Committee:	Council	**Date:**	19 June 2018
Title:	Regulation 19 Pre-Submission Local Plan		
Report Author:	Philip Bylo, Planning Policy Manager	**Item for decision:**	Yes

Summary

1. This report sets out the next stage of the Local Plan preparation, referred to as the Regulation 19 Pre-Submission stage. This is the final stage of the process before submission of the Local Plan to Government. It involves the formal publication of the Local Plan that the Council proposes to submit to Government so that interested persons can make representations about that document. Any representations made are passed to the Inspector appointed by Government to examine the Local Plan for them to consider as part of the examination. The Regulation 19 Local Plan is brought to Full Council today following the recommendation of Cabinet held on 12 June.

Recommendations

2. That Council, being satisfied that the preparation of the Local Plan has complied with the relevant regulatory requirements and being of the view that the Regulation 19 Pre-Submission Local Plan document is ready for submission to government for independent examination, endorses the Cabinet decision to approve the Regulation 19 Pre-Submission Local Plan for publication in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

3. That following the conclusion of the Regulation 19 publication period, the Local Plan be submitted to the Secretary of State for Independent Examination under section 20 of the Planning Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), together with the submission documents prescribed by Regulation 22 of the 2012 Regulations before 31 March 2019;

4. That the Director of Public Services, in consultation with the Environmental Services Portfolio Holder, be authorised to make non-material typographical, formatting, mapping and other minor amendments to the Plan prior to the submission of the Plan to the Secretary of State;

5. That the Director of Public Services be authorised to write to the Local Plan Inspector appointed to carry out the Examination of the submitted Local Plan ("the Local Plan Inspector") asking him/her to recommend such modifications of the submitted Local Plan as may be necessary to make the Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act;

6. That the Director of Public Services, in consultation with the Environmental Services Portfolio Holder, be authorised to submit a schedule of proposed

main modifications of the submitted Local Plan to address any issues relating to soundness and legal compliance identified by the Local Plan Inspector; and

7. That the Local Plan Submission Version 2018 be endorsed as a material consideration to be used in the determination of planning applications and enforcement decisions to be given appropriate weight in accordance with paragraph 216 of the National Planning Policy Framework.

Financial Implications

8. It should be noted that the Local Plan is supported by an extensive evidence base and other supporting documentation that has been a considerable draw on the planning budget over the last few years. The audited accounts for 2016-17 show that the council incurred direct costs of £738,000 and indirect costs of £115,000 in that year, the last year for which audited accounts are available. The equivalent sums for 2015-16 were £325,000 and £73,000. The Council has budgeted for £972,000 to cover the cost of the Local Plan through the examination process in 2018/19, including the garden community delivery work.

Background Papers

9. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
   - Uttlesford Regulation 19 Pre-Submission Draft Local Plan;
   - Local Plan Spatial Strategy Background Paper (including Garden Communities)
   - Strategic Land Availability Assessment (SLAA) Methodology Update May 2018
   - Sustainability Appraisal of the Regulation 19 Local Plan
   - Habitats Regulation Assessment of the Regulation 19 Local Plan
   - Equalities Impact Assessment of the Regulation 19 Local Plan
   - Officer responses proposed to the key issues identified in the representations to the regulation 18 Local Plan

Impact

10.

Communication/Consultation	Consultation on the Regulation 18 Draft Local Plan took place between 12 July and 4 September 2017. The representation period for on the Regulation 19 Draft Local Plan is planned for 25 June 2018 to 13 August 2018.
Community Safety	This is an underlying theme of the Local

	Plan.
Equalities	The Regulation 19 Local Plan is subject to an equalities impact assessment, which confirms that there are no inequalities identified that cannot be easily addressed or legally justified.
Health and Safety	Health and wellbeing of the Uttlesford community is an important theme of the Local Plan and is considered as part of the sustainability appraisal/ strategic environmental assessment of the Local Plan.
Human Rights/Legal Implications	The Local Plan needs to comply with human rights and planning legislation. The regulatory framework is provided by the Planning and Compulsory Purchase Act 2004 (as amended) and related statutory instruments. Once adopted it will form part of the statutory development plan.
Sustainability	This is an underlying theme of the Local Plan e.g. ensuring homes and jobs are provided near to each other and minimising reliance on the private car. The Local Plan is subject to sustainability appraisal/ strategic environmental assessment throughout its preparation.
Ward-specific impacts	Some wards may be affected by site specific proposals but the overall spatial strategy for the Local Plan is for the benefit of all wards.
Workforce/Workplace	The Local Plan is a key corporate document and officers from across the council's services have contributed to its preparation.

