

# Uttlesford District Council Local Plan

Independent Review of the Sustainability Appraisal  
(Regulation 19 Local Plan Consultation)

Uttlesford District Council

November 2018

## Quality information

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# 1. Introduction

- 1.1 Uttlesford District Council (UDC) commissioned AECOM to undertake an independent review of the Sustainability Appraisal (SA) Report that accompanied the Regulation 19 Pre-submission Local Plan on consultation from June to August 2018.

## Background

- 1.2 The need for an independent review primarily arose as a result of the Examination into the North Essex Authorities (NEA) Local Plans (Strategic Section One) for Braintree District, Colchester Borough and Tendring District. In particular, the publication of the Inspector's Post-Hearing Letter in June 2018, which raised a number of concerns in relation to the Strategic Section One Plan and the SA process it was subject to. There are similarities between the NEA Local Plans and the Uttlesford Local Plan in terms of their reliance on Garden Communities and the Regulation 19 SA Report was also produced by the same consultants that carried out the SA for the NEA's Strategic Section One Plan.
- 1.3 Further to the issues identified above, UDC has also received a number of representations on the Regulation 19 SA Report following the consultation that object to or criticise the SA process.
- 1.4 As a result of the issues above, UDC determined that it would be prudent to commission an independent review to determine if the criticisms raised by the Inspector in relation to the SA process for the NEA's Strategic Section One Plan, are also applicable to the SA process for the emerging Uttlesford Local Plan. If they are applicable, UDC would like to understand what steps can be taken to address any identified risks and ensure a robust SA process.

## Method

- 1.5 This review is based on two elements, regulatory compliance and substantive content/coherence, i.e. does the SA Report make sense? The details of these elements are set out below:
1. **Regulatory compliance** - does the documentation provide adequate evidence that the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') have been complied with?
  2. **Substantive content and coherence** - do the appraisal findings 'make sense' and are they consistent? Is the narrative relating to reasonable alternatives, in particular for the spatial strategy, cogent and are the arguments logical?
- 1.6 It is important to note that regulatory and substantive reviews should not be read in isolation from one another.
- 1.7 The compliance review is also underpinned by two pieces of guidance in addition to the SEA Regulations:
- A Practical Guide to the Strategic Environmental Assessment Directive (the 'Practical Guide');<sup>1</sup> and
  - the National Planning Practice Guidance (NPPG).<sup>2</sup>
- 1.8 It is also informed by several legal judgments, notably:
- R (Save Historic Newmarket Limited) v Forest Heath District Council [2011] EWHC 606 (Admin) (Collins J) ('Save Historic Newmarket').

<sup>1</sup> ODPM (now MHCLG) (2005) A Practical Guide to the Strategic Environmental Assessment Directive. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practicalguidesea.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf).

<sup>2</sup> See: <http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/>.

- Heard v Broadland District Council [2012] EWHC 344 (Admin) (Ouseley J) ('Heard').
- R (Buckingham County Council and Others) v Secretary of State for Transport [2013] EWHC 481 (Admin) (Ouseley J) ('HS2').
- R (Chalfont St Peter Parish Council) v Chiltern District Council [2013] EWHC 1877 (Admin) (His Honour Judge Foster) ('Chalfont St Peter' (Admin Court)).
- Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2014] EWHC 406 (Admin) (Sales J, as he then was) ('Ashdown Forest').
- Friends of the Earth England, Wales and Northern Ireland Limited v The Welsh Ministers [2015] EWHC 776 (Admin) (Hickenbottom, J) ('Welsh Ministers').
- Satnam Millennium Limited v Warrington Borough Council [2015] EWHC 370 (Admin) (Stewart, J) ('Satnam').

## Regulatory compliance

1.9 The legal requirements for Strategic Environmental Assessment (SEA) are set out in the SEA Regulations which transpose Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment' (the 'SEA Directive') into domestic law.

1.10 The Planning and Compulsory Purchase Act (2004) sets out that development plans (Local Plans) need to be accompanied by an appraisal of sustainability; the NPPG interprets this as SA and states that:

*"Sustainability appraisal is integral to the preparation and development of a Local Plan, to identify how sustainable development is being addressed..."*

NPPG Paragraph: 006 Reference ID: 11-006-20140306

1.11 The NPPG goes on to state that:

*"Sustainability appraisal should meet all of the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004..."*

NPPG Paragraph: 007 Reference ID: 11-007-20140306

1.12 The outcome of the above is that the SEA Regulations form the legal framework underpinning the SA process and these Regulations are therefore the definitive benchmark against which to review the Regulation 19 SA Report (June 2018).

1.13 Our review is structured in a table (see Appendix I) which provides a commentary and a green/amber/red score with respect to each requirement of the SEA Regulations. The colour coding is described in Table 1 below.

**Table 1: Regulatory compliance key**

**Colour**

	Probable non-compliance issue, high risk of successful legal challenge
	Potential non-compliance issue, some risk of successful legal challenge
	Likely compliance, low risk of successful legal challenge

1.14 In cases where the Regulation 19 SA Report (June 2018) scores red or amber, mitigation is proposed to put right any potential deficiencies prior to submitting the Local Plan and SA Report to the Secretary of State.

## Substantive content and coherence

- 1.15 This is a less objective test of the Regulation 19 SA Report (June 2018) in that it relies on the experience and professional judgement of the reviewer to determine the extent to which the SA Report 'makes sense'. The review focuses on two specific areas:
1. **Reasonable alternatives** - an analysis of the approach to defining and describing reasonable alternatives.
  2. **Appraisal findings** - is the appraisal objective, consistent, coherent and does it accurately reflect the evidence base.

## Inspector's and stakeholder comments

- 1.16 Based on the findings of the regulatory and substantive review, the report will then seek to answer the following questions:
- To what extent are the criticisms of the SA for the NEA Strategic Section One Local Plan raised by the Inspector examining that plan, applicable to the SA for the Uttlesford Local Plan?; and
  - To what degree are the criticism raised by stakeholders valid?

## Structure of this report

- 1.17 Following this introductory chapter the report is structured as follows:
- Chapter 2 - sets out the findings of the regulatory compliance review.
  - Chapter 3 - sets out the findings of the substantive content and coherence review.
  - Chapter 4 - considers the extent to which the criticisms raised by the Inspector for the NEA Strategic One Plan are relevant and if the criticisms raised through the representations are valid.
  - Chapter 5 - Conclusions and recommendations.

## 2. Review of regulatory compliance

- 2.1 This section sets out the summary findings of the regulatory review, for the full assessment please see Appendix I. It is important to note that the regulatory review should not be read in isolation, the substantive review has helped to inform the findings in Appendix 1, particularly around the consideration of reasonable alternatives.

### Probable and potential non-compliance issues

- 2.2 The regulatory review identified that the Regulation 19 SA Report (June 2018) in its current form is inadequate in terms of compliance with the SEA Regulations. The detail on the non-compliance issues can be found in Appendix 1. The key non-compliance issues identified through the review are summarised below.

### Regulation 12 - Preparation of the SA Report

- 2.3 Regulation 12 (2) requires the [SA] report to identify, describe and evaluate the likely significant effects on the environment of:
- a) Implementing the plan or programme; and
  - b) Reasonable alternatives taking into account the objectives and geographical scope of the plan or programme.
- 2.4 One of the key objectives of the Local Plan is to meet the needs for new homes. In trying to identify alternatives for delivering the identified need, the SA process considers the quanta and distribution of housing separately. However, quanta and distribution are inextricably linked and stakeholders should ideally be presented with a series of alternative spatial strategy options that vary in terms of both quanta and distribution (unless the quantum of new housing required is very clear cut in which case alternative distribution options will suffice).
- 2.5 As a result of the approach above, alternatives were not developed taking into account the objectives of the Local Plan. This resulted in the majority of alternatives for the distribution and quanta of housing growth under Policies SP2 and SP3 being either not reasonable or performing significantly worse against the SA Objectives compared to the preferred approach.
- 2.6 Regulation 12 (3) requires the [SA] Report to include the information set out in Schedule 2. There are a number of instances where the review found potential non-compliance issues in relation to Schedule 2, these are set out below.
- 2.7 Schedule 2 (1) requires that the [SA] Report includes an outline of the contents and main objectives of the Plan. While, the purpose and content of the Local Plan is provided in Section 1.2 of the Regulation SA Report it does not set out the objectives. This is important as the SEA Regulations states under Regulation 12 (2) that the report shall identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives taking into account the objectives and the geographical scope of the plan.
- 2.8 Schedule 2 (6) relates to the evaluation of likely significant effects. The appraisal method is presented in Chapter 4, Section 4.6 of the Regulation 19 SA Report. It allows for the identification of the nature and significance of effects as well as their duration. Secondary, cumulative and synergistic effects are identified throughout the report where necessary. All the topics referred to in the SEA Regulations and the wider topics you would expect to see considered through a SA are included. However, there are a number of concerns in relation to the objectivity of the appraisal and assumptions made for Garden Community options and strategic alternatives. Please refer to the substantive review in Chapter 3 for further details.
- 2.9 Schedule 2 (8) requires the [SA] report to provide an outline of the reasons for selecting the alternatives dealt with. The Regulation 19 SA Report (June 2018) does not clearly explain how and why alternatives were identified and why the preferred approach was selected in light of the alternatives considered.

- 2.10 Schedule 2 (10) requires the production of a Non-Technical Summary (NTS) setting out the information provided under Schedule 2. While a separate NTS has been provided and contains the majority of information that is required, it appears to be missing key information relating to the development and appraisal of reasonable alternatives. The NTS only briefly explains how Garden Communities (GCs) were considered and provides a summary of the comparative appraisal of the seven individual GC options. It does not provide any information or explanation in relation to the GC scenarios or the subsequent alternatives identified for the quanta or distribution or growth.

## Regulation 13 - Consultation procedures

- 2.11 Regulation 13 requires the [SA] report to be published alongside the Draft Plan. The SA Report was published alongside the Regulation 19 Local Plan for consultation; however, given the concerns identified above in relation to reasonable alternatives, it could be argued that this consultation was not effective.

## Recommendations

- 2.12 The recommendations for how to address the potential non-compliance issues identified above are set out in Chapter 5 of this report.

