

Uttlesford Local Plan Examination

Stage 1 Matters, Issues and Questions

Introduction

Stage 1 of the hearings sessions will cover the matters set out below. If after the Stage 1 hearing sessions, I consider that in relation to these issues the Plan is likely to be capable of being found legally compliant and sound (having regard to the potential for me to recommend modifications), development management policies (including Green Belt alterations), the site allocations and five year housing land supply issues will be considered at a later date. A further set of matters, issues and questions will be issued prior to these hearings.

Matter 1 – Legal/Procedural Requirements (Introduction)

Main Issue

Whether the Council has complied with the relevant procedural and legal requirements.

Questions

Plan preparation

1. Is the Plan compliant with:
 - (a) the Local Development Scheme?
 - (b) the Statement of Community Involvement?
 - (c) the 2004 Act and the 2012 Regulations?

Sustainability Appraisal

2. Are the likely environmental, social and economic effects of the Plan adequately and accurately assessed in the updated Sustainability Appraisal (SA)?
3. Does the updated SA test the Plan against all reasonable alternatives?
4. Have any concerns been raised about the updated SA?
5. Have the Council complied with the requirements of section 19(5) of the 2004 Act with regards to SA?

Habitat Regulations Assessment

6. Have the Council complied with the requirement of the Conservation of Habitats and Species Regulations 2017 with regards to Habitats Regulations Assessment (HRA)?
7. Are the likely environmental, social and economic effects of the Plan adequately and accurately assessed in the Habitats Regulations Assessments?

8. In response to our initial question regarding HRA, the Council said that the HRA was being updated. When will this be available? Have Natural England been consulted on the updated HRA and if so what comments did they make?

Other matters

9. Does the overarching strategy of the Plan secure the development and use of land which contributes to the mitigation of, and adaptation to, climate change consistent with S19(1A) of the Planning and Compulsory Purchase Act 2004? If so, which are the relevant policies?
10. How have issues of equality been addressed in the Plan?
11. Regulation 9 sets out the form and content of the adopted policies map and explains that it must illustrate geographically the application of the policies in the adopted development plan. Is it clear which policies in the plan have a geographic illustration on the policies map? Should all such relevant policies state that their geographic illustration is shown on the policies map? As things stand, the key to the policies map does not refer to any policies.
12. The Council's response to Initial Question 19 provides details of the sustainable community strategy (SCS) (and subsequent strategies) which it has had regard to in preparing the Plan. Is the table detailing the spatial objectives and how they meet the SCS included in the Plan? Should the SCS be referred to specifically in the Plan?
13. Regulation 8(5) expects the Plan to set out where a policy is intended to supersede another policy in an adopted development plan. Appendix 1 refers to replacement policies but is not explicit in stating which are superseded. Does Appendix 1 meet the terms of the Regulations?
14. Does the Plan period need to be made clearer?

Matter 2 – The duty to co-operate

Main Issue

Whether the Council has complied with the duty to cooperate in the preparation of the Plan.

Questions

General

1. What are the genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act?

Overall housing provision

2. Who has the Council engaged with in terms of overall housing provision and what form has this taken?
3. What are the inter-relationships with other authorities in terms of migration, commuting and housing markets?
4. How have these been taken into account in preparing the Plan and specifically in terms of the Objectively Assessed Need for housing (OAN)?
5. Are there issues of unmet need from within the wider HMA or other authorities? If so how are these being addressed?
6. Does the overall housing provision being planned for in Uttlesford have any implications for other authorities? If so, what are they and how are these being addressed?
7. What is the position of other authorities in the HMA and elsewhere in terms of the planned level of housing in Uttlesford? Have specific concerns been raised through duty to co-operate discussions or representations?
8. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

Jobs growth and employment land provision

9. Who has the Council engaged with in terms of jobs growth and employment land provision and what form has this taken?
10. What are the inter-relationships with other authorities in terms of economic activity, travel to work and the market for employment land and premises?
11. How have these inter-relationships been taken into account in preparing the Plan in terms of jobs growth and employment land provision?
12. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of jobs growth and employment land provision?