Background

11. Public consultation was held between 12 July and 4 September 2017 on the Regulation 18 Draft Local Plan. Nearly 6,000 representations have been received from over 2,000 individuals and organisations. These responses have all been uploaded onto the Council's consultation portal and are available to read online. Reports were brought before PPWG on 17 October and 29 November 2017, which summarised the representations and highlighted key issues for further work.

12. The Council has analysed the representations received to the Regulation 18 Local Plan in the summer of 2017 and this analysis has helped inform the changes described in this report. A report setting out the key issues that arise from the representations is included in Appendix 4 together with the draft responses.

13. As a result of these representations the Council has progressed updates to various pieces of evidence in order to address the technical issues that have arisen from the Regulation 18 consultation. Updates to the evidence base have been undertaken for the following studies:

    - Water Cycle Phase 2
    - Transport update
    - Archaeology study
    - Full Historic Impact Assessment
    - Sports and playing pitch facilities
    - Updated employment study
    - Gypsy & Traveller Accommodation Assessment
    - Retail update
    - Infrastructure delivery plan update
    - Whole Plan viability

14. The Planning Policy Working Group has already considered the findings of these pieces of evidence base work, and they all inform this Regulation 19 version of the Local Plan. Some work on finalising and updating the evidence base continues such as the sports and playing pitches evidence base, but the evidence base and policy development is now sufficiently advanced for the Plan to move to the Regulation19 stage. The evidence base is available on the Council's website here.

15. PPWG considered the draft Regulation 19 Pre-Submission Local Plan on 31 May 2018, and recommended to Cabinet that, with a number of amendments that have been incorporated into the document for Cabinet, including the removal of the site at School Lane, Henham, the Regulation 19 Pre-Submission Local Plan be published in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

16. Cabinet will consider the Regulation 19 Local Plan on 12 June. A supplementary report will be provided for the meeting advising Council of the main issues that Cabinet deliberated on and any resultant changes.

Historical Context for the Spatial Strategy

17. The Regulation 19 Pre-Submission Local Plan expands the spatial strategy significantly, in particular covering the process that was carried out looking at the spatial options to develop the current spatial strategy.

18. The Local Plan Issues and Options consultation document published between 22 October and 4 December 2015 set out a series of consultation questions including consideration of 16 potential broad Areas of Search and seven

Scenarios in relation to the overall level of development. These options were subject to a high level sustainability appraisal.

19. Following consideration of the representations received to the Issues and Options consultation the options were refined to the following five spatial options:

    1. All development allocated in new settlements;

    2. All development pepper potted in villages;

    3. All development in the two main towns of Saffron Walden and Great Dunmow;

    4. A combination of development in main towns and villages; and

    5. A Hybrid strategy involving new settlement(s), main towns and villages.

20. The “Hybrid distribution” strategy was agreed at Full Council on 26 July 2016. This strategy was subject to further assessment and sustainability appraisal through the development of the Regulation 18 Local Plan. This included consideration of the strategy options, the new settlement options and other site options in the towns and villages.

21. This Hybrid distribution approach remains the Preferred Strategy, due largely to the infrastructure benefits that new communities can deliver in part from the land value capture opportunities that a new community offers. Existing towns and villages often have existing infrastructure constraints where it is more difficult to provide for the new infrastructure needed for major growth. Existing towns also have other issues such as impact on sensitive landscape and impact on the road infrastructure for example.

22. The three new garden communities chosen are all well located on the strategic road network and close to major employment locations including southern Cambridgeshire and Stansted airport. North Uttlesford garden community is close to rail stations on the existing rail line to London and Cambridge, and the A1307 public transport corridor. There is also potential for an east - west rapid transit scheme linking Easton Park and West of Braintree garden communities to Stansted Airport and beyond into Hertfordshire.

23. A more detailed paper has been prepared setting out the strategy choices that have been made in the progression of the plan, and this can be found at Appendix 5. The progression of the strategy choices is expected to be a key issue for discussion at the forthcoming examination.

Housing Targets

24. At the Regulation 18 stage of consultation on the Local Plan our Objectively Assessed Housing Need was 14,100 homes in the plan period from 2011 to 2033. This figure was based on an updated Strategic Housing Market Assessment from 2016, looking at the 2014 population projections. Whilst the

impending Government standard methodology would currently require us to provide for 16,200 in the period to 2033, we do not have to provide for this level as the new NPPF is in draft form only and has not yet been adopted by Government. In addition, the draft transitional arrangements allow Councils six months from the adoption of the new NPPF before they have to take into account the new standard methodology. A Local Plan submitted for examination in that six month period will not be expected to use the standard methodology but will be assessed on current policies for housing in the NPPF (2012) and its related guidance.