## 3. Review of substantive content and internal coherence

### Introduction

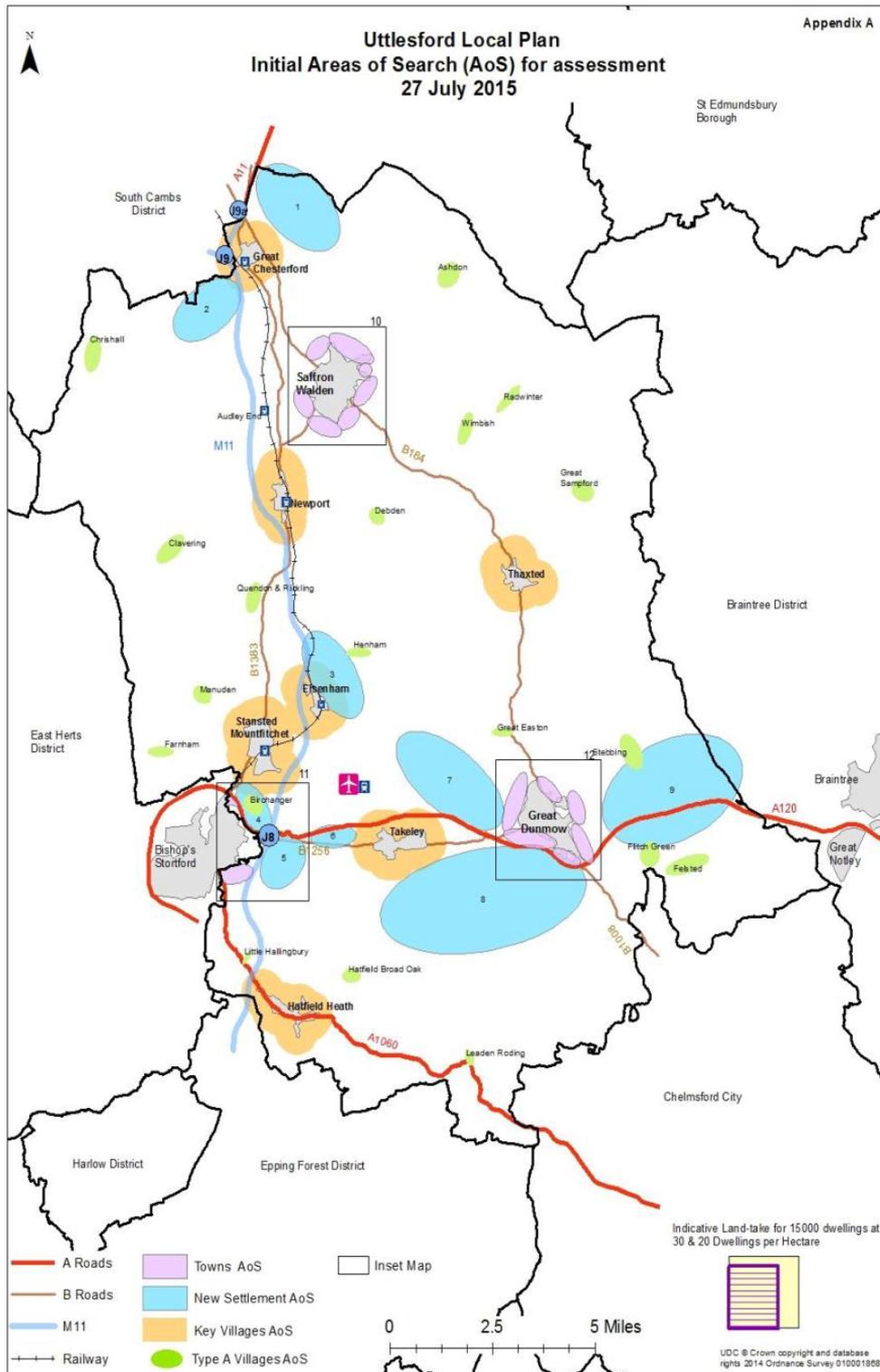
- 3.1 This chapter sets out the findings of the substantive review. The focus of the substantive review has been on the development and appraisal of reasonable alternatives through the SA process, in particular with respect to the spatial strategy (Regulation 19 Policies SP2 and SP3). This section is structured chronologically and is primarily based on the material presented within the Regulation 19 SA Report (June 2018), although there are also references to previously published SA Reports and other evidence.

### Issues and Options 2015

#### Areas of Search

- 3.2 We understand from Chapter 5 and Appendices 3 and 4 of the Regulation 19 SA Report (June 2018) that broad Areas of Search (AoS) were identified at this stage for new Garden Communities (GCs), urban extensions and village extensions/ small sites.
- 3.3 Appendix 4 states that AoS for new settlements were identified based on their potential to contribute to effective cross-boundary strategic planning priorities; minimise the need to travel by car; leisure opportunities and other facilities; and access to strategic highways and rail network. Areas were excluded if they contained significant constraints, such as Registered Parks or Gardens and Sites of Special Scientific Interest (SSSIs).
- 3.4 Appendix 3 states that the identification of AoS for urban extensions were focused around the two main settlements in the District (Saffron Walden and Great Dunmow) as well as Bishop's Stortford, which falls within East Hertfordshire District.
- 3.5 The Council explored the potential for focusing development at the District's Key Villages (in the form of village extensions) and Type A Villages (in the form of small sites) as per the District's Settlement Hierarchy.
- 3.6 The AoS identified at this stage are illustrated in Figure 1 on the next page, which is taken from Appendix 3 of the Regulation 19 SA Report (June 2018).

Figure 1: New settlement Areas of Search in 2015



- 3.7 Each AoS was subjected to a high level appraisal against the SA Objectives, which essentially identified a range of potential issues and benefits. A summary of the findings is presented in Appendices 3 and 4 of the Regulation 19 SA Report (June 2018).
- 3.8 Exploring broad areas for growth and carrying out a high level appraisal exploring constraints/benefits is considered to be an appropriate and proportionate approach at this early stage in plan-making.
- 3.9 A summary of this high level appraisal work is presented in Appendix 3 of the Regulation 19 SA Report (June 2018).

### 3.10 The SA at that time concluded that:

*“...focusing development to one or more new settlements is likely to have comparatively less constraints than extensions of existing settlements and villages, or perhaps more specifically, new settlements have better scope to mitigate negative impacts on site. There is also less of a threat of secondary and cumulative impacts on existing settlements where multiple extensions to existing settlements may be required to meet housing targets.*

*It is however likely that capacity for expansion exists in the surrounding areas of each of the towns and such a focus, if proportionate to the existing settlement and in mind of identified broad constraints, would contribute to meeting the existing and identified housing needs of the District. This will be particularly important in the earlier stages of the plan period.*

*Development of the Key Villages and Type A Villages will also meet this need, again if proportionate to each settlement and in mind of each’s specific constraints. A number of villages contain rail links and this benefit, in a District that is not particularly well served by strategic roads or public transport due to its rural nature enhances the sustainability of development in these settlements pending other considerations.*

*The development of one or more new settlements would contribute to meeting future needs, again in consideration of known constraints in specific areas; broadly summarised as predominantly transport implications and suitable access to the strategic road network. Should suitable additional junctions or access to these strategic roads be forthcoming, development of the surrounding villages may become more sustainable in turn. This would similarly be the case for any new rail infrastructure in the District”.*

- 3.11 The above summary does not provide a particularly clear picture of the findings of the appraisal. It is also confusing as potential AoS were being explored but the narrative above seems to suggest that a comparative assessment was carried out between new settlements, urban extensions and growth at villages.

## Strategic scenarios

- 3.12 Chapter 5 of the Regulation 19 SA Report (June 2018) explains that a number of strategic scenarios (discussed further below) were then explored in 2015 to deliver the objectively assessed housing need (OAHN) as it was understood at that time. It is noted that Chapter 5 and Appendix 3 of the Regulation 19 SA Report (June 2018) do not clearly set out the situation in terms of OAHN at that time. It appears that two different levels of growth were considered, although it is noted that Appendix 3 of the SA Report states that there were three. The first level of 580 dwellings per annum (dpa) was based on the comments of the Inspector examining the subsequently withdrawn Submission Local Plan in December 2014. A higher level of growth at 750 dpa was also explored to take account of changes in population projections that could increase the level of housing need.
- 3.13 Neither Chapter 5 nor Appendix 3 of the SA Report clearly explain how the AoS work referred to above was fed into the development of these strategic scenarios. Having said this, it is evident that the general principles reflected in the AoS - i.e. a new settlement, expansion of the main towns and expansion of the villages - were taken forward and represented in the scenarios.
- 3.14 Chapter 5 explains that under both the 580 dpa and 750 dpa scenarios, extant permissions accounted for 5,000 dwellings and a windfall allowance of 50 dwellings per annum or 750 over a 15 year plan period could be assumed. Four strategic scenarios were identified based on the 580 dpa figure and three based on 750 dpa, these are set out below:
- Scenario A - A focus on a New Settlement (580 dpa)
  - Scenario B - A focus on Villages and Bishops Stortford (580 dpa)
  - Scenario C - A focus on the District’s Towns (580 dpa)
  - Scenario D - A ‘hybrid option 1’ which resembled an equal distribution across all of the above (580dpa)
  - Scenario E - A focus on two New Settlements (750 dpa)

- Scenario F - A focus on the District's Towns and Villages (750dpa)
- Scenario G - A 'hybrid option 2' which resembled an equal distribution across all of the above 750 dpa options, with less growth in Bishop's Stortford.

3.15 Tables 121 and 122 within Appendix 3 of the Regulation 19 SA Report (June 2018) more clearly set out the distribution and overall level of growth under each of the scenarios and these are pasted below.

Table 121: Scenarios A-D (assuming District-wide provision of 580 per year or 8,700 over 15 years)

	Scenario A	Scenario B	Scenario C	Scenario D
Location	New Settlement	Villages and BS	Towns	Hybrid
Extant Permissions	5,000	5,000	5,000	5,000
Windfall allowance	750	750	750	750
Edge of Bishop's Stortford	0	500	0	500
Great Dunmow	0	0	1,500	500
Saffron Walden	0	0	1,500	500
Key Villages	0	1,500	0	500
Type A Villages	0	1,000	0	500
New Settlement	3,000	0	0	500
<b>TOTAL</b>	<b>8,750</b>	<b>8,750</b>	<b>8,750</b>	<b>8,750</b>

Table 122: Scenarios E-G (assuming 750 dwellings per year or 11,250 over 15 years)

Location	Scenario E	Scenario F	Scenario G
	Two new settlements	Towns and Villages	Hybrid 2
Extant Permissions	5,000	5,000	5,000
Windfall allowance	750	750	750
Edge of Bishop's Stortford	0	500	500
Great Dunmow	0	1,500	1,000
Saffron Walden	0	1,500	1,000
Key Villages	0	1,500	1,000
Type A Villages	0	1,000	1,000
New Settlement	6,000	0	1,500
<b>TOTAL</b>	<b>11,750</b>	<b>11,750</b>	<b>11,750</b>

3.16 Outside of the extant permissions and windfall allowance, the Regulation 19 SA Report (June 2018) does not explain how the levels of growth were derived for each of the component parts under the scenarios above. As a result the Regulation 19 SA Report does not clearly set out an outline of the reasons for selecting the alternatives dealt with.