Matter 3 – Presumption in favour of sustainable development and sustainable development principles (Policy SP1 & SP12)

1. Is it necessary for the Plan to include policy SP1 – does it just replicate para 14 of the NPPF 2012?
2. Should policy SP12 include criteria relating to climate change and renewable energy, the historic heritage and the natural environment?

Matter 4 – The Spatial Strategy (Policies SP2 &SP3)

Main Issue

Whether the Development Strategy is justified, effective and consistent with national policy.

N.B. Detailed issues concerning the individual proposed site allocations will be dealt with at the stage 2 hearings.

Questions

1. What is the basis for the overall spatial strategy and broad distribution of growth set out in policy SP2? What options were considered and why was this chosen?
2. Is the growth in villages consistent with their position in the settlement hierarchy set out in policy SP2?
3. Has the settlement hierarchy taken account of facilities in neighbouring settlements, outside of the local authority's boundary? If not, should it?
4. Is the approach to development in the countryside, set out in policy SP2 and SP10, justified and effective and consistent with national planning policy? Should it be more flexible and less restrictive?
5. What has been the Council's approach to defining village envelopes? Is this approach justified and effective?
6. Is the approach set out in policy SP3 of providing a large proportion of new homes within garden communities realistic?
7. Is the windfall allowance in policy SP3 realistic and is it based on the advice in paragraph 48 of the NPPF?
8. Should the Plan include more small and medium size sites in order to provide greater choice and flexibility?
9. Would it be more appropriate for some of the spatial strategy (SP) policies to be contained in the second part of the plan that contains development management policies, in particular policies SP9, SP10 and SP12?

Matter 5 – Objectively Assessed Needs for Housing and Employment Land (Policies SP3 & SP4)

Main Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall provision for housing and employment land.

Questions

Housing

1. Does the West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) September 2015 appropriately define the housing market area? If not, what are the consequences for the housing requirement figure in policy SP3?
2. Does the OAN figure in the July 2017 SHMA update take account of the most recent DCLG household projections, market signals, economic/jobs growth and the need for adequate levels of affordable housing to be provided?
3. Is the housing target in the Plan appropriately aligned with forecasts for jobs growth?
4. Is the stepped trajectory in policy SP3 and appendix 3 of the Plan appropriate and justified?
5. Does the housing target take appropriate account of the need to ensure that the identified requirement for affordable housing is delivered?
6. The soundness of proposals for the land allocations in the Plan will be considered at Stage 2 of the Examination. However, on the basis of the Plan as submitted, is it realistic that they would provide for:
 - a) A supply of specific deliverable sites to meet the housing requirement for five years from the point of adoption?
 - b) A supply of specific, developable sites or broad locations for growth for years 6-10 from the point of adoption?

If you contend that the Plan would not provide for either (a) or (b) above (or both) could it be appropriately modified to address this?

7. Have the Council carried out an assessment, as required by S.8 of the housing act 1985, of the needs of people in the district residing in caravans or houseboats?

Gypsies and Travellers

8. The GTAA finds no need for any additional pitches over the plan period to meet the needs of those meeting the definition in the PPTS, but a need for up to 8 pitches for those households that may meet the definition and 10 additional pitches for those who do not meet the definition. How are these to be provided for? Paragraph 4.45 suggests those not meeting the definition would be considered as part of the Council's overall objective to meet the district-wide housing needs. Where is this evident?

9. Should the plan be more explicit that no gypsy and traveller or travelling showpeople sites are to be allocated? Does this approach accord with the recommendations of the GTAA?
10. Is the plan consistent with the requirement of national policy to identify a supply of specific deliverable sites sufficient to provide at least five years' worth of supply against the local requirement and identify broad locations for growth for years 6 -10?
11. Is there any evidence of unmet need in the district, for example from the caravan count or unauthorised encampments?
12. Paragraph 4.45 of the plan refers to the possible future preparation of a specific site allocations plan, if any needs arises during the plan period. Under what circumstances would this be likely to happen?
13. Paragraph 4.43 of the plan suggests that the Council is working with the other Councils in Essex to identify the need and the appropriate locations for transit provision. What progress has been made on this work? What does the GTAA say about transit needs?