25. In July 2017 a new SHMA was published updating the adjustment applied to the 2014 population projections to account for changes in the evidence relating to market signals and the balance between homes and jobs. This updated the Objectively Assessed Need (OAN) for Uttlesford to 13,332 homes between 2011 and 2033. That figure included an uplift of 13.63% for market signals.

26. Following recent legal advice that the Council should be using the most up to date OAN, of 13,332, officers have been looking in more detail at this OAN figure, and a recent finding from the East Hertfordshire examination given it is part of our strategic housing market area.

27. The inspector at the East Herts Local Plan Examination issued a post hearing note which "for ease of reference and to maximise the uplift" recommended that the council amend the uplift to 14% (instead of 13.63%).

28. Given this advice from the Inspector, it is prudent for Uttlesford to consider the same change to the uplift. This amends Uttlesford's OAN for housing to 13,376 (11,733 x 1.14 = 13,376).

29. ORS has confirmed that the OAN for Uttlesford did not include a figure for communal residential establishments such as care homes and student accommodation.

30. ORS advise that for Uttlesford the data behind the 2017 SHMA indicated that the number of people requiring accommodation in a communal establishment between 2011 and 2033 was 504. ORS will provide a note explaining the situation relating to communal establishments.

31. There are two options for the Council to consider in how to deal with the need for communal establishments. The plan could consider a separate target for spaces in communal establishments. East Hertfordshire's Local Plan takes this approach. Alternatively, the plan could include the need for places in communal establishments as part of the overall OAN. This would take the amended OAN to 13,880.

32. It is considered more appropriate to include the need for spaces in communal establishments as part of the overall OAN.

33. To reflect the uncertainties that are inevitably associated with any assessment of OAN it would be prudent plan-making to add a degree of robustness when

setting the housing requirement itself. The current PPG states: Establishing future need for housing is not an exact science. In order to ensure an appropriate level of growth which meets the needs of the district, the housing requirement in the plan is now ‘at least 14,000 homes’.

34. The plan is required to set out a housing trajectory to explain when it is anticipated that the required homes will be delivered. The plan has significant levels of delivery associated with the Garden Communities in the later years of the plan. Following discussion with a visiting inspector as part of a PINS advisory visit, it is considered appropriate to include a ‘stepped trajectory’ in the plan, whereby a lower housing requirement is planned for in the early years and a higher target is planned for in the later years.

35. The proposed trajectory included in the Local Plan has a requirement of 568 dwellings per annum (dpa) from 2011/12 to 2021/22, which then rises to 705 dpa from 2022/23 to 2032/33.

36. The development strategy proposed in the Local Plan has a supply of 14,677 homes. This provides a buffer of just under 5% above the housing requirement of 14,000 homes. This buffer ensures that the plan is better able to deal with inevitable changing circumstances in site delivery and also helps ensure that we can demonstrate a five year land supply (5YLS) at the point of adoption.

37. When calculating the 5YLS the plan proposes to use the ‘Liverpool methodology’, whereby any backlog resulting from under delivery in previous years is spread out over the whole plan period (as opposed to the first five years, for the ‘Sedgefield methodology’). This reflects the fact that a large part of the planned supply, particularly from the new Garden Communities, will be delivered later in the plan period and it would be unrealistic to expect earlier delivery of these parts of the supply. Using the Liverpool methodology and the stepped trajectory, the 5YLS for the Pre-Submission Local Plan as of April 2017 is 5.92 years (using a 5% buffer) and 5.18 years (using a 20% buffer).

38. New population projections from ONS were released on 24 May, which are lower than those published in 2016. There are new projections every two years. ONS needs to carry out further work to produce new household projections from the population modelling. It is unclear how that might affect the scale of housing need in Uttlesford for three reasons. This is because the relationship between a population projection and the number of households is complex (e.g. the age and marital status of the projected population will influence the growth in households); the number of households is an input to the government’s proposed standardised methodology for calculating “objectively assessed need” (that methodology has not yet been confirmed either); and it is in the context of the national target that the government has adopted of three million additional homes over 10 years. The provisional need output for Uttlesford from the methodology on which the government has consulted is 16,200 homes.

