

Examination of the Uttlesford Local Plan (ULP)

Summarised conclusions of the Inspector after the hearing session on 3 December 2014

This note briefly summarises the conclusions I have reached about the soundness of the plan. It also indicates what I consider likely to be the most positive way forward.

Objectively assessed need for housing (OAN)

Para 47 of the National Planning Policy Framework (NPPF) requires Local Plans to meet the full OAN for market and affordable housing in the Housing Market Area (HMA) as far as consistent with the policies in the NPPF..

The most recent (phase 6) demographic work by Edge Analytics (on the basis of the SNPP-2012 data) indicates an annual dwelling requirement of 508 using 2011-based household formation rates or 549 using 2008-based rates. The average of the two rates gives a requirement of 529pa. In my view this is an appropriate starting point, allowing for some return towards long-term pre-recession trends and avoiding embedding post-recessionary conditions judged to have been reflected in the 2011 Census. In itself this a small addition (6pa) to the plan's provision of 523pa would not be a major issue.

However, Planning Practice Guidance 2a-019 recognises that various factors may require some adjustment to be made to demographically-modelled household projections (e.g. affordable housing needs, employment issues and market signals). The brief for the forthcoming Strategic Housing Market Assessment (SHMA) currently being produced for Uttlesford and its 3 neighbouring authorities in the 'Harlow/M11 corridor' requires PPG compliance on these matters. It remains to be seen how these factors will be considered and weighed in the SHMA.

While evidence on some of these topics is patchy. Taking them in the round and without discussing them in detail here, I consider that an uplift of at least 10% would be a reasonable and proportionate increase in the circumstances of Uttlesford, say to about 580pa.

The submitted plan therefore does not provide for a full PPG-compliant OAN.

Elsenham policy 1 – land north east of Elsenham

The Elsenham strategic allocation emerged as part of the favoured option about 8 years ago at the outset of what has become an extended plan-making process. It is not clear that transparent consideration of other 'new settlement' options took place before the very high level, broad brush comparative Sustainability Assessment (SA) of January 2010, acknowledged by the Council as 'not a full SA'. No further SA of other possible 'new settlement' options took place until June 2014 after the plan had been submitted despite the promoters of other options developing their schemes to varying extents of detail in the intervening period. Whether or not this retrospective exercise meets the requirements of the SEA Regulations as interpreted by subsequent case law, it is questionable whether the Council considered the claims of other candidate locations for growth ('new settlement' or otherwise) to the transparent extent required to constitute 'proportionate evidence' justifying Elsenham as such a major element of what is declared to be the 'most appropriate strategy'.

From all the material produced on this issue by the Council, by the promoters of the site, and by opponents of the allocation, I have severe concerns about the justification for this proposal and thus the soundness of the plan as a whole.

On the basis of its size and level of services the plan regards Elsenham as one of 7 'key villages', the function of which is 'to act as a major focus for development in the rural area, suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area'.

There is no reason in principle why the plan should not propose a step change in the size and status of a key village if this is justified as a sustainable way to meet the district's needs. However, Elsenham is embedded within a rural road network and the areas of the existing and proposed new parts of Elsenham are substantially divided by the railway line, a situation which could become worse if the crossing is closed.

NPPF para 34 says that "Plans should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes will be maximised."

At Elsenham the opportunity to use trains is a definite benefit but this will only affect a small minority of journeys. The current infrequent bus services will be improved but will still only be modest. Designed opportunities for safe walking and cycling on site will be good, but beyond that effectively no better than they are at present. Most travel will be on rural roads heading

mainly west towards Stansted Mountfitchet through roads clearly unsuited for the purpose, or south through the Countryside Protection Zone via the longer route of Hall road to the airport and destinations along the A120.

It is unclear that any of these routes are fit for purpose to the extent that Elsenham would be able to overcome its overall connectivity disadvantages and be regarded as a sustainable location for growth on this scale.

Further concern about the allocation (in this case after the initial phase of 800 houses) arises from the uncertainty attached to the capacity of M11 (J8) as expressed in the representations about the submitted plan by the Highways Agency and the County Council. The Statement of Common Ground (SoCG) indicates that resources are likely to be available to fund improvements to the junction to cater for planned developments before the mid-2020s; however, further work is required to explore capacity after that date. Although more modelling is proposed to investigate this issue, the outcome of this work (and the availability of funding for any further improvements found necessary at the junction which, it is said, could be very substantial) are both currently unknown. In these circumstances it would be premature, and inconsistent with the PPG on transport evidence bases in plan-making, to recommend adoption of the plan.

The Way Forward

Taken together, my concerns about the OAN and the justification for Elsenham mean that I cannot recommend adoption of the plan as submitted. Nor would I be able to recommend Major Modifications under section 20 of the act which could overcome these soundness defects.

My normal strong inclination would be to 'keep the Development Plan process on the road' wherever possible in order to keep the planning process moving along with as little disruption as possible. However, 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.

The new SHMA, currently being prepared for Uttlesford and its neighbours in the 'Harlow/M11 corridor' should provide a vehicle for up-to-date, PPG-compliant OAN assessments for these authorities both individually and jointly.

There appears to be widespread recognition that some form of new settlement(s) in an appropriate location may form the most appropriate

means for catering for the future long-term growth of the District on a scale bold enough to achieve maximum possible sustainable critical mass and a long term solution, especially as there may well be limits to how far relatively small towns with the characters of Saffron Walden and Great Dunmow grow sustainably, attractively, and in an integrated way through successive phases of peripheral expansion.

I make no comment on the claims of any of the many alternative sites, larger or smaller, that have been promoted in the process over the years, and note that some of those dubbed 'new settlements' may or may not fit that description. Armed with the new SHMA, providing a clearer picture of future needs for Uttlesford and its neighbours, I consider that a revised plan needs to be prepared as soon as possible, in co-operation to any extent necessary with the still-emerging plans of neighbouring authorities.

Roy Foster

3rd December, 2014