3.17 It is our understanding that the call for sites process was ongoing and Strategic Housing Land Availability Assessment (SHLAA) was still being prepared. It would be useful for the reader to have an understanding of the assumptions made at this stage to inform the anticipated levels of development for the new settlements, main towns and the villages considered under each scenario. For example, why was less growth being considered at Bishop's Stortford under Scenario G. Providing this information would assist in meeting the regulatory requirement (Schedule 2 (8)) to provide 'an outline of the reasons for selecting the alternatives dealt with'.

- 3.18 Each of the scenarios was subject to a high level appraisal against the SA Objectives. An initial concern is that this appraisal does not appear to identify likely significant effects as required by the SEA Regulations; it only highlights constraints and potential issues. However, this may have been because the precise location of development was not known at this stage. If this is the case the SA Report should make it clear that the predicted effects were uncertain at this point and would have depended on the precise location of development.
- 3.19 A further issue is that a comparative appraisal does not appear to have been carried out; each of the scenarios was assessed in an individual table. A comparative appraisal of the scenarios discussing the key differences and 'trade-offs' between them would have been more useful in terms of informing decision-making. A summary of the appraisal findings is provided in Appendix 3 of the Regulation 19 SA Report (June 2018).
- 3.20 From a review of the summary appraisal in Appendix 3, it does appear that the scenarios which included new settlements were generally considered more favourably or to offer more benefits than the other alternatives. The SA concluded the following at this stage:

*"The appraisals of the scenarios in the report highlighted that no single scenario could be guaranteed to meet the current identified and future needs of the District in a wholly sustainable manner. It should be acknowledged that a large amount of potentially adverse environmental impacts are more accurately a result of the growth targets over the plan period, and that any forthcoming options should be developed that seek to minimise these where possible and also seek to maximise benefits.*

*It was recommended that a suitable balance is sought between meeting existing needs in the District as well as future needs. This relates not only to an element of dispersal across the District, but also in exploring new settlement options in a way that could meet annual housing delivery rates in the latter stages of the plan period. The principle of a new settlement can be seen to be a positive one regarding a number of sustainability objectives and it may be possible to turn constraints into positive impacts through effective masterplans and a spatial strategy that is advanced with awareness of these opportunities.*

*It was felt that the scenarios explored at this stage cover all reasonable options regarding the broad distribution of growth in the District. The sustainability implications of focusing development in any one tier of the settlement hierarchy, including one or more new settlements, have been explored fully within this sustainability appraisal. More refined distribution in any forthcoming spatial strategy will have been influenced by this sustainability appraisal and in response to the highlighted impacts of directing growth to all reasonable broad locations in the District".*

- 3.21 In order to deliver the benefits identified in relation to new settlements the scale and delivery of development is clearly very important. The assessment often refers to a new settlement delivering 10,000 new dwellings; however, the scenarios only identify new settlements as delivering a maximum of 3,000 new dwellings. It is assumed that this is 3,000 dwellings during the life of the plan (up to 2033) but it is not made clear. There is no evidence provided to suggest that a new settlement of 3,000 dwellings will be 'self-contained' (at least in the short to medium term) or be able to deliver significant levels of new services/facilities and infrastructure improvements.
- 3.22 The precise location of development was not known at this stage and so there would have been significant levels of uncertainty as to potential impacts, which the appraisal could make clearer. Furthermore, while new settlements could be less likely to result in cumulative effects across the District they are also more likely to have significant effects locally but this is dependent on their precise location and the constraints present. While a new settlement might offer greater opportunities for mitigation this would have been uncertain at this stage and dependent on the scale of development and the rate of delivery. Additionally, some of the assumptions made for new settlements, such as delivering high quality design, could equally be made for alternatives including large urban extensions.

## Regulation 18 Preferred Options Local Plan 2016 - 2017

- 3.23 It is understood at this stage that further information was available in terms of site options submitted through the call for sites process and considered through the SHLAA.

### Site options

#### Garden Communities

- 3.24 Appendix 4 of the Regulation 19 SA Report (2018) explains that the Areas of Search (AoS) identified in 2015 were translated into Garden Community (GC) options in those instances where land within a New Community AoS was submitted through the Council's call for sites process. We assume that all AoS were considered potentially suitable for development, i.e. there was no shortlisting of those AoS as a result of the high level appraisal. The following table is provided in Appendix 4 of the Regulation 19 SA Report (June 2018) and outlines each AoS and indicates whether options for GCs were submitted by promoters.

**Table 2: Garden Community options submitted within the previously explored Areas of Search**

New Community Areas of Search	Garden Community	Suitable land submitted for Strategic Growth?
AoS 1: M11Junction 9a - East	Great Chesterford/ North Uttlesford	Yes
AoS 2: M11Junction 9a - West	N/A	No
AoS 3: Elsenham area	Elsenham	Yes
AoS 4: M11Junction 8 - North-west	Birchanger	Yes
AoS 5: M11Junction 8 - South-east	N/A	No
AoS 6: South of A120, North of Hatfield Forest	Takeley	Yes
AoS 7: North of A120, West of great Dunmow	Easton Park	Yes
AoS 8: South of the A120	N/A	No
AoS 9: West of Braintree	West of Braintree	Yes

- 3.25 Appendix 4 of the Regulation 19 SA Report (June 2018) explains that in addition to the above identified options an additional option was submitted for consideration as a new settlement/ GC through the call for sites process which we understand was outside a New Settlement AoS. This option, south of the A120 and east of Little Dunmow was entitled 'Chelmer Mead' within the submitted documents and was considered by the Council at the time, "as a *notionally realistic and deliverable/ developable option at this stage*".
- 3.26 An independent SA of the seven GC options was carried out by Place Services and sent to the Council in October 2016. The Regulation 19 SA Report states that this was an 'informal' appraisal and acknowledges that it was not subject to formal consultation at that time.
- 3.27 Appendix 4 states that each of the seven GC options was assessed at this stage based on their 'maximum eventual scale as submitted'. No further details are provided in the explanatory narrative in Appendix 4 with regard to the capacity of the GC options at that stage. This raises a series of questions, for example, are the/ were the GC options comparable in terms of delivery rates, overall quantum? Was number of GC options was the Council aiming choose? Without all of this information it is not clear if the seven GC options can be considered to be genuine, mutually exclusive, alternatives to one another in the spirit of the SEA Regulations.
- 3.28 Chapter 8 in the Regulation 19 SA Report (2018) explains that in order for a site to be considered a GC it would need to be able to deliver at least 3,000 to 4,000 new dwellings, which is the development/ yield threshold that is stated to warrant the provision of a new

secondary school as per the Essex County Developer's guide to Infrastructure Contributions (Revised Edition 2016) document. This raises the questions as to whether each of the seven GC options considered in 2016 could potentially deliver over 3,000 new dwellings?

- 3.29 The capacity issue is complicated further as Section 8.2 in Chapter 8 goes on to state that some of the GC options did not meet the threshold identified above, as the land submitted was not of a sufficient size to deliver over 3,000 dwellings.

*“Some of the Garden Community options explored do not meet this threshold as land submitted is not sufficient. These have been included in this SA however where they form part of the areas explored at the initial Areas of Search stage in 2015. This is considered important in order to provide the necessary audit trail of the process of Garden Community alternatives identification throughout the SA and plan-making processes”.*

- 3.30 The SA Report does not identify which of the seven GC options fall below the 3,000 dwelling threshold identified above. This is clearly an issue as the reader still does not at this point have an understanding of the capacity or the delivery rates of the seven GC options considered in 2016. As previously stated, if the scale of development is significantly different can these seven site options be considered comparable? Why weren't the smaller sites rejected in 2016 as they could not accommodate the level of growth required to deliver a new secondary school? It is not until you read through the appraisal of the seven GC options under SA Objective 12 (Housing) that the capacity of the options becomes clearer.
- 3.31 The seven GC options were subject to SA with the findings presented in the Interim Appraisal of New Settlement Options SA (Oct 2016); however, it is understood that this work was not published at the time or subject to formal consultation. We understand this appraisal was then updated in February 2017 to reflect new evidence and presented within the SA Report that accompanied the Regulation 18 Preferred Options Local Plan on consultation in June 2017. This updated appraisal is also presented within Chapter 8 of the Regulation 19 SA Report (June 2018). The following comments on the appraisal of the seven GC options are based on the revised appraisal presented in Chapter 8 of the Regulation 19 SA Report (June 2018) rather than the original appraisal produced in October 2016.
- 3.32 It is clear from a review of the appraisal that it is based on/ relies upon what was being proposed by developers at those seven sites at that point in time. This raises a number of concerns, the first of which relates to the fairness and consistency of the appraisal. Proposals for some of the sites may have been more advanced than others at the time, this additional information and more detailed mitigation could unintentionally result in bias within the appraisal. The appraisal should in the interests of fairness have looked solely at the relative merits of the land parcels as future locations for development.
- 3.33 The capacity and delivery rates of the sites are not made clear within the appraisal. Is the appraisal only considering the development likely to be delivered during the life of the plan or is it taking into account the total capacity of the site? It is assumed it is the latter given the comments in Appendix 4 that state that each of the seven GC options was assessed at this stage based on its 'maximum eventual scale as submitted'.
- 3.34 A further concern with the appraisal is that it is difficult for the reader to determine why there are differences between some of the GC options in terms of the nature and significance of effects. While it is acknowledge that the appraisal and, in particular the judgement as to the significance of effects is to some extent a matter of professional opinion, the justification for why there are significant differences between options should nonetheless be clear.
- 3.35 Some examples are provided below of instances where the same assumptions are not made for options or where differences between the nature and significance of effects are not clearly explained.

SA Objectives	Proposed initial site selection criteria (developed from Garden City Principles)	Option 1 – Easton Park	Option 2 – North Uttlesford	Option 3 – West of Braintree	Option 4 - Takeley	Option 5 - Elsenham	Option 6 - Birchanger	Option 7 – Chelmer Mead
1) To conserve and enhance biodiversity (habitats, species and ecosystems) within the District	Green networks, biodiversity rich public parks, foot and cycle paths, bridleways and crossings, high-quality gardens, tree-lined streets and open spaces	+	+	++	+	+	+	++
	Presence of biodiversity / ecological / wildlife designations	?/-	?/-	?/-	-	+	+	+
	Other biodiversity / ecological / wildlife impacts	?/-	?/-	+	+	+	?/-	+

3.36 The narrative provided under SA Objective 1 does not sufficiently explain why there are differences between the site options in terms of the nature and significance of effects. The appraisal narrative for Option 1 states that, “the proposal states that Local Wildlife Sites will be protected and opportunities sought to enhance them”. For Option 4 the appraisal states that “the area contains numerous LoWSs in and adjacent to the identified site boundary.” Why wasn’t the same approach taken to appraising both options with respect to Local Wildlife Sites, ie. that these were present and that development could potentially pose a risk to them if not properly masterplanned etc.? Why also is there less uncertainty for Option 4 against the second sub-criteria when the narrative suggests there are similar designations within and close to the boundaries of the other options? Why is Option 6 identified as having the potential for a minor positive effect against the second sub-criteria (presence of biodiversity designations) when the site is within a SSSI Impact Risk Zone, contains a number of Local Wildlife Sites and an area of Ancient Woodland?