Employment Land

14. What is the overall need for employment land that has been identified? What is the evidence for this? What is the situation regarding existing commitments and the residual need for additional land allocations? What is the past trend in take up rates for employment land?
15. Overall does the evidence base provide adequate justification for the jobs target set out in policy SP4? Should this also be expressed in terms of the employment land requirement?
16. Are the employment land requirements consistent with the housing requirement figure and the methodology by which the latter was arrived at?
17. Does the plan allocate sufficient land to meet the identified minimum need in policy SP4.
18. What are the inter-relationships with other authorities in terms of employment land provision and how have these been taken into account?

Matter 6 – Strategic Infrastructure and London Stansted Airport (Policy SP11)

This session will deal with general issues concerning infrastructure provision.
Specific infrastructure requirements for the proposed garden communities
will not be discussed here – they will be covered under Matters 7 & 8.

Main Issues

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall

provision for infrastructure needs of Uttlesford over the Plan period, including in relation to London Stansted Airport.

Whether it contains effective mechanisms to secure the provision of strategic infrastructure as and when it is needed.

Questions

1. What strategic infrastructure is necessary for the Plan to be implemented?
2. Is this clearly set out in a policy/policies in the Plan? If not, should it be?
3. Are there effective mechanisms in place between the Council, other neighbouring authorities and infrastructure providers to co-ordinate the planning and provision of infrastructure?
4. Is any of the strategic infrastructure reliant on other development coming forward in neighbouring authorities e.g. rapid transit bus systems?
5. Will the delivery of key infrastructure allow for the delivery of planned development in line with the housing trajectory in the Plan? If not, what will be the shortcomings and how will the Council address these matters?
6. Are there any other constraints on the delivery of strategic infrastructure?
7. Has all the strategic infrastructure been costed and are there known sources of funding, particularly for development expected to be delivered in the first 5-7 years of the Plan? Are these all in the Council's latest Infrastructure Delivery Plan?
8. Is policy SP11 justified and effective and consistent with national policy?
9. Should the policy impose a limit on annual passenger numbers?
10. Does the policy take account of and accord with the Government's aviation strategy?
11. Has an assessment been made as to the impact of growth at the airport and the cumulative effect of airport growth and Easton Park Garden Community on water supply and waste infrastructure? If so, what were the findings?
12. Has consideration been given to the effect of the growth of the airport on the highway network and other transport infrastructure?
13. Does the policy adequately control airport related car parking?
14. Is it appropriate for the North Stansted Employment Area to be made available for non-airport related employment purposes?

15. Should the Plan seek to secure affordable housing close to the airport for airport workers?

**Matter 7 – The proposed new garden communities – general matters
(Policies SP5, SP6, SP7 & SP8)**

Main Issue

Whether the policies for the development and delivery of three new garden communities in Uttlesford District are justified, effective and consistent with national policy?

Questions

1. How were the broad locations for the garden communities selected, and what evidence documents were produced to inform their selection?
2. Have landscape, agricultural land, flood-risk, natural heritage and heritage assessments been carried out to inform the locations of the proposed garden communities?
3. Is the Sustainability Appraisal of the garden community options robust, particularly with regard to its threshold of 5,000 dwellings?
4. Are the locations of the proposed garden communities adequately identified on the policies map? Should they be more clearly defined?
5. Have the infrastructure requirements of the proposed garden communities been adequately identified and costed? Including the requirements for:
 - a) road improvements;
 - b) rapid public transport systems and sustainable transport networks;
 - c) water supply and waste water treatment;
 - d) the provision of electricity/gas and other services;
 - e) primary healthcare;
 - f) schools and early years' provision;
 - g) green infrastructure; and
 - h) leisure and sports facilities.
6. Is there evidence that the infrastructure requirements will be delivered within the necessary timescales?
7. Should policies SP5, SP6, SP7 and SP8 make more specific requirements as regards the provision and timing of the infrastructure needs for the proposed garden communities?
8. Has the economic viability of each of the proposed garden communities been adequately demonstrated in the Uttlesford Economic Viability Study 2018. In particular:
 - a) Has the viability assessment been carried out in accordance with the advice in the NPPG?