Comparison with neighbouring districts

39. Uttlesford is not alone when it comes to planning for significant housing growth. The housing requirements of nearby authorities, the percentage of Green belt land and the stage of their Local Plan is set out below:

Council	**Housing requirement**	**% Green Belt**	**Stage of the Local Plan**
Braintree	14,320	0%	At examination
Chelmsford	18,515	37.9%	Regulation 19 complete
East Hertfordshire	18,458	36.9%	At examination
Epping Forest	11,400	93.5%	Regulation 19 complete
South Cambridgeshire	19,500	25.8%	At examination
Uttlesford	14,000	5.9%	Regulation 18 complete

Spatial Strategy

40. The Hybrid distribution strategy remains broadly the same as the Regulation 18 Local Plan, which focusses growth at the three new Garden Communities at North Uttlesford, Easton Park and West of Braintree (a total of 4,820 homes in the three new communities). The rest of the growth is in existing towns and villages in the district (9,857). Much of the development for the plan period in existing towns and villages is either already built since 2011 (3,190) or has existing planning permission (3,939).

41. The Green Belt, Countryside Protection Zone and other parts of the countryside will continue to be protected through appropriate policies. The jobs growth figure of 16,000 balances the new homes growth with job growth, recognising the strategic role of Stansted Airport for economic activity and new jobs with an employment allocation for both airport and non-airport related uses. Employment land will also be allocated through the production of separate masterplans for each of the three new communities. A significant amount of employment land is also allocated at Chesterford Research Park to accommodate for its expansion.

42. The proposal to allocate land at Chesterford Research Park for a further employment land is part of the statutory planning function of the Council. Local Plan proposals and decisions must be based on valid planning considerations. Valid planning considerations include national policy and advice, the environmental, social and economic impacts of a proposal, access to and provision of infrastructure. Financial gain to the Council is not a valid

planning consideration and cannot be used to inform local plan proposals. No account has been taken of the Council's financial interest in Chesterford Research Park in proposing this allocation.

43. Amendments to London Stansted Airport Policy have been made to ensure that the sustainable growth of the airport does not lead to significant adverse environmental effects such as noise and air pollution and a new reference to safeguarding land for rapid transit options. The policy also recognises the role of the airport as an interchange with bus, coach and rail services for local residents as well as air passengers and airport workers. The policy also supports B1, B2, & B8 uses on the northern employment area that are both airport related and non-airport related.

44. The garden community principles have been updated to take into account new evidence to identify mitigation where appropriate, to produce a Development Plan Document (DPD) to guide development and include reference to the delivery mechanism, to update the trajectory, to embed Garden Community Principles within policy and to include reference to the consideration of the use of compulsory purchase order (CPO) powers. The principles set out in appendix 4 of the plan have also been updated to better reflect the TCPA publication 'The art of building a garden city 2014'.

45. The decision to guide these three garden community developments through DPDs ensures that there will be further public involvement and scrutiny of the policy development for the Garden Communities.

Neighbourhood Planning

46. The spatial strategy section provides a significantly expanded section on neighbourhood planning to help support the development of neighbourhood plans in the district. Uttlesford has a made plan at Great Dunmow, a submitted plan at Thaxted and a number of other plans in the process of being prepared and consulted on.

Housing

47. North Uttlesford comprises 1,925 new homes in the plan period and a total of 5,000 longer term. Easton Park comprises 1,925 new homes in the plan period and a total of 10,000 homes longer term. West of Braintree comprises 970 new homes in the plan period within Uttlesford and this provision would be part of a single settlement located across the boundary with Braintree district providing up to 13,500 new homes in the longer term. This is a total of 4,820 dwellings by 2033 in Uttlesford district.

48. Other changes to the Local Plan for housing include additions or amendments to policies for extensions and replacement dwellings: affordable housing: self-build and custom build housing and specialist housing, agricultural/rural workers' dwellings, as follows:

- The policy on House Extensions and Replacement Dwellings has been reworded to draw a different policy approach between those developments within the Green Belt and beyond the Green Belt.
- The policy on affordable housing remains at requiring 40% on sites providing 11 or more dwellings. However it has been amended to also require 40% where the residential floorspace is more than 1,000 sqm. This is in line with Planning Practice Guidance on Planning Obligations paragraph 31.
- The policy on Self-Build and Custom Build Housing has been rewritten to identify the criteria where self and custom build proposals will be supported.
- A new policy has been added on Specialist Housing identifying the criteria where housing meets the needs of the elderly, disabled, young or vulnerable adults will be supported.
- A new policy has been added on Agricultural/Rural Workers' Dwellings setting out the criteria for when they will be permitted and when occupancy conditions will be removed.