SA Objectives	Proposed initial site selection criteria (developed from Garden City Principles)	Option 1 – Easton Park	Option 2 – North Uttlesford	Option 3 – West of Braintree	Option 4 - Takeley	Option 5 - Elsenham	Option 6 - Birchanger	Option 7 – Chelmer Mead
2) To conserve and enhance water quality and resources and help achieve the objectives of the Water Framework Directive	Presence of water bodies	+	+	+	+	+	+	+
	Water quality impacts	?/-	-	?/-	?/-	+	+	+

3.37 With reference to the table above, all of the options appear to contain or be in close proximity to numerous water bodies. The narrative explains that Option 2 falls within a groundwater Source Protection Zone 3, which goes some way to explain why there is less uncertainty in terms of the minor negative effect compared to Options 1, 3 and 4. The narrative does not really justify why there is the potential for minor positive effects for Options 5 - 7 against the second criteria and negative effects for Options 1, 3 and 4. The narrative for each option essentially states that the size of the sites mean that there is the potential to mitigate any negative impacts. So why are there differences between the options in terms of the nature and significance of effects?

SA Objectives	Proposed initial site selection criteria (developed from Garden City Principles)	Option 1 – Easton Park	Option 2 – North Uttlesford	Option 3 – West of Braintree	Option 4 - Takeley	Option 5 - Elsenham	Option 6 - Birchanger	Option 7 – Chelmer Mead
5) To maintain and enhance the district’s cultural heritage assets and their settings	Presence of heritage assets	--	--	--	-	-	?/-	+
	Impact on heritage assets	-	--	-	--	-	-	?
	Potential for protection/enhancement of heritage assets	?/-	-	?/-	-	-	?/-	+

3.38 With reference to the table above, the appraisal refers to the proposals submitted by developers for some sites/ options and states that mitigation measures have been factored into the overall design to minimise impacts on the historic environment. Why couldn’t this be achieved through any of the options? The approach should ideally be to look at the relative merits of each location as a potential location for development without reference to developer proposals (as these can change with time) and the appraisal can highlight factors which need to be reflected in Local Plan policy (e.g. the avoidance of built development on certain parts of sites to safeguard historic environment assets).

3.39 Furthermore, it is also noted that the scale of development is referred to for some options but not for others. For example, the narrative for Option 4 states that “*at 750 dwellings, this is unlikely to allow the development to adhere to additional Garden City principles....With this in mind, negative impacts have been highlighted for the site’s potential for protection/ enhancement of heritage assets*”. Whereas for Option 6 the narrative states that the “*scale of the proposal is such that these impacts have a reasonable prospect of being mitigated through effective masterplanning and through appropriate conditions*”. As the capacity of the options/ sites is not clearly set out it is difficult for the reader to understand some of the judgments being made.

SA Objectives	Proposed initial site selection criteria (developed from Garden City Principles)	Option 1 – Easton Park	Option 2 – North Uttlesford	Option 3 – West of Braintree	Option 4 - Takeley	Option 5 - Elsenham	Option 6 - Birchanger	Option 7 – Chelmer Mead
9) To promote and encourage the use of sustainable methods of travel	Is the promoter committed to a design of development that supports walking, cycling, public transport provision and any other initiatives that could help to reduce car trips?	++	++	++	++	++	++	++
	Bus links	+	-	?/-	+	+	+	+
	Rail links	-	+	+	+	+	+	-

3.40 As a further example, with reference to the table above, it is not clear why Option 3 is identified as having a minor negative/ uncertain effect against the bus sub-criteria compared to other options when the narrative states that “*there are currently relatively good existing bus links*”. A further issue is that Option 4 is identified as have a minor positive effect in terms of bus and rail links when the small scale of development (750 dwellings) referred to earlier in the appraisal is unlikely to deliver the same improvements as the larger scale development provided through other options.

SA Objectives	Proposed initial site selection criteria (developed from Garden City Principles)	Option 1 – Easton Park	Option 2 – North Uttlesford	Option 3 – West of Braintree	Option 4 - Takeley	Option 5 - Elsenham	Option 6 - Birchanger	Option 7 – Chelmer Mead
11) To improve the population’s health and promote social inclusion	Is the site promoter committed to helping to deliver a development that will enable the community to engage and take some control/ownership over the development, including long-term stewardship of assets?	?	?	?	?	?	?	?
	Health care facilities	++	++	++	++	++	?	++
	Will the promoter ensure the provision of green gaps with active outdoor uses where appropriate?	++	++	++	++	++	?	++

3.41 With reference to the table above, it is not clear why Option 6 is identified as having an uncertain effect against the second and third sub-criteria when compared to the other options. The narrative states that Option 6 is more than 800m from a GP surgery and that no additional healthcare provisions are proposed. Should it not be assumed at this stage that all GC options could deliver some form of improvements to existing health care facilities or possibly new ones? A key factor in the delivery of additional healthcare provisions is the scale of development; however, the appraisal does not bring this up as a potential issue.

SA Objectives	Proposed initial site selection criteria (developed from Garden City Principles)	Option 1 – Easton Park	Option 2 – North Uttlesford	Option 3 – West of Braintree	Option 4 - Takeley	Option 5 - Elsenham	Option 6 - Birchanger	Option 7 – Chelmer Mead
12) To provide appropriate housing and accommodation to meet existing and future needs	Will the development provide a range of sizes and types of homes, including homes that are affordable for all?	++	++	?	+	++	++	+
	Is the promoter committed to the delivery of beautifully and imaginatively designed homes with gardens, over and above the quality of new housing typically delivered, combining the very best of town and country living to create healthy homes in vibrant communities?	++	++	++	++	++	++	++
	Is the promoter willing to provide land for the self-build homes, including as a form of affordable housing?	?	?	?	?	?	?	?

3.42 With reference to the above table, the capacity of each of the options is finally clarified under SA Objective 12, which relates to housing. The capacity of each option is identified as follows:

- Option 1 (Easton Park): 10,000 dwellings.
- Option 2 (North Uttlesford) 5,000 dwellings.
- Option 3 (West of Braintree) 3,500 dwellings.
- Option 4 (Takeley) 1,700 dwellings.
- Option 5 (Elsenham) 4,000 dwellings.
- Option 6 (Birchanger) 3,500 dwellings.
- Option 7 (Chelmer Mead) 1,020 dwellings.

3.43 Clearly these options are not comparable in terms of overall quantum, although they might all be able to deliver a similar level of growth during the plan period. In the longer-term would the effects differ significantly against the SA objectives?

SA Objectives	Proposed initial site selection criteria (developed from Garden City Principles)	Option 1 – Easton Park	Option 2 – North Uttlesford	Option 3 – West of Braintree	Option 4 - Takeley	Option 5 - Elsenham	Option 6 - Birchanger	Option 7 – Chelmer Mead
	Will the promoters ensure that the education provision necessary will be provided on site, including new Secondary school(s)?	++	++	++	-	++	--	-

3.44 With reference to the table above, Option 6 is identified as having a major negative effect as the proposal for the site at that time did not propose any new schools. This particular example demonstrates the weakness of relying on current proposals being put forward by developers as the basis for appraisal and that it can unintentionally result in bias through the appraisal. With a capacity of 3,500 dwellings, it should have been assumed that Option 6 could also deliver a new school.

3.45 The issues identified above raise concerns as to how the comparative appraisal of GC options informed their selection/ rejection as well as the development of spatial strategy options/ scenarios. Three of the options were identified as the preferred GC sites - West of Braintree, Easton Park and North Uttlesford/ Great Chesterford. Outline reasons for selection/ rejection are provided in Appendix 6 of the Regulation 19 SA Report (June 2018). The issues identified above in relation to the appraisal raises the question if the reasons for selection/ rejection are still valid?

### Urban extensions

3.46 Following the AoS work in 2015 it appears that the expansion of Saffron Walden, Great Dunmow and Bishop’s Stortford through urban extensions was carried forward as a consideration in the development of strategic scenarios. The Regulation 19 SA Report (June 2018) does not explain if any sites came forward through the call for sites process within the

identified AoS. If no sites came forward within these areas then why is this option carried forward and represented within the strategic scenarios? If sites did come forward this raises the question of why a comparative appraisal of these options not carried out, as was done for the GC options?

- 3.47 It is noted that Appendix 2 of the Regulation 19 SA Report (June 2018) sets out the identification and appraisal of non-strategic sites. It is assumed that this Appendix does not also include any sites that could be considered a 'strategic urban extension'.

### Non-strategic site options

- 3.48 Appendix 2 of the Regulation 19 SA Report sets out how non-strategic site options were considered through plan-making and the SA process. It states that the primary means of identifying realistic site options for consideration through the SA process was through the Strategic Land Availability Assessment (SLAA) previously referred to as the SHLAA. This is an appropriate approach as the SLAA process will help to filter the long list of site options identified through the call for sites, so that only the deliverable sites are taken forward for further consideration.

- 3.49 Appendix 2 explains that the SLAA assesses each site option to determine if it is 'Suitable', 'Available' and 'Achievable'. Once this has been done it then classifies each site from 'A to E'. 'A' meaning that the site has planning permission and is generally considered to be deliverable within the first five years of the plan period and 'E' meaning that the site is "not considered developable and delivery is not considered suitable within 15 years or more".

- 3.50 Following the explanation of the SLAA process and the A-E categories, Appendix 2 then sets out the reasons why some sites were excluded from the SA process. These are as follows:

- *"The position of the settlement within the Settlement Hierarchy. Housing sites that are not within existing development boundaries/ envelopes or are not adjoining existing development boundaries (the Countryside as defined within the Plan) have not been considered unless they represent new settlement/ Garden Community options. These sites have been identified as representing development in unsustainable locations / would not contribute to sustainable patterns of development.*
- *The yield or size of the site is too small to allocate in a strategic plan (these sites can be considered more of a Development Management/ Control matter). The threshold has been set at under 10 dwellings. These sites are classified as windfall sites within the Plan, and have not been identified for specific allocation.*
- *Sites that have been identified as unachievable or undeliverable/ undevelopable in the SLAA. These cannot be considered reasonable options for allocation.*
- *Sites within the Metropolitan Green Belt have not been included within this SA. This is following the Green Belt Review 2018, forming part of the Council's Local Plan evidence base, which has determined which parcels of land within the Green Belt have a strong value in meeting the purposes of the Green Belt.*
- *Additionally, those sites submitted that are not within or adjacent/ bordering Development Limits have not been included within the SA. These sites fall within 'Classification E' of the Council's SLAA and can be seen to respond to unsustainable patterns of development. This judgement does not include those sites that have been submitted or otherwise identified as new settlements/ Garden Communities which have been explored separately within this SA.*
- *Sites for which the proposal submitted has been refused planning permission have also been omitted from consideration within this SA".*

- 3.51 An initial observation is that it would be helpful to more clearly set out the classification of SLAA sites that have not been carried forward for consideration through the SA process. It is noted that classification 'E' is referred to but have classification 'D' sites been progressed or do they fall under the third bullet point above?