- b) Are appropriate assumptions made about the level and timing of infrastructure costs and other costs associated with for example the sensitive nature of the sites in terms of historic heritage?
- c) Is there a contingency allowance? If not, should one be included?
- d) Are appropriate assumptions made about the rate of output?
- e) Are appropriate assumptions made about the timing of land purchases?
- f) Is the viability threshold set at an appropriate level?
- g) Should an allowance have been made for inflation?
- h) Is an appropriate allowance made for finance costs?
- i) Is the residual value methodology appropriate?
- j) Has income from commercial floorspace been factored into the calculations?

**Matter 8 – The proposed new garden communities – specific matters
(Policies SP6, SP7 & SP8)**

Main Issue

Whether the detailed policies for each new garden community is justified, effective and consistent with national policy.

Questions

Easton Park Garden Community (SP6)

1. What evidence is there to demonstrate that the proposed Easton Park Garden Community is capable of delivering 10,000 homes (1,925 in the Plan period)?
2. The Heritage Impact Assessment says this site is situated within an area of moderate to high sensitivity. Has this been factored into the calculation of the likely developable area of the site and the provision of infrastructure and services?
3. Has any work been undertaken to assess the likely impact of the proposal on the surrounding landscape?
4. Should the policy recognise that the site lies within ZoI for recreational impacts for Hatfield Forest SSSI?
5. Will the working quarry on the site affect the rate of delivery of development? Are there any other likely impacts?
6. Should the plan identify specific allocation/areas within the policy area for employment use?
7. Does the policy refer to the most up to date sports strategy?
8. How have any impacts from flight paths to and from Stansted airport on the Easton Park proposed garden community been considered?

North Uttlesford Garden Community (SP7)

1. What evidence is there to demonstrate that the proposed North Uttlesford Garden Community is capable of delivering 5,000 homes (1925 in the Plan period)?
2. The Heritage Impact Assessment says this site is situated within a sensitive landscape with significant highly sensitive areas and contains extensive heritage assets. Has this been factored into the calculation of the likely developable area of the site and the provision of infrastructure and services?
3. Should the plan identify specific allocation/areas within the policy area for employment use?
4. Does the policy refer to the most up to date sports strategy?
5. Do local railway stations have the capacity to cope with the increased passenger demand likely to be created by this development?
6. Has the proposed Genome expansion within South Cambridgeshire considered the cumulative implications of the new community North of Uttlesford?
7. Has an assessment been made of the flood risk and if so what were the findings? Is flooding likely to affect the development of the site and if so how?
8. How have any impacts from flight paths to and from Stansted airport on the North Uttlesford proposed garden community been considered?

West of Braintree Garden Community (SP8)

1. What evidence is there to demonstrate that the proposed West of Braintree Garden Community is capable of delivering 10,500 -13,500 homes overall and up to 3,500 in Uttlesford (970 in the Plan period)?
2. What arrangements have been made for joint working between Braintree and Uttlesford District Councils to deliver the proposed garden community?
3. The Heritage Impact Assessment says this site is situated within an area of moderate to high sensitivity. Has this been factored into the calculation of the likely developable area of the site and the provision of infrastructure and services?
4. Should the plan identify specific allocation/areas within the policy area for employment use?
5. Does the policy refer to the most up to date sports strategy?

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6. Will this development result in the loss of a pilot training school and if so will a replacement site need to be found in order for this part of the site to be developed?
7. How have any impacts from flight paths to and from Stansted airport on the West of Braintree proposed garden community been considered?