49. There has been no change to the approach to sites for Gypsies and Travellers and Travelling Showpeople. The Local plan reflects the evidence and does not allocate specific sites but includes a criteria based policy to determine planning applications.

Employment

50. The job growth target has been increased to 16,000. This reflects the updated West Essex and East Hertfordshire Assessment of Economic Needs evidence base that PPWG considered in April 2018.

51. There have been minor changes to policies EMP1 and EMP2 in the employment chapter to take account of representations received at the previous Regulation 18 consultation on the Local Plan. EMP1 now includes reference to the acceptability of research and development floorspace at Chesterford Research Park. Policy EMP2 has been amended to clarify the approach to sui generis uses on employment areas and the operation of the criteria of the policy.

52. Changes in the supporting text also make reference to the important linkages with the Council's Economic Development Strategy, provide further detail on Chesterford Research Park and update the information on employment land supply and employment land delivery expectations for the plan period.

Transport

53. Policy TA1 on Accessible development has been amended to include more detail on the operation of Transport Assessments and Travel Plans. It has also been updated to refer more to sustainable modes of transport. Development should be located where it can provide safe, direct walking and cycling routes between new developments and schools/other community uses that encourages sustainable travel.

54. Policy TA3 on Electric vehicles has been strengthened with a future proofing requirement for flats. Policy TA5 on New Transport Infrastructure, has been amended to be more specific with developer funding and new transport infrastructure works and measures being sought where appropriate.

55. Other policies in the chapter have seen minor changes.

Infrastructure

56. Infrastructure delivery issues include maintaining focus on s106 contributions especially for the new garden communities and keeping open the possibility of introducing a new CIL charge. The Council has not yet made a decision on the appropriate delivery mechanism for the Garden Communities. Delivery models could range from privately led arrangements to locally-led development corporations with compulsory purchase powers. If necessary, the Council will consider intervening directly to ensure the garden city principles are met within the proposed timetable set out within the Local Plan.

57. A Detailed Water Cycle Study (WCS) was required by the Environment Agency to update the 2017 high level WCS. It looks in more detail at growth impacts on Waste Water Recycling Centres and water quality in rivers. The study was prepared by Arcadis on behalf of the Council to assess the impacts of growth on:

    - Water resources
    - Current water and wastewater infrastructure
    - The water environment

58. The detailed WCS confirms that the timely delivery of waste water treatment and sewerage option for each of the Garden Communities is technically feasible and that existing Water Recycling Centres that would be impacted can be upgraded.

59. Further detailed work related to impacts on water quality will be completed for the Thames Water area. The distribution of Garden Communities around the district helps address water quality issues. All three locations have the ability to discharge into its largest rivers as well as into smaller water courses. The Council has signed a joint position statement with the Environment Agency that sets out an agreed approach to future WCS work.

60. The policy on open space, sports facilities and playing pitches has been amended to take into account comments from Sport England which reflects the fact that the Sports and Playing Pitches Study is now ongoing and allows for the final report to inform the examination and final Local Plan in early 2019. Sport England has been supportive of this approach.

Retail

61. There are no major changes to the retail policies. Policy RET1 has been updated to reflect the findings of the 2018 Retail Study which found capacity

by 2033 for a small to medium sized food store in Saffron Walden and a large sized food store in Great Dunmow. For comparison shopping many residents look to main centres outside the district, although Saffron Walden does retain some expenditure in relation to certain types of shopping. By 2026 there is a need for additional comparison floorspace in Saffron Walden and this is shown in Policy RET1.

62. The 2018 Study considers the retail needs of the Garden Communities and concludes that development within the plan period could support a small top-up food store at each new community. Looking beyond the plan period there are greater uncertainties and assumptions made, and although this study does consider this, it is for illustrative purposes only and further work will be needed on this. The garden community policies in the spatial strategy seek the provision of local centres to provide for retail and other local services.

63. Policy RET3 on Shopping Frontages has additional text protecting ground floor premises from uses falling outside the definition of town centre uses (as defined by the NPPF).

Design

64. There have been four main changes in the Design Chapter:

- A new Shop Fronts policy has been added to the chapter as this is an important element in contributing to the locally distinctive character of a town and village. This policy also accords with a similar policy in one of the neighbourhood plans that is currently under preparation.

- Policy D4 – Development Frameworks and Codes has been extended to include development in the new garden communities thus helping to ensure high quality design.

- Policy D7 – Design for Self and Custom-build Homes has been removed from this Chapter and moved to the more appropriate Housing Chapter.