- 3.52 The reasons outlined also raise further questions, for example, did the GB assessment find that there are no parcels suitable for removal if none are carried forward for consideration through the SA?
- 3.53 A concern with regard to the identification of non-strategic sites is that Appendix 2 does not clearly set out the thresholds used by the Council to determine if a site is either considered to be strategic or non-strategic site through plan-making and the SA process. It is clear from the tables (91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 113, 116 and 118) setting out the site options for each settlement that there is a significant difference in the capacity of some of the site options. For example, Table 91 sets out the site options in Saffron Walden and the capacity them ranges from 8 to 450 dwellings. A further question is why are two sites with a capacity of 8 dwellings being considered when the introductory section of Appendix 2 states that any sites with the capacity to deliver under 10 dwellings would be rejected and not considered further?
- 3.54 It is noted that mixed use and employment sites are separated out from the residential site options in Appendix 2. Were mixed use and employment sites also considered through the SLAA in the same way as the residential sites? How did the Council determine which submitted employment site options should be rejected and which should be progressed for further consideration through the SA process? Furthermore how did the Council determine what would be considered a strategic and non-strategic employment site option?
- 3.55 Appendix 2 explains that the appraisal tables include a number of sustainability objectives and sub-criteria. The sub-criteria are then set out and numbered within a table. An immediate concern is that the table does not clearly set out the thresholds or distances used to inform the judgement as to the nature and significance of the effect. It appears that the thresholds are set out in the SA Scoping Report (2015) but there are no references made to this within Appendix 2.
- 3.56 No assumptions or limitations vis-à-vis the approach are set out and, as no appraisal narrative is provided, it makes it extremely difficult to understand why a site option has been 'scored' in a particular way against the sub-criteria and why there are significant differences between some of the site options.
- 3.57 The use of symbols, such as '+' and '-', suggests that the appraisal of non-strategic site options is endeavouring to indicate the nature and significance of effects of site options against the SA sub-criteria. If distance thresholds are being used to inform these judgements then this needs to be clearly stated as distance in itself is not a definitive guide to the likelihood of or significance of effects.
- 3.58 Given the lack of explanation in terms of the method as well as uncertainties around the sub-criteria and a lack of appraisal narrative, it is difficult to provide any further comments on the appraisal of non-strategic sites. It also brings into question the issue of how the appraisal informed the selection of allocations and in turn the development of spatial strategy options. Outline reasons for the rejection or selection of each non-strategic site option are presented in Appendix 6 of the Regulation 19 SA Report.

## Garden Community scenarios

- 3.59 It is our understanding that the findings of the appraisal of the seven GC options (Oct 2016) informed the production of a Reasonable Alternatives Identification Note (December 2016). This note was prepared by an independent consultant (Troy Planning) to explore what could be considered reasonable in meeting OAHN based on some assumptions regarding start dates and delivery rates of GCs.
- 3.60 The note recommended that two of the site options for a new settlement should not be considered further in plan-making for a number of reasons. The Elsenham and Birchanger sites were therefore rejected as GC options and Appendix 4 of the Regulation 19 SA Report (June 2018) provides a summary of these reasons and explains that the Council considers that these reasons are still valid. It is not made clear within the SA Report (2018) or Appendix 4 if the Reasonable Alternative Identification Note (Dec 2016) was published at the time or subject to any form of consultation.

- 3.61 For the remaining five GC options the note identified indicative capacities, which are provided below.

'Reasonable' New Settlement	Best Case – All New Settlements  What is the best case in terms of potential new settlements taking into consideration the known site constraints? ( ) = scenario ID	Alternative Case – c.50% Scenario  Assumes delivery of a lower proportion of the "Best Case" total for the site ( ) = scenario ID	Total Site Capacity – Submitted Details
1. Great Chesterford	2,250 (1a)	1,125 (1b)	5,000
2. Easton Park	2,300 (2a)	1,150 (2b)	10,000
3. West of Braintree	600 (3a)	N/A	12,000
4. Takeley	1,700 (4a)	850 (4b)	1,700
5. Chelmer Mead	2,700 (5a)	1,500 (5b)	2,700

- 3.62 It is assumed that the best case indicative capacity refers to the total amount of development that could be delivered during the life of the plan. This is not explained within the Regulation 19 SA Report (June 2018). It is also not explained why the c. 50% capacity was decided appropriate for the alternative case (was it simply a question of being cautious with regards development trajectories?).
- 3.63 Based on the best and alternative case indicative capacities for the five GC options, the note identified eleven 'scenarios' that explored different combinations of the five GC options. The purpose of these scenarios was to explore what combinations of GC options could help to meet the OAN of around 14,000 new homes. The SA Report would benefit from more clearly explaining the housing need and supply situation at this stage.
- 3.64 Appendix 1 of the Regulation 19 SA Report (June 2018) states that a twelfth scenario was also developed that did not meet OAHN and was included for comparison purposes only and should therefore not be considered as a reasonable alternative. It also states that scenario five was removed due to viability concerns around an option that explored less than the full proposal at Great Chesterford. It is noted that the Regulation 19 SA Report (June 2018) does not explain this viability issue in any further detail; however, it does direct the reader to the Reasonable Alternatives Identification Note for further information. Following a brief review of an updated version of this note dated April 2017, it does not appear to explain the viability issue relating to this site.
- 3.65 The twelve scenarios identified are presented below.

Option / Combination	Site A	Site B	Site C	Total (including 'constant' components (9,854))
Option 1	1a – Great Chesterford (2,500)	2a – Easton Park (2,300)	3a - West of Braintree (600)	5,400 (15,254)
Option 2	1a – Great Chesterford (2,500)	3a - West of Braintree (600)	4a – Takeley (1,700)	4,800 (14,654)
Option 3	1a – Great Chesterford (2,500)	3a - West of Braintree (600)	5a – Chelmer Mead (2,700)	5,800 (15,654)
Option 4	1a – Great Chesterford (2,500)	3a - West of Braintree (600)	5b – Chelmer Mead (1,500)	4,600 (14,454)
Option 6	2a – Easton Park (2,300)	3a – West of Braintree (600)	4a – Takeley (1,700)	4,600 (14,454)
Option 7	2a – Easton Park (2,300)	3a – West of Braintree (600)	5a – Chelmer Mead (2,700)	5,600 (15,454)
Option 8	2a – Easton Park (2,300)	3a – West of Braintree (600)	5b – Chelmer Mead (1,500)	4,400 (14,254)
Option 9	2b – Easton Park (1,150)	3a – West of Braintree (600)	5a – Chelmer Mead (2,700)	4,450 (14,304)
Option 10	3a – West of Braintree (600)	4a – Takeley (1,700)	5a – Chelmer Mead (2,700)	5,000 (14,854)
Option 11	3a – West of Braintree (600)	4b – Takeley (850)	5a – Chelmer Mead (2,700)	4,150 (14,004)
Option 12	1a – Great Chesterford (2,500)	2b – Easton Park (1,150)	3a – West of Braintree (600)	4,250 (14,104)
Option 13	1a – Great Chesterford (2,500)	3a – West of Braintree (600)	4b – Takeley (850)	3,950 (13,804)

- 3.66 A significant concern at this stage is that the Reg 19 SA Report (June 2018) does not explain why scenarios were only explored for the delivery of three new GCs. It is assumed that this was because they would only be able to deliver a proportion of their total capacity during the life of the plan, but this is not clearly explained. It is noted that Table 9 in Chapter 5 and Appendix 6 briefly mention that an assumption was made that GC options would each only be able to deliver 1,400 dwellings during the life of the plan; however, this is not consistent with what was set out in terms of indicative capacities identified in the Reasonable Alternatives Identification Note (December 2016) and referred to earlier.
- 3.67 This issue is further confused by the Regulation 19 SA Report (June 2018) not clearly explaining the housing land supply situation at that time as well as not clearly setting out what, if any, strategic scale sites came forward around the main towns through the SLAA process. This is discussed further under the District-wide alternatives heading later in this section.
- 3.68 A high level appraisal was carried out for each of the scenarios and the findings are presented in Appendix 1 of the Regulation 19 SA Report (June 2018). Similar to the previous comments made in relation to the appraisal of the seven GC options, the narrative does not always provide a clear justification for the predicted nature and significance of effects or the differences between the GC scenarios. For example, under SA Objective 1 (Biodiversity), Options 2 and 4 are identified as having the potential for a major positive effect and the narrative seeks to justify this by stating that they are the most positive in terms of the minimisation of impacts on existing designations. However, when you refer back to the appraisal for the individual GC options, two of sites that make up those Options were identified as have the potential for a minor negative effect on biodiversity with some uncertainty.
- 3.69 Another example is under SA Objective 3 (Landscape), where Options 1 and 2 are identified as having the potential for a minor positive effect. The narrative states that, “*comparative positive*

*impacts have been highlighted for Options 1, 2 and 12 due offering the best comparable distribution of those options that meet the District's OAN, with no cumulative impacts that can be expected". However, when you refer back to the appraisal for the individual GC options, the North Uttlesford option (also referred to as Great Chesterford) is identified as having the potential for a significant negative effect as the landscape has a relatively high sensitivity to change and development could result in coalescence with Great Chesterford.*

- 3.70 A final example is under SA Objective 12 (Housing), where Option 6 is identified as having the potential for a minor negative effect when it proposes the same level of overall growth and similar scale of new settlements to Option 5 which has the potential for a minor positive effect. The reason for this difference is not explained within the narrative.
- 3.71 The SA Report does not provide any clear explanation as to how this work then fed into the development of spatial strategy options. Was this work completed prior to the selection and rejection of the individual GC options referred to earlier? If it was completed after then why were scenarios developed that included rejected GC options?
- 3.72 Appendix 6 presents the outline reasons for selection/ rejection and identified Option 1 as the preferred scenario for the following reasons:

*"Although the quanta within the Plan has progressed to more accurately reflect expected build out rates and requirements within the Plan period, this option most closely reflects the preferred combination of Easton Park (1,925), North Uttlesford (1,925) and West of Braintree (970). This combination has been selected as it ensures the merits of spatial distribution across the District, with good links to centres of economic growth and employment opportunities, existing services and also good connectivity to strategic roads and nearby rail links".*

- 3.73 This suggests that options that related to focusing growth at urban extensions around the main towns and villages have been rejected; however, this is not clearly explained.

