not been supported by any increase in required infrastructure – doctors, transport and schooling.
- Lack of supporting infrastructure is self-evidently true of Elsenham, and it is noteworthy that no strategy is proposed to deal with the Council's evident recent failures to provide infrastructure appropriate to the vast new housing estates which have been promoted and approved.

- Support paragraph 14.22. The delivery of infrastructure must be carried out before housing is occupied/ employment sites are in use.

Sustainability Appraisal June 2017

Officer response

Proposed changes to plan

**Funding and Delivery**  
**Paragraphs 14.25-14.27**

No representations were received to Paragraphs 14.25 – 14.27.

Sustainability Appraisal June 2017

Officer response

Proposed changes to plan

## Monitoring the Local Plan Paragraphs 14.28-14.38

This supporting text was responded to by 2 people and organisations.

Support	0
Object	1
Comment	1

### Summary of Representations

#### Overarching Summary

- The updated Strategic Land Availability Assessment has not been made available with the result that the status of sites in Chapter 12 is as at 1 April 2016
- The monitoring report should be issued at defined times and at least annually.

#### Statutory consultees and other bodies

**Elsenham Parish Council** - An updated Strategic Land Availability Assessment needs to be available. At the meeting of the Planning Policy Working Group on 6 April 2017 it was stated that the updated Assessment would be available for the meeting on 17 May 2017. It is understood, however, that it remains unavailable at the time of writing, with the result that the status of sites in Chapter 12 is given as of 1 April 2016. The consequent lack of audit trail is a serious deficiency in the current consultation.

**Saffron Waldon Town Council** - The Monitoring report should be issued/ published at defined times and at least annually.

#### Developers, Agents and Land Owners

No responses received.

#### Comments by Individuals

No responses received.

#### Sustainability Appraisal June 2017

#### Officer response

#### Proposed changes to plan