- In Policy D9 – Minimising Carbon Dioxide Emissions, the Dwelling Emission Rate (DER) has been reduced from 30% to 19%, lower than the Target Emission Rate (TER) required by Building Regulations Part L 2013 Edition in accordance with national policy.

Environment

65. There have been minor changes in most of the Environment Policies to ensure that they are consistent with NPPF wording as well as highlighting the importance of impacts on the historic environment when determining planning applications. The changes are:

- Policy EN4 – Development Affecting Listed Buildings has been reviewed and reworded to prioritise the protection and enhancement of historic buildings whilst supporting renewable energy installations and ensuring the application of the stringent NPPF test.

- Policy EN8 – Protecting the Natural Environment and Policy EN9 – Protecting and Enhancing the Natural Environment have been amalgamated into a single policy to avoid unnecessary repetition.

- A new policy on Open Spaces has been added to the Chapter as this is an important element in the health and vitality of communities.

- A new policy on Ancient Woodlands and Protected Trees has been added to ensure their protection and enhancement.

- Policy EN14 – Minerals Safeguarding has been reworded to include all considerations outlined in NPPF Paragraph 143 to ensure that consideration of minerals is undertaken through the planning process.

- Policy EN16 – Air Quality has been strengthened to ensure a more stringent policy that clearly sets out what is expected of applicants in all development proposals. The stringency of this shows the Council's commitment to improving air quality.

Countryside

66. The Strategic policy protecting the countryside has been strengthened by identifying the only developments that will be permitted in the countryside.

67. No change is made to the Metropolitan Green Belt or Countryside Protection Zone policies.

68. The policy protecting the Landscape Character has been strengthened by requiring development to 'preserve or enhance' the landscape character rather than simply preserve it.

Site Allocations

69. Since the Call for Sites exercise and publication of the 2015 SHMA, 34 additional sites have been submitted for consideration either through the Call for Sites process or through representations to the Regulation 18 Local Plan 2017. The Council has assessed the suitability of the sites from both the Call for Sites and the Regulation 18 consultation. More detail on the methodology for site assessment can be found below, under the heading 'Strategic Land Availability Assessment (SLAA) Methodology Update May 2018'.

70. Changes to the site allocations for housing and employment since the Regulation 18 Local Plan, comprise the following:

    <u>Debden</u>

    Land west of Thaxted Road Debden is extended from 0.8 ha and 25 dwellings to 1.5ha and 45 dwellings.

    <u>Felsted</u>

Two new sites are proposed in Felsted – land north of Station Road for 40 dwellings, community uses and open space; and Land east of Braintree Road for 30 dwellings.

Great Dunmow

A new site is proposed in Great Dunmow at the site of the former Bardfield House, Church End, Great Dunmow for 15 dwellings. The capacity at Oaklands, Ongar Road has been increased to 25 dwellings.

Great Easton

A new site is proposed at Land off Brocks Mead, Great Dunmow for 20 dwellings.

Little Canfield

A new employment site is proposed at Land to the South of B1256 Little Canfield for 6.2 ha for a new Council Depot and for employment purposes.

Little Chesterford

An extension to Chesterford Research Park is proposed.

Newport

A new site is proposed at Land west of London Road, Newport for 94 dwellings, reflecting the recent permission allowed on appeal.

Land at Bricketts, London Road, Newport has been extended from 0.3ha and 11 dwellings to 1.2ha and 24 dwellings

Land at Bury Water Lane, Newport has been amended to 81 extra care units to reflect the most recent planning permission

Saffron Walden

Land north of Thaxted Road, Saffron Walden has been reduced in area and removes reference to land south of Thaxted Road; this reflects the capacity of the allocation, for 150 dwellings.

Land to the east of Little Walden Road is allocated for 85 dwellings reflecting the recent permission allowed on appeal.

The policy for Land south of Radwinter Road now includes reference to extra care dwellings, employment land, and land for a primary school including the safeguarding of additional land for the primary school.

Two new policies identify Land north of Ashdon Road and land south of Ashdon Road, Saffron Walden for employment purposes.

The policy for Land at Thaxted Road, Saffron Walden has been amended from identifying the site for employment uses to mixed uses including retail, retail warehousing and leisure uses to reflect the planning permissions for this site.

New policy is proposed identifying the Community Hospital as a potential location for enhanced primary healthcare facilities and safeguarding it for these purposes.

Stansted Mountfitchet

A new policy proposes Land at Alsa Street, Stansted Mountfitchet for employment purposes supporting and/or related to the auction house.

Takeley

A policy for the Takeley Mobile Home Park is included. The Regulation 18 Plan identified the site on the map but omitted the policy.