## District-wide alternatives

- 3.74 The Regulation 19 SA Report (2018) explains that at this stage, new evidence emerged that suggested that the District's OAHN was 14,100 over the plan period, which equated to 641 dwellings per annum 2011-2033. In terms of housing land supply at that stage, a total of 8,171 new homes were identified as dwellings which had already been built (2,468), had planning permission at April 2016 (4,513) or were included in a windfall allowance of 70 dwellings a year (1,190). As a result of this, the Plan at that stage had to identify land for a total of 5,929 new dwellings.
- 3.75 As a result of the updated evidence, the Council explored if any of the previously identified strategic scenarios in 2015 (see Paragraphs 3.11 to 3.23 in this report) could be considered to be a reasonable alternative at this stage in plan-making.

Scenario	Reasonable Alternative at this stage (?) / Reason for Rejection or Progression
Scenario A - A focus on a New Settlement (580dpa)	This Scenario is not a reasonable alternative as it would not meet the District's OAN. The Scenario is not considered a sound distribution strategy as it would lead to the reliance on only 1 large site to deliver the housing, there would be issues surrounding deliverability within the Plan period, it deprives other settlements of sustainable growth, and there would be negative impact on 5 year land supply. For these reasons the alternative has been rejected.
Scenario B - A focus on Villages and Bishops Stortford (580dpa)	This Scenario is not a reasonable alternative as it would not meet the District's OAN. The Scenario is not considered a sound distribution strategy as the scale of development is likely to have a detrimental impact on the character of villages, the countryside and the highway network in many circumstances, and there would be uncertainty that the scale of individual developments would provide the infrastructure required. For these reasons the alternative has been rejected.
Scenario C - A focus on the District's Towns (580dpa)	This Scenario is not a reasonable alternative as it would not meet the District's OAN. The Scenario is not considered a sound distribution strategy as there would likely be significant impacts on historic character and landscape setting, it would restrict the pooling of s106 for infrastructure, and there are also insufficient deliverable sites as submitted for consideration. For these reasons the alternative has been rejected.
Scenario D - A 'hybrid option 1' which resembled an equal distribution across all of the above (580dpa)	This Scenario is not a reasonable alternative as it would not meet the District's OAN. The Scenario is not considered a sound distribution strategy as a reliance on only 1 large site to deliver the housing would lead to issues surrounding deliverability within the Plan period. For this reason the alternative has been rejected.
Scenario E - A focus on two new settlements (750dpa)	This Issues and Options 2015 Scenario is not a reasonable alternative as it is considered that only two Garden Communities would not meet the District's OAN (or 750dba) within the Plan period. This is based on an assumption as to the delivery related to any new settlement providing a maximum 1,400 homes over the plan period based on expected start-dates and delivery rates. The Scenario is not considered a sound distribution strategy as it would rely on only 1 or 2 large sites to deliver the housing, which would have deliverability issues within the Plan period, it deprives other settlements of sustainable growth, and there would be negative impact on 5 year land supply. For these reasons the alternative has been rejected.
Scenario F - A focus on the District's Towns and Villages (750dpa)	This Issues and Options 2015 Scenario is not a reasonable alternative as it is considered that a focus on the District's Towns and Village would not meet the District's OAN (or 750dba) within the Plan period as there is not enough suitable land. The Scenario is not considered a sound distribution strategy as some villages are more constrained than others which could result in disproportionate growth, and there would be an uncertainty that the scale of individual developments would provide the infrastructure required. For these reasons the alternative has been rejected.
Scenario G - A 'hybrid option 2' which resembled an equal distribution across all of the above 750dpa options, with less growth in Bishop's Stortford.	This Issues and Options 2015 Scenario is not a reasonable alternative as it is considered that the above options would not provide enough suitable land to meet the District's OAN (or 750dba) within the Plan period. This is based on an assumption as to the delivery related to any new settlement providing a maximum 1,400 homes over the plan period based on expected start-dates and delivery rates, which would not be achievable through two new settlements. Despite this, the notion of three new settlements under a broad 'hybrid option' of distribution across the wider District warrants further exploration and testing within this SA within the above proposed Policy SP2.

- 3.76 The following narrative was provided in Chapter 5 of the Regulation 18 SA Report (June 2017) as well as a slightly modified version in Chapter 5 of the Regulation 19 SA Report (June 2018):

*“At this current Preferred Options stage, few options and alternatives can be identified as ‘reasonable’ and are required to be explored. This takes into account existing commitments, dwellings built (2011-16) and those with outstanding planning permissions at 1st April 2016. These correspond to development within the District’s main towns and key and other villages and can be seen to contribute to Policy SP2’s distribution pattern.*

*With further considerations given to the findings of the SHLAA and the plan’s corresponding non-strategic site allocations, which are also in accordance with the distribution proposed in Policies SP2 and SP3, there emerges a need for three new settlements, or ‘Garden Communities’ within the District, forming a significant part of the Plan’s proposed Spatial Strategy. This is identified through a current forecast ‘shortfall’ of 4,673 dwellings that need to be allocated within the plan period in addition to those that are identified for allocation in the Plan within the District’s towns and key villages. Therefore, the only reasonable Spatial Strategy options that exist at this current stage are different permutations of three New Settlement or ‘Garden Community’ options (in consideration of the aforementioned assumptions regarding New Settlement / Garden Community start dates and delivery rates within the plan period)”.*

- 3.77 The narrative around decision-making at this stage is very difficult to follow. It is not clear why the preferred approach was selected in light of alternatives, such as focussing development at urban extensions around the main towns and proportionate distribution at the various villages. It is not clear why there is a ‘need’ for three new GCs based on the findings of the previous work, in particular the appraisal of the seven GC options and strategic scenarios developed in 2015.
- 3.78 In 2015 none of the identified scenarios were considered able to meet the current and future needs in a sustainable way. This raises the question of why the strategic scenarios were not refined at this stage so that they could meet the identified OAHN and reflect new evidence from the SLAA? Having updated tables such as those presented in the Issues and Options SA Report (2015) and earlier in this section, would help to make the District-wide choices for meeting needs much clearer.
- 3.79 A major concern with this stage is that the quanta and distribution of housing is being considered separately in Chapter 5 under Policies SP2 and SP3. As a result, the SA process is identifying alternatives that are not reasonable as they cannot meet the objectives of the Local Plan in line with the SEA Regulations. A key objective of the Local Plan is to meet housing needs, i.e. to establish a spatial strategy to meet those identified needs. This cannot be achieved if the broad distribution of growth is considered in isolation from the quanta and vice versa. This is a fundamental flaw in the SA process at this stage.

## Regulation 19 Local Plan 2018

### Site options

3.80 The SA Report does not suggest that any further work was carried out in relation to strategic or non-strategic sites at this stage. It is not clear if amendments were made to the appraisal of GC options or non-strategic sites as a result of new evidence or if any new sites were being considered.

### Garden Community scenarios

- 3.81 Appendix 1 of the Regulation 19 SA Report states that four additional 'scenarios' were developed following the Regulation 18 Consultation in June 2017 to explore the possibility that the West of Braintree GC option might not come forward (see table below). This reflected that the fact that the NEA Strategic One Local Plans were at Examination and not formally adopted, which could mean that the West of Braintree GC might not come forward as an allocation in the Braintree Section One Local Plan.
- 3.82 It is noted that the Regulation 19 SA Report (June 2018) and Appendices do not really discuss the Duty to Cooperate (DtC) process with surrounding Local Authorities, in particular with Braintree District Council in respect of the West of Braintree GC.

Option / Combination	Site A	Site B	Site C	Total (including 'constant' components (9,854))
Option 14	1a – Great Chesterford (2,500)	2b – Easton Park (1,150)	4b - Takeley (850)	4,500 (14,354)
Option 15	1a - Great Chesterford (2,500)	2b - Easton Park (1,150)	5b - Chelmer Mead (1,500)	5,150 (15,004)
Option 16	1a - Great Chesterford (2,500)	4b - Takeley (850)	5b - Chelmer Mead (1,500)	4,850 (14,704)
Option 17	2a - Easton Park (2,300)	4b - Takeley (850)	5b - Chelmer Mead (1,500)	4,650 (14,504)

- 3.83 As per the previous stage, it is noted that scenarios are still only being explored for the delivery of three new GCs. The Regulation 19 SA Report (June 2018) does not clearly explain how this decision was made in light of alternatives.
- 3.84 The appraisal of the twelve scenarios produced in 2017 was then updated to include the appraisal of the four additional scenarios set out above. The findings of this work are presented in Appendix 1 of the Regulation 19 SA Report (June 2018). The concerns raised earlier in relation to this appraisal are still valid, i.e. the narrative does always provide a clear justification for the nature and significance of effects identified as well as the differences between the GC scenarios.

### District-wide alternatives

- 3.85 As in the Regulation 18 SA Report (June 2017), Chapter 5 in the Regulation 19 SA Report (June 2018) states that the strategic scenarios identified in 2015 cannot be considered reasonable alternatives at this stage, primarily because they would not provide sufficient land to meet OAHN.
- 3.86 It is assumed that the OAHN at this stage is still 14,100 dwellings or 641 dpa over the plan period. Chapter 5 states that at this stage in plan-making, *“few options and alternatives can be identified as ‘reasonable’ and are required to be re-explored”*. It is suggested that this is because of existing commitments. The Regulation 19 SA Report (June 2018) explains that at 1st April 2017, a further 3,939 dwellings had been granted planning permission. Historical evidence shows that windfall sites make a contribution to the number of annual completions; it

