

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL –19 MARCH 2015

EXECUTIVE – 2 JUNE 2015

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

DELIVERY STUDY UPDATE REPORT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report provides an update on progress with the Delivery Study;
- It also sets out delays with critical pieces of evidence, and the implications of this for the overall timeline for the District Plan;
- It explains that the delays with the District Plan are part of a wider picture of plan-making across England.

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL AND EXECUTIVE: That:**

(A)	The Update Report, including the slow progress with Local Plans across England, and the risks of proceeding without sufficient evidence to meet the requirements of the National Planning Policy Framework and Planning Practice Guidance, be noted.
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RECOMMENDATIONS FOR COUNCIL: That:

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1.0 Background

- 1.1 The District Plan Delivery Study is critical to determining whether or not the development strategy set out in the Preferred Options District Plan can be delivered. The study could result in material changes to the Draft Plan. The specification for the study was published in summer 2014 (see Background Papers).
- 1.2 Peter Brett Associates (PBA) has been appointed to undertake the study on behalf of the Council. An initial Update from PBA, which included initial recommendations on transport and the calculation of Objectively Assessed Housing Needs, was previously reported to the Panel (see Background Papers).
- 1.3 Written outputs from the Delivery Study will be posted on the Council's website (see Background Papers).
- 1.4 The Council continues to work closely with ATLAS in relation to the strategic scale sites proposed in the District Plan, to ensure that the approach to testing of the preferred options meets the necessary levels of rigour and transparency.

2.0 Report

Progress Update

- 2.1 Good progress has been made on key parts of the evidence base. PBA has collected a significant amount of evidence including costs for some of the necessary infrastructure, and this will form a central plank of the Infrastructure Delivery Plan. The promoters of a number of strategic sites have provided significant information, and the notes of a number of meetings with site promoters have been added to the Council's website. In addition, the situation regarding school provision in Bishop's Stortford appears to have been clarified in recent weeks.
- 2.2 However, there remain a number of critical pieces of evidence which still need to be obtained before a revised Plan can be formulated. These relate in particular to transport planning.
- 2.3 Hertfordshire County Council has been assessing the capacity of the A414 to accommodate additional traffic through improvements to the existing road and other measures. This work is yet to report and it will form a key part of the evidence.

- 2.4 Essex County Council has been preparing a business case for a new Junction 7a on the M11, and a major part of the evidence will be provided by a strategic transport model operated by Essex County Council which covers the whole area. Plans showing the VISUM road network and model zones are attached at **Essential Reference Paper 'B'**. The Local Planning Authorities in the model area (Epping Forest, Harlow, Uttlesford, and East Herts) are reliant on the model for testing their emerging Local Plans.
- 2.5 Essex County Council has informed the Local Planning Authorities that there have been difficulties with validation of the model (known as VISUM) and therefore it will not be available for testing until the end of March 2015. Essex County Council is aware of the urgency because its own planned consultation on Junction 7a has been postponed due to delays with the model.
- 2.6 PBA and ATLAS have advised against proceeding without the transport evidence, because this is likely to indicate a number of 'big ticket' costs which are central to the assessment of whole-plan viability and understanding of deliverability. Natural England has also advised that VISUM outputs will be necessary to understand the cumulative impacts of development on Epping Forest Special Area of Conservation (SAC). The experience of Uttlesford District Council (see below) indicates the risks of proceeding without adequate transport evidence.
- 2.7 East Herts Council is working with Hertfordshire County Council to agree indicative mitigation designs for testing in VISUM as soon as it is available. It may be that the initial tests suggest that further mitigation is necessary and a further round of testing may therefore be required. PBA will need to take account of the outcomes of these tests in reaching conclusions for the Delivery Study, and the Council will then need to make sure that the next iteration of the Plan is informed by PBA's findings.
- 2.8 Officers have been making progress in addressing the comments raised in relation to particular site options contained in the Preferred Options consultation in spring 2014. However, it is not possible to finalise this work until the evidence base is available.
- 2.9 Part of PBA's commission is to recommend an appropriate level of Community Infrastructure Levy (CIL). Government guidance is that CIL should be formulated in conjunction with plan-making in order to ensure that viability is not jeopardised by setting a CIL charge too high. Therefore it is not recommended that a

consultation on CIL should be undertaken in advance of the next iteration of the District Plan.