Thaxted

A new policy for Land at Claypits Farm, Bardfield Road Thaxted is proposed for 20 dwellings.

The policy for Land east of The Mead, Thaxted is amended from being allocated for residential development to being safeguarded for educational or community uses.

Sustainability Appraisal

71. The Sustainability Appraisal has been prepared and is available at Appendix 3. Officers have reviewed the recommendations from the Sustainability Appraisal and are recommending appropriate changes to the plan to take these into account.

Equalities Impact Assessment

72. The Equalities Impact Assessment has been prepared and is available at Appendix 6.

Habitats Regulation Assessment

73. Work on updating the Habitats Regulation Assessment is progressing and will be completed for publication with the Pre-Submission Draft Plan. Initial recommendations from the HRA to include reference to internationally protected sites, and have been incorporated into Policy EN8.

Duty to Cooperate

74. The Council needs to prepare a Duty to Cooperate compliance statement to submit alongside the Local Plan. This requires the Council to cooperate with other local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. The Council

meets with its partners on a regular basis, and the Duty to Cooperate Statement is currently being prepared and will be ready for the submission of the Local Plan.

Strategic Land Availability Assessment (SLAA) Methodology Update May 2018

75. The Council has updated the methodology used to assess the sites submitted through the Call for Sites process. It should be read alongside the Strategic Land Availability Assessment (SLAA) 2015 Methodology. The 2018 methodology and the update will be published on the website here.

76. Since the Call for Sites exercise and publication of the 2015 SHMA, 34 additional sites have been submitted for consideration either through the Call for Sites process or through representations to the Regulation 18 Local Plan 2017.

77. In addition the Green Belt Review and the Countryside Protection Zone Review have been published. Furthermore, the Council has finalised its development strategy, which focusses the majority of development to the towns and new Garden Communities and for the key villages to be a major focus for development in the rural areas with more limited development in the Type A villages. This means that the previous assessment of sites can be updated and may result in a different assessment of their deliverability.

78. A total of 372 sites have been submitted proposing housing, employment, a mix of housing and employment or gypsy and traveller sites. Only sites which propose 5 or more dwellings, 500m2 or more employment space or 1 or more gypsy or traveller pitch are considered as part of the SLAA process; any smaller sites are considered a windfall development proposal.

79. As before, the SLAA assesses each site on whether the site is deemed 'Suitable', 'Available' and 'Achievable'. The new methodology applies a site classification. Once an assessment of the site against the suitability, availability and achievability tests had been undertaken, each site has been given a Classification from **A** to **E** as described below:

    A. These are sites which have planning permission and are generally considered deliverable within the first five years of the plan period.

    B. These are sites that are considered deliverable/ developable within the plan period but do not currently have planning permission. These sites are largely free from major physical and infrastructure constraints. The sites are broadly in line with National Planning Policy considerations and the development strategy of the emerging Local Plan.

    C. These are sites where further work is needed to demonstrate the achievability or suitability of sites. This can include issues such as achieving a suitable access, mitigating impacts of noise or air pollution from the M11/A120/railway line; mitigate against small parts of the site being subject to flooding; or to minimise the impact on neighbouring uses or the landscape, historic or natural assets.

D. Sites in this category are likely to be broadly developable but not deliverable within the plan period. A site being developable may only become realistic if other sites are built out so these sites represent future extensions, but this would require speculative consideration far beyond the 15 year plan period.

E. These sites are not considered developable and delivery is not considered suitable within 15 years for one or more of the following reasons

   i. Departure from National Policy leading to development in unsustainable locations

   ii. Development being of a vastly disproportionate scale to the adjacent settlement.

   iii. Sites contrary to the development strategy of concentrating development in Garden Communities which are of a scale to be self-contained and provide a secondary school.

   iv. Sites in Type B villages where development would not contribute to sustainable patterns of development.

   v. Sites which contribute to the purposes of the Green Belt or Countryside protection Zone as identified in the Green Belt Review (2016) and the Countryside Protection Zone Review (2016).

   vi. Sites with insurmountable physical constraints such as flood risk and noise pollution.

80. Those sites which fall within Classification A and B are likely to come forward during the plan period and therefore will contribute towards the overall housing supply in Uttlesford District and therefore those sites which provide 10 or more dwellings will be allocations in the Regulation 19 Pre-Submission Local Plan. Up to date information on the sites will be published on the website here.