- is forecast that in the light of available sites and planning policy, windfall sites will continue to be permitted and built in the future at a rate of 70 dpa. This equates to a total windfall allowance between 2017 and 2033 of 1,120 dwellings. The total land housing land supply is therefore 8,249 dwellings. It is suggested in Chapter 5 that this leaves a shortfall of 4,820 dwellings in order to meet OAHN; however, this appears to be lower than the number of dwellings when you subtract existing commitments/ windfall from the OAHN figure of 14,100 dwellings.
- 3.87 Chapter 5 states that, *“with further considerations given to the findings of the SLAA and the plan’s corresponding non-strategic site allocations, which are also in accordance with the distribution proposed in Policies SP2 and SP3, there emerges a need for three new settlements, or ‘Garden Communities’ within the District, forming a significant part of the Plan’s proposed Spatial Strategy”*.
- 3.88 As mentioned earlier, the Regulation 19 SA Report (June 2018) does not explain why there is a ‘need’ for three new GCs. This narrative around decision-making at this stage is very difficult to follow. It is not clear why the preferred approach was selected in light of alternatives, such as focusing development at urban extensions around the main towns and proportionate distribution at the various villages.
- 3.89 Unlike the previous Regulation 18 stage, at this stage in plan-making, some additional spatial strategy alternatives were identified. Four broad spatial strategy alternatives are identified in Chapter 5 and described as being simplifications of the strategic scenarios explored at the Issues and Options stage in 2015.
- Alternative SP2(a): All development in new settlements;
  - Alternative SP2(b): All development pepper potted in villages;
  - Alternative SP2(c): All development in two main towns (Saffron Walden and Great Dunmow); and
  - Alternative SP2(d): A combination of development in main towns and villages.
- 3.90 Given what was said in paragraph 3.72 above, in particular about GCs, it is not clear why these options were even considered. The quantum of growth to be delivered through the options is also not clear; would they all help to deliver the identified shortfall? It is not clear why additional hybrid options were not explored, i.e. options that explore the potential for greater levels of development at certain settlements or villages based on the SLAA alongside the delivery of new GCs. At this stage we assume that the SLAA demonstrates that there are not enough deliverable and available sites to meet identified needs by focusing development just to the villages or solely at the main towns. This needs to be clearly explained within the SA Report. Based on what is available it is not clear why these options are even being explored at this stage when they are not reasonable.
- 3.91 As a result of this, a major concern in relation to this stage is that the SA Report does not present stakeholders and the public with a clear and genuine choice of how to deliver the identified needs of the District. At the Regulation 19 stage we would expect to see some clear and mutually exclusive alternatives that could deliver the identified shortfall as well as some options to explore the potential for a higher level of growth where possible (in order to provide a buffer or contingency for example). There is no need to explore options that do not deliver the OAHN unless there are significant constraints that restrict development.
- 3.92 Part of the problem is that the key questions relating to how much development there should be and how this should be distributed are dealt with separately through the SA process under Policies SP2 and SP3. These issues should be considered together and informed by the wider evidence, in particular the SLAA work, to identify reasonable spatial strategy options to deliver the identified needs.
- 3.93 The preferred approach (Policy SP2) and each of the four broad spatial strategy options identified above were appraised against the SA Objectives with the findings presented in Chapter 5 of the Regulation 19 SA Report (June 2018). While the appraisal narrative for the alternatives refers to the preferred strategy (i.e. Policy SP2) on Pgs. 54 to 56, the appraisal of the preferred strategy itself is presented four pages earlier on Pg. 50. It is therefore not easy to compare the appraisals.

- 3.94 As per the previous comments on the various appraisals, the appraisal of the four options is very high level and the narrative does not clearly justify all the differences between the options. At first glance it is clear that the preferred strategy (Policy SP2) performs significantly better against the SA Objectives when compared to the alternatives. This instantly raises a concern that the alternatives are not reasonable in the first place and therefore do not offer a genuine choice or alternative in terms of meeting identified needs.
- 3.95 It is noted that the appraisal of the preferred strategy is very positive in terms of the delivery of the new GCs in the latter stages of the plan period. However, it is understood that only a proportion of the total development will be delivered during the life of the plan; therefore, will these significant positive effects be realised during this plan period or beyond? It is difficult to provide any further meaningful comments on the appraisal as it appears the alternatives are not reasonable and so will always perform poorly compared to the preferred strategy. It is also not clear what the precise location or quantum of development is under these options.
- 3.96 It's surprising that the appraisal finds that every option will have a neutral effect on SA Objectives 1 (Biodiversity), 2 (Water Framework Directive), 6 (Climate Change), 7 (Pollution) and 8 (Flooding). Based on our experience the appraisal should be able to highlight some differences between options that explore the distribution of development against SA Objectives relating to these topics.
- 3.97 Alternatives for the level of growth are currently explored under Policy SP3, including a higher level of growth based on the Government's standard housing methodology. However, how can these options be justified or meaningful if they are not clearly linked to the evidence, in particular the site options identified through the SLAA? Why are options that deliver below the OAHN being explored?
- 3.98 It is again difficult to provide meaningful comments on the appraisal as the majority of them do not appear reasonable and will therefore perform poorly against the SA Objectives compared to the preferred option.
- 3.99 As identified for the previous stage, a major concern is that the quanta and distribution of housing is being considered separately in Chapter 5 under Policies SP2 and SP3. As a result, the SA process is identifying and appraising alternatives that are not reasonable as they cannot meet the objectives of the Local Plan in line with the SEA Regulations. A key objective of the Local Plan is to meet housing needs, i.e. to establish a spatial strategy to meet those identified needs. This cannot be achieved if the broad distribution of growth is considered in isolation from the quanta and vice versa. This is a fundamental flaw in the SA process at this stage.

## 4. Inspector's and stakeholder comments

### Introduction

- 4.1 This chapter brings together the findings from the regulatory and substantive review and seeks to answer the following questions:
1. To what extent are the criticisms of the SA for the NEA Strategic Section One Local Plan raised by the Inspector examining that plan, applicable to the SA for the Uttlesford Local Plan?; and
  2. To what degree are the criticism raised by stakeholders valid?

### NEA Inspector's concerns

- 4.2 The Inspector's Post-Hearing Letter (June 2018) published during the Examination for the North Essex Authorities (NEA) Local Plans (Strategic Section 1), identified three principal shortcomings in the SA process. These are:
1. Objectivity of the assessment of the chosen spatial strategy and the alternatives to it;
  2. The clarity of the descriptions of those spatial strategy alternatives and the reasons for selecting them; and
  3. The selection of Garden Communities (GC) and GCs for assessment.
- 4.3 Given the findings of the substantive review in Chapter 3, it is considered that each of the shortcomings identified in the Inspector's Post-Hearing Letter are applicable to the SA process for the Uttlesford Local Plan in some way.
- 4.4 The Regulation 19 SA Report (June 2018) does not clearly explain how alternatives were identified at each stage nor does it clearly set out what they entail. The assumptions made and the evidence underlying them is not clearly set out. This includes the identified level of need, housing land supply and the capacity/ delivery rate of site options.
- 4.5 It is not clear why there is a need for three new GCs in light of the alternatives. There are also concerns around the objectivity of the appraisal of these GC options, which relies heavily on what was being proposed by the promoters of the sites in 2016/ 2017. It is not clear if the SA is just taking into account development at the GCs during the life of the plan or the total capacity of the sites beyond the plan period.
- 4.6 The quanta and distribution of housing is being considered separately through the SA process in terms of alternatives. As a result, the SA process is identifying and appraising alternatives that are not reasonable as they cannot meet the objectives of the Local Plan in line with the SEA Regulations. A key objective of the Local Plan is to meet housing needs, i.e. to establish a spatial strategy to meet those identified needs. This cannot be achieved if the broad distribution of growth is considered in isolation from the quanta and vice versa.
- 4.7 As a result of the above, it is not clear why the preferred approach has been selected in light of alternatives.

### Regulation 19 comments

- 4.8 The Council received an extensive number of representations on the Local Plan and the accompanying SA Report through the Regulation 19 consultation. A number of these directly objected to or criticised the SA Report. A brief summary of these comments are provided below:

- The spatial strategy has taken little to no account of the possible sustainable opportunities for residential development on the edge of Bishop's Stortford.
  - The SA only appears to consider the likely significant effects of development at the GCs during the life of the plan. It should consider the full capacity of the GCs and potential effects.
  - A number of the scenarios/ spatial strategy options do not represent a reasonable alternative for delivering growth as they exclude the main towns within the District.
  - The SA should explore more alternatives to the stepped trajectory to housing delivery proposed through Policy SP3.
  - The SA of the GC options has not been undertaken in a fair and consistent manner.
  - Non-strategic sites should not be rejected for consideration through the SA process because planning permission was refused and dismissed at appeal.
  - The SA fails to justify the choices made and it has not been demonstrated that the chosen spatial strategy is the most appropriate one when considered against the reasonable alternatives.
  - The SA makes optimistic assumptions about the benefits of GCs, and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions.
  - The narrative around the spatial strategy is not clear.
  - It is not clear why three GCs are needed.
- 4.9 The majority of the concerns raised above through the representations have also been identified in some form within the regulatory and substantive reviews in Chapters 2 and 3. However, one of the comments is not really touched upon and this relates to the rejection of non-strategic sites because planning permission was refused and dismissed at appeal.
- 4.10 There are various reasons as to why permission might be refused and then dismissed at appeal. It's possible that permission was refused because of a fundamental constraint or as a result of a technicality. If the latter, we would suggest that there needs to be an element of professional judgment used to determine if the site may be suitable for consideration through the SA process.

# 5. Conclusions and recommendations

## Introduction

- 5.1 This Chapter briefly summarises the key conclusions and then sets out a number of suggested recommendations to address the issues identified.

## Conclusions

- 5.2 The regulatory and substantive reviews of the Regulation 19 SA Report (June 2018) identified a number of significant concerns and potential areas of risk in terms of legal challenge.
- 5.3 The primary issue and also the area of greatest risk in terms of legal challenge is that the Regulation 19 SA Report (June 2018) does not clearly identify, describe and evaluate the likely significant effects of reasonable alternatives; nor does it clearly set out the reasons for choosing the preferred spatial strategy in light of them.
- 5.4 A primary reason for this is that the quanta and distribution of housing is considered separately through the SA process. As a result, the SA Report identifies and appraises alternatives that are not reasonable as they cannot meet the objectives of the Local Plan in line with the SEA Regulations. A key objective of the Local Plan is to meet housing needs, i.e. to establish a spatial strategy to meet those identified needs. This cannot be achieved if the broad distribution of growth is considered in isolation from the quanta and vice versa.
- 5.5 As a consequence of the above, statutory consultees and the wider public were not presented at the Regulation 19 stage with genuine, mutually exclusive, reasonable alternatives to the preferred spatial strategy in terms of how to meet the identified needs of the District.
- 5.6 While it is acknowledged that a range of different alternatives were explored and appraised at each stage in plan-making and the SA process, the SA Report does not clearly explain how they were developed or clearly set out what they entailed. Concerns were also raised in relation to the various appraisals in terms of their objectivity and then how they informed the development of reasonable alternatives. However, these issues may have been as a result of not having clearly defined and reasonable alternatives to appraise in the first place.
- 5.7 The cognisance of the narrative is not helped by the length and structure of the Regulation 19 SA Report. Alternatives are dealt with within Chapter 5 alongside Draft Plan policies as well as in Chapter 8 and Appendices 1, 2, 3, 4, 5 and 6. For example, to gain an understanding of how Garden Communities were considered through plan-making and the SA the reader needs to refer to Chapters 5 and 8 as well as Appendices 1, 3, 4, 5 and 6. The reader is also directed to other evidence documents, which then necessitates a paper chase between various Chapters/ Appendices and wider evidence.

