

**Committee:** Planning Policy Working Group

**Date:**

**Title:** Updating the Regulation 19 Sustainability Appraisal

20 November 2018

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## Summary

1. A review of the Sustainability Appraisal (SA) of the Regulation 19 Local Plan has identified a number of material issues with the SA, as well as a number of options for dealing with those issues. The purpose of this report is to update members on the actions being taken.

## Recommendations

2. That the Planning Policy Working Group notes the findings of the SA review and the actions taken by officers to address these findings.

## Financial Implications

3. The costs associated with the SA review and the updated SA can be met from the Local Plan forecasted spend for 2018/19. Officers considered not updating the SA or updating it with a 'light touch', in light of the findings of the SA review, however officers are of the view that more significant updating is appropriate.

## Background Papers

4. The letters from the Planning Inspector to the North Essex Authorities (NEA) of [8 June](#) and [2 August](#); the review of the Regulation 19 SA.

## Impact

- 5.

Communication/Consultation	The updated SA will be published for a period for representations to be submitted.
Community Safety	N/a
Equalities	N/a
Health and Safety	N/a
Human Rights/Legal Implications	The SA is a legal requirement of producing a Local Plan, and the SA will be tested at examination.

Sustainability	The SA compares the strategy in the Local Plan to reasonable alternatives and assesses these against sustainability objectives.
Ward-specific impacts	All
Workforce/Workplace	N/a

## Situation

6. The series of letters the NEA received from their inspector identified a number of issues with their plans, including their Sustainability Appraisal.
7. Following the receipt of this letter by the NEA, Uttlesford District Council commissioned a review of the SA of the Regulation 19 Local Plan to understand how our SA held up to these (and other) criticisms.
8. The SA review can be found at Appendix 1 to this report and identified a number of concerns with the SA of the Regulation 19 Local Plan, as well as identifying three options for addressing these concerns. The first of these options is a more light touch approach to addressing the issues within the existing SA, while options 2 and 3 look at a more fundamental update of the SA.
9. Officers have obtained legal advice on the SA review; the legal advice has strongly recommended the more fundamental updating of the SA. The barrister advising the Council has also recommended publishing the updated SA for a period of representations once it is complete, and submitting any responses to the Inspector. The barrister does not consider that this will necessitate the Local Plan to be published for representations alongside the SA, unless the updated SA points to conclusions which suggest that the Local Plan is not the most appropriate strategy to deliver its objectives, in the light of a comparative assessment with reasonable alternatives.
10. Taking into account the legal advice, and the intention to submit the Local Plan on or before 24 January, officers have commissioned consultants AECOM to undertake the more fundamental update of the SA.

## Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The updated SA is not ready for submission	1 – Unlikely, the consultants consider that, under an	3 – The Council would have to consider whether it	Officers will work closely with the consultants to ensure their work can be completed as swiftly

	accelerated timetable, the work can be complete before Christmas	could submit the Local Plan without the updated SA work	as possible
The updated SA identifies that the Local Plan is not the most appropriate strategy	2 – The SA review considers that reasonable alternatives have not been clearly identified, described or evaluated. It is possible that looking again at potential reasonable alternatives may identify a more appropriate strategy.	4 – The Council is unlikely to be able to submit the Local Plan on or before 24 January. Instead the Council would have to consider how the plan could be rewritten to take account of the updated SA. The timing of this would also mean that the Local Plan would have to be consistent with the NPPF 2018.	Officers will work closely with the consultants to ensure the decisions and analysis that informed the draft Local Plan is explained fully.
The additional work in the final stages of preparation for submission mean that other work is not as fully developed as it would otherwise have been	3 – Close working with the consultants will take resource away from preparing the other documentation necessary for submission	2 – Documents submitted alongside the Local Plan will have had less thought and work put into them.	Officers will prioritise work to ensure the minimum requirements for submission are met.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.