Options for Full Council

81. Council has the option not to endorse the approval of the draft Regulation 19 local plan. If so, it will be important for Council to identify clearly the reasons for its decision. Members are advised against this option as the Local Plan presented has had regard to the extensive evidence base and other supporting documentation compiled to underpin it, together with the responses from the Regulation 18 consultation. Legal advice has been received that emphasises the need for a consistent theme throughout the Local Plan and the need to adhere to a clear and coherent strategy which the evidence base leads us to. Should members exercise this option, it would require officers to review both the evidence base and the Local Plan.

82. All members have been made aware of the discussions that have taken place to date with officials from MHCLG and the very high likelihood of the council

being identified for intervention in the event the council stalls on its Local Plan making progress.

83. If the council were to miss the transition window afforded to local authorities who submit within the six month period following the adoption of the new NPPF and/or in the event of intervention, the Local Plan would need to provide for an indicative housing requirement of 16,200 homes. These would most likely have to be allocated in/or adjacent to existing settlements (i.e. towns and villages) as the capacity for the garden communities to deliver homes in the plan period is already accounted for.

84. Government has intervened in 15 local plans to date, with three of those local authorities being subject to the second stage of intervention; these are Castle Point, Thanet and Wirral. Intervention in these three authorities has taken the form of the government's Chief Planner and a team of experts being sent in to assess if the government needs to take over the process of producing the Local Plan. Should the government decide to take over production of these (or other) plans, they will appoint consultants to swiftly undertake the work. This would result in the loss of control over the development of the plan by the local Council and delivery against their indicative housing need as calculated by the NPPF standard methodology.

85. It is therefore vitally important for members to mitigate the risks of intervention from Government by continuing to make progress to the Regulation 19 stage without delay. The final step before submission is publication under Regulation 19 so that interested persons can make representations about the Local Plan and whether it is sound and legally compliant.

Local Plan Programme and the Next Stages

86. After the representations period on the Pre-Submission Local Plan has closed the representations will be considered, collated and submitted with the Local Plan and supporting documentation for independent examination. Submission is expected to take place at the end of October 2018. As well as the Local Plan itself, the following documents will be submitted:

    - The Local Plan Policies Map;
    - The Sustainability Appraisal of the Local Plan:
    - All the representations received to the Regulation 19 Pre-Submission Local Plan received between June and August 2018;
    - Documents that form part of the supporting Evidence base;
    - the Duty to Cooperate Compliance Statement; and
    - A Statement setting out details of the consultation undertaken for the Regulation 18 Local Plan including a summary of the main issues and how those issues have been addressed in the Regulation 19 Local Plan.

87. An independent Inspector will be appointed by the Government to examine the soundness of the Local Plan. The Inspector will take all of these documents into account together with the supporting evidence base and hold a public examination into the Local Plan. It is expected that the hearings sessions of the Examination will take place early in 2019 subject to confirmation from the Planning Inspectorate.

88. The Local Plan programme is therefore set out below:

- Regulation 19 period for representation takes place – 25 June to 13 August 2018
- Consideration of responses to Regulation 19 representation period– August and September 2018
- Submission to Secretary of State – end October 2018
- Examination hearings – expected to be early 2019

Risk Analysis

89.

Risk	Likelihood	Impact	Mitigating actions
The Council fails to publish a Pre-Submission Draft Plan	2 Whilst essential to planning positively for the community, the scale of necessary growth poses political challenges	3 Failure to progress plan preparation in a timely way risks intervention, an indicative housing requirement of 16,200 and reduced ability to resist undesirable, speculative development.	Members have been provided with briefings to assist them with their understanding of the evidence, issues, challenges and risks. The examination by an independent inspector will consider representations made, including those made by councillors, and determine the weight to be given to those issues in dispute.
The plan submitted for examination is not legally complaint or is found unsound	2 Officers have sought to discharge the duty to cooperate by regular meetings and	4. If duty to cooperate is not demonstrated, that failure could not be mitigated by	The council has engaged with statutory bodies and either entered a MoU or statement of common ground. Officers have

	the production of Memorandums of understanding and/or Statements of Common Ground. Officers have developed an evidence-based plan that seeks to meet the full growth requirements of the District	modifications.	engaged regularly with PINS and keep up to date with local plan examinations. The Council retains the services of legal and other professional specialists.
The Inspector carrying out the Examination of the Plan recommends modifications to make the Local Plan a “sound” Plan	4 Generally, modifications will be recommended	2 – Will result in a sound Local Plan which will form a robust basis for guiding development and investment and determining planning applications.	

1 = Little or no risk or impact
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required
4 = Near certainty of risk occurring, catastrophic effect or failure of project.