Timeline

- 2.10 As reported to the Panel on 8 December 2014, delays in assembling the evidence base have implications for the overall timeline for the next iteration of the District Plan, because this evidence and the issues arising are critical to resolve satisfactorily prior to another public consultation, in order to ensure that the plan is found sound at Examination in Public.
- 2.11 The Council fully recognises the implications of any delay for the planned delivery of development across the District. Working together with PBA and ATLAS, the Council will investigate any reasonable means by which the overall process can be expedited in order to bring forward the District Plan as soon as possible without jeopardising the prospects for planned development accompanied by the necessary supporting infrastructure.

The National Picture

- 2.12 The Planning Inspectorate maintains a national database of Local Plan progress, relating to all 337 Local Planning Authorities in England. The most recent data provided is for progress up to 31 January 2015. A summary is provided in the table below.

Year	Published	Submitted	Found Sound	Adopted
2015	6	2	2	2
2014	38	41	38	33
2013	34	45	20	22
2012	44	30	28	32
2011	31	44	48	50
2010	53	50	32	23
2009	32	19	18	18
2008	22	13	21	21
TOTAL	260	244	207	201

Source: The Planning Inspectorate (31 January 2015)

- 2.13 The table shows that only 90 Local Plans were adopted since 2012, when the National Planning Policy Framework (NPPF) was introduced. Planning Inspectorate figures also show that 11 of the plans adopted in 2012 were adopted before April of that year, meaning that only 79 plans have been adopted since the introduction of the NPPF. Taken as a percentage of the total, only 23% of Local Planning Authorities currently have a Local Plan

adopted since introduction of the NPPF. The remainder have plans which are out-of-date.

- 2.14 Not shown in the Planning Inspectorate's figures is the number of Local Plans found sound on condition of an immediate review. Also not shown is the number of successful appeals on the grounds that the adopted plan is not compliant with the latest changes in the Planning Practice Guidance (PPG), first published in March 2014. Taken together, the evidence suggests that the number of fully NPPF and PPG compliant plans is significantly lower than 1 in 5, and is probably nearer 1 in 10. For areas with complex geographies and multiple cross-boundary strategic issues the figures are likely to be even lower.
- 2.15 Many observers have speculated as to the reasons for the widespread slow progress by Local Planning Authorities in preparing development plans for their area. Despite the reduction in the number of pages of national policy and guidance, commentators have observed the increased demands of the NPPF in terms of the evidence base, and also the challenges of compliance with the Duty to Co-operate.
- 2.16 Observers have also commented on the lack of a clear definition in the PPG of many of the key terms in the NPPF, and the significant impact on timescales of a number of Ministerial Statements and changes to PPG issued at short notice and without consultation since March 2014. It is commonly observed that such changes often necessitate further technical work and sometimes further consultation, resulting in delays in plan-making.

Uttlesford Local Plan

- 2.17 The recent examination of East Herts' neighbouring authority of Uttlesford provides an interesting recent case study. Planning Inspector Roy Foster's Summarised Conclusions are presented at **Essential Reference Paper 'C'**. This, together with Mr Foster's full report, is available on Uttlesford District Council's website.
- 2.18 The inspector's main concerns related to lack of a robustly evidenced figure for Objectively Assessed Need, lack of assessment of alternative options, and lack of transport evidence. He concluded that *"the scale of work which the Council would need to undertake to propose and consult upon changes to deal with these matters would be greater than could be completed within the normal maximum 6-month period of a suspended examination"*.

2.19 The main lesson from Uttlesford's Local Plan Examination is that Local Planning Authorities need to ensure that their evidence base meets the main requirements of the NPPF and PPG before a plan is submitted to the Planning Inspectorate.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

- Submissions from the site promoters, including meeting notes are on the Council's website at:
www.eastherts.gov.uk/preferredoptions2014
- Outputs from the Delivery Study to date are posted to the Council's website at: www.eastherts.gov.uk/deliverystudy
- Delivery Study Update Report 8 December 2014
- Delivery Study Update Report 17 July (contains the Specification)
- Delivery Study Update Report 22 October (contains the first Update Note from PBA).

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