## Recommendations

- 5.8 There are a number of recommendations to arise as a result of the regulatory and substantive reviews. These recommendations are listed below and then followed by a series of options with varying levels of risk and resources required.
- 5.9 If all the suggested recommendations are taken forward then these should address the concerns raised in the Inspector's Post-Hearing Letter (June 2018) published during the Examination for the NEA Local Plans (Strategic Section One) as well as the majority of representations raising concerns through the Regulation 19 consultation.
- 5.10 The main recommendations are as follows:
1. Include the objectives of the Local Plan within the initial Chapters of the SA Report. This is important as in line with the SEA Regulations the reasonable alternatives should be developed taking into account the objectives of the Local Plan.

2. Ensure the NTS includes all the information required in Schedule 2 of the SEA Regulations. In particular, provide further information on how reasonable alternatives were developed and appraised for the spatial strategy and set out the reasons why the preferred approach was selected in light of those alternatives. Suggest the scoping information in the NTS is condensed as it takes 21 pages to reach the first appraisal findings.
  3. Consolidate and revise the narrative explaining how reasonable alternatives have been addressed through plan-making and the SA process, in particular for the spatial strategy. Set out this narrative chronologically and ensure that all the key information available at that time and the assumptions made are concisely set out. For example, just have one Appendix relating to the development and refinement of the spatial strategy, include relevant information relating to the GCs within this and explain how it fed into and informed the development of District-wide alternatives.
  4. Following on from the recommendation above, it would be helpful to make the appraisal of the Draft Plan more distinct from the consideration of alternatives, which are both presented in Chapter 5. A separate Chapter or Appendix could be provided that deals with the alternatives for all other policies/issues that do not relate to the spatial strategy.
  5. Clearly set out the thresholds for each SA sub-criteria used to appraise non-strategic sites in Appendix 2.
  6. Undertake a fresh, objective and comparative appraisal of GC options based on a range of different sizes as well as on the merits of the sites, not what is being promoted by developers. Clearly set out any assumptions as well as the capacity of the sites in terms of what can be delivered during the life of the plan and in total. The same should process should be carried out for any strategic urban extensions that came forward through the SLAA process.
  7. Identify reasonable alternatives to deliver identified needs and subject them to an objective and comparative appraisal alongside the preferred spatial strategy. Use available evidence, in particular the SLAA, and the findings of the appraisal work through recommendation 6 to identify realistic spatial strategy options that can deliver identified needs. Clearly set out the assumptions used to develop them and the quanta of growth to be directed to various components under each option. If an option cannot meet the OAHN then it should not be considered. The reasons for selecting the preferred approach in light of alternatives should be clearly set out.
- 5.11 The Council has a number of options available to them in terms of how they take account of the findings of this independent review and progress with the SA process. Three potential options are set out below and would result in different levels of resources required and risk.

### **Option 1 - Low resource/ high risk**

- 5.12 This option relies on the SA work undertaken to date and seeks to improve the narrative dealing with alternatives within the SA Report as well as addressing some gaps/ non-compliance issues highlighted through this review. It would involve carrying out recommendations 1 to 5 and then submitting the revised SA Report and NTS alongside the submission version of the Local Plan. While this will involve less resources and time it also comes with the highest level of risk. The identified issues in relation to the appraisals and around reasonable spatial strategy alternatives will still exist.

### **Option 2 - Moderate resource/ moderate risk**

- 5.13 This option involves undertaking further SA work to address the identified issues around the appraisal and the development of reasonable alternatives. It would involve carrying out all of the recommendations and then submitting the revised SA Report and NTS alongside the submission version of the Local Plan. The key risk for this option is that it could be argued that the statutory consultees and the public were not given an opportunity to provide comments on the revised SA work, in particular the new spatial strategy options to deliver identified needs.

### Options 3 - Higher resource/ low risk

- 5.14 This option involves undertaking further SA work to address the identified issues around the appraisal and the development of reasonable alternatives. It would involve carrying out all of the recommendations and then publishing the revised SA Report and NTS alongside the Local Plan for a further Regulation 19 consultation. This option has the least risk in terms of legal challenge.

# Appendix I: Regulatory requirements

Regulatory requirement <sup>3</sup>	Discussion	RAG score	Mitigation/ Recommendation
<b>Regulation 12 - Preparation of the SA Report</b>			
<p>(2) The report shall identify, describe and evaluate the likely significant effects on the environment of –</p> <ul style="list-style-type: none"> <li>a) implementing the plan or programme; and</li> <li>b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.</li> </ul>	<p>One of the key objectives of the Local Plan is to meet the needs for new homes. In trying to identify alternatives for delivering the identified need, the SA process considers the quanta and distribution of housing separately. However, quanta and distribution are inextricably linked and stakeholders should ideally be presented with a series of alternative spatial strategy options that vary in terms of both quanta and distribution. As a result of the approach above, alternatives were not developed taking into account the objectives of the Local Plan. This resulted in the majority of alternatives for the distribution and quanta of housing growth under Policies SP2 and SP3 being either not reasonable or performing significantly worse against the SA Framework compared to the preferred approach.</p>		<p>See Chapter 5 in the main report for recommendations.</p>
<p>(3) The report shall include such of the information referred to in Schedule 2 to these Regulations as may reasonably be required, taking account of -</p>	<p>See findings of the review under Schedule 2, later in this table.</p>		<p>See recommendations of the review under Schedule 2, later in this table.</p>
<p>(5) When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies.</p>	<p>The Scoping Report was sent to statutory consultees for review and comment in July 2015.</p>		<p>N/A</p>
<b>Regulation 13 - Consultation procedures</b>			
<p>13.-(1) Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 12 and its accompanying environmental report (“the relevant documents”) shall be made available for the purposes of consultation in accordance with the following provisions of this regulation.</p>	<p>The SA report was published alongside the Regulation 19 Local Plan for consultation. However, given the concerns identified in relation to reasonable alternatives, it could be argued that this consultation was not effective.</p>		<p>See Chapter 5 in the main report for recommendations.</p>

<sup>3</sup> The Environmental Assessment of Plans and Programmes Regulations 2004.

**Regulatory requirement<sup>3</sup>**

**Discussion**

**RAG score**

**Mitigation/ Recommendation**

**Regulation 16 - Information as to adoption of plan or programme**

<p>16.-(1) As soon as reasonably practicable after the adoption of a plan or programme for which an environmental assessment has been carried out under these Regulations, the responsible authority shall</p> <p>(4) The particulars referred to in paragraphs (1)(b)(iii) and (3)(c)(iii) are -</p> <p>(a) how environmental considerations have been integrated into the plan or programme;</p> <p>(b) how the environmental report has been taken into account;</p> <p>(c) how opinions expressed in response to-</p> <p>(i) the invitation referred to in regulation 13(2)(d); (ii) action taken by the responsible authority in accordance with regulation 13(4), have been taken into account;</p> <p>(d) how the results of any consultations entered into under regulation 14(4) have been taken into account;</p> <p>(e) the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and</p> <p>(f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.</p>	<p>This is not required until adoption of the Local Plan; however, it is noted that the consultation responses received and how they have been taken into account are presented in Appendix 7 of the Regulation SA Report.</p>	<p>N/A</p>	<p>N/A</p>
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**Schedule 2 of the regulations lists the information to be provided within the SA Report**

<p>1. An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes;</p>	<p>The purpose and content of the Local Plan is provided in Section 1.2; however, it does not set out the objectives for the Local Plan. This is important as the SEA Regulations states in Regulation 12 (2) that the report shall identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives taking into account the objectives and the geographical scope of the plan.</p>	<p style="background-color: #FFD700;"> </p>	<p>Include the Local Plan objectives within the SA Report and explain how they link to the development of reasonable alternatives.</p>
<p>2. The relevant aspects of the current state of the environment and the likely evolution</p>	<p>Baseline information, including current state of the environment, is set out in Section 4.3 and Annex B of the SA Report.</p>	<p style="background-color: #90EE90;"> </p>	<p>The introduction in Annex B to the SA report could more clearly explain that the scoping stage was</p>

Regulatory requirement <sup>3</sup>	Discussion	RAG score	Mitigation/ Recommendation
thereof without implementation of the plan or programme;			<p>carried out in 2015 and that consultation with the statutory consultees was carried out. It would also be helpful to know if the baseline information has been updated since then. From a quick review of Annex B it is obvious that it has been updated as it refers to documents published in 2017.</p> <p>The requirement to set out the likely evolution of the baseline without the Local Plan appears to have been addressed in Section 4.4, Table 2. Suggest that it may be more appropriate to address this within Annex B; however, this is not a significant issue in terms of legal compliance.</p>
3. The environmental characteristics of areas likely to be significantly affected;	The environmental characteristics of areas likely to be significantly affected are set out in Section 4.3 and Annex B of the SA Report.		N/A
4. Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.;	Existing environmental problems are set out in Section 4.2 and Annex B of the SA Report. Annex B notes that there are no European designated sites within the District.		N/A
5. The environmental protection, objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental, considerations have been taken into account during its preparation;	Relevant plans and programmes are set out in Section 4.2 and Annex A of the SA Report.		N/A
6. The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (Footnote: These effects	<p>The appraisal method is presented in Chapter 4, Section 4.6. It allows for the identification of the nature and significance of effects as well as their duration. Secondary, cumulative and synergistic effects are identified throughout the report where necessary. All the topics referred to in the SEA Directive and the topics you would expect to see considered through a SA are included.</p> <p>There are a number of concerns in relation to the objectivity of the appraisal and assumptions made for GCs and spatial strategy options.</p>		Please refer to the recommendations set out in Chapter 5 of the this report.

Regulatory requirement <sup>3</sup>	Discussion	RAG score	Mitigation/ Recommendation
should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects);	Please refer to the substantive review in Chapter 3 for further details.		
7. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;	Mitigation is suggested throughout the SA Report and Appendices where necessary.		N/A
8. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;	Outline reasons are provided throughout the report and in particular within Appendix 6; however, despite this it is not always clear why and how alternatives were developed. The assumptions made and difficulties are not always clearly set out. Please refer to the substantive review in Chapter 3 for further details.		Please refer to Chapter 5 of the report and the suggestive recommendations arising from the substantive review.
9. Description of measures envisaged concerning monitoring in accordance with Art. 10;	Chapter 11 of the SA Report explains that there are some suggested monitoring indicators presented in Annex C and that the Adoption Statement will outline the most appropriate indicators to be monitored. This is considered sufficient at this stage to meet requirements.		N/A
10. A non-technical summary of the information provided under the above headings	While a separate NTS has been provided and contains the majority of information that is required, it appears to be missing information relating to reasonable alternatives. The NTS only briefly explains how GCs were considered and provides a summary of the comparative appraisal of the options. It does not explain how these informed the identification of reasonable spatial strategy options or set out the reasons for their selection/ rejection.		It takes 21 pages before the reader gets to the findings of the appraisal for the Draft Plan. Suggest the scoping sections are condensed and more space given to the explanation of alternatives for Policies SP2 and SP3, key findings and reasons for their selection/ rejection.

