

Examination of the Uttlesford Local Plan (ULP)

Inspector's conclusions

At the hearing on 3 December 2014 I summarised the conclusions I had reached about the soundness of ULP and cancelled further hearings. I indicated that I would write more fully before Christmas. These are my fuller conclusions.

1 Objectively assessed need for housing (OAN)

1.1 Para 47 of the National Planning Policy Framework (NPPF) requires that, in order to achieve a significant boost in housing supply, Local Plans should 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.

1.2 Looking at the most recent (phase 6) demographic work by Edge Analytics using the SNPP-2012 data, the assumed net migration flows are somewhat lower than the annual average for Uttlesford over the period 2003/4-12/13 and more so compared with the average over the past 5 years. It has been argued that the SNPP-2012 projections underestimate the migration component, particularly the very recently experienced levels of net international migration. However, flows of this type can be dynamic and unpredictable. Overall I am not convinced that there is evidence to demonstrate the necessity in Uttlesford of departing from the current ONS approach to a national control total. However, I return briefly to the question of future migration from London in the final paragraph under this heading (ie the OAN).

1.3 The phase 6 work indicates an annual dwelling requirement of 508 based upon 2011 household formation rates or 549 using 2008 rates. The average of the two rates gives a requirement of 529pa. My view is that 529 represents an appropriately modelled demographic projection, allowing for some return towards very long-term pre-recession trends in household formation rates and avoiding embedding the post-recessionary conditions judged to have been reflected in the 2011 Census.

1.4 In itself, increasing the plan's provision by 6pa to 529pa would not be a major issue. However, Planning Practice Guidance (PPG) 2a-019 recognises that various factors may require some adjustment to be made to demographically-modelled household projections. PPG 2a-20 gives guidance on how plan makers should respond to such signals, indicating that comparisons should be made with longer term trends and that (where these worsen) upward adjustment will be

required to planned numbers compared with those based solely on household projections.

1.5 PPG 2a-020 suggests a number of market signals which should be taken into account. In terms of the median price of housing, Uttlesford is within the top 15% of local authority areas in England. The percentage change in the median price in the period 1998-2013 has been slightly below those for Essex and England but from a very much higher base. Turning to rental levels, only limited time-series information is available, but median rents are higher than Essex and England and have risen by 7% in the period Q2 2011 to Q3 2013 compared with 3% in Essex and 4% in England. Uttlesford is marginally outside the top 25% authorities in England in terms of rental levels.

1.6 The above housing cost factors are reflected in affordability issues. Measured in terms of the ratio between lower quartile house prices/lower quartile earnings, Uttlesford is within the top 10% least affordable local authorities, significantly above the ratios for Essex and England. A CLG live table shows UDC's ratio rising to a much sharper peak than these comparators (at about 12) just prior to the recession in 2007, before it fell and then resumed rising in the past few years whereas Essex and England have remained largely flat.

1.7 Turning to homelessness, the number/1000 households accepted as homeless and in priority need is modest in Uttlesford compared with Essex and England but a CLG live table shows that Uttlesford experienced a rise in the incidence per 1000 households between 2004/5 and 2012/13 whereas in the comparators the incidence more than halved.

1.8 PPG 2a-020 advises that any necessary upward adjustment in relation to market signals should be set at a level that is 'reasonable' and in scale with the strength of the indicators. Precision is not to be attempted in estimating the impact upon housing supply. Any uplift is to be on a scale which, on reasonable assumptions and consistent with the principles of sustainable development, could be expected to improve affordability.

1.9 In addition, PPG 2a-029 indicates that an increase in the housing provision in the plan should be considered where it could help to deliver the required number of affordable homes. The OAN is defined in the NPPF as including the full needs for both market and affordable housing. However, the best current available estimate of need for affordable housing is that expressed in the updated SHMA (2012), which identifies it as 54% of total need. Plainly that total could not be achieved through the operation of ULP policies HO7 & HO8 even if no viability issues arose to prevent delivery at 40/20% according to site size. However, it is clear there will be such instances (eg see below in relation to the example of Great Dunmow where policies 2-4 will require a significant number of affordable homes to be foregone in favour of education contributions).

1.10 A number of participants at the examination separately advanced cases for an increase in provision of about one-third on the basis of the above factors. That would bring provision to about 700pa, or an additional 3,500 dwellings during the plan period. I find no convincing evidence to support an increase on that substantial scale. I also accept that the objective of improving affordability could be difficult to achieve within the confines of one local authority area and that affordability is affected by many more factors than land supply. However, taking all the above factors in the round, I conclude that it would be reasonable and proportionate, in Uttlesford's circumstances, to make an upward adjustment to the OAN, thereby increasing provision with a view to relieving some of the pressures. In my view it would be appropriate to examine an overall increase of around 10% to about 580pa (an additional total of 1,120 dwellings).

1.11 Concerning the type of economic factors referred to in PPG 2a-018, the phase 6 work does not suggest that household growth scenarios based upon Uttlesford's forecast population of working age would exceed the housing provision in the plan based upon the East of England Forecast Model which is the one used in the Local Plan. Another scenario (Oxford Economics) shows a different outcome, but it is clear that a significant part of Uttlesford's expected employment growth will be focused on the airport where over 80% of employees are drawn from across a wide area outside Uttlesford. Evidence on the overall commuting patterns into and out of the District also makes it hard to draw any firm conclusion that housing provision on the above scale would hinder economic aspirations.

1.12 Finally, returning to an aspect of migration, Uttlesford has consistently been a recipient of in-migration from London and this will already be reflected in the migration assumptions behind the SNPP 2012 projections. The future unmet needs of London discussed in the Further Alterations to the London Plan may give added impetus to this potential pressure over coming years. However, it is unclear whether or what mechanisms will emerge to address this complex issue following the Mayor's overtures to authorities in the Greater South East, still less what kind of solutions (eg concentration at certain locations or wider dispersal) may be adopted. Pending wider consideration of this matter I am not convinced that it can bear much weight in assessing the OAN for Uttlesford as a single local planning authority among many within London's orbit.

2 Elsenham policy 1 – land north east of Elsenham

2.1 This policy is by far the largest allocation in ULP, providing for 2,100 homes, a local centre (retail and employment uses and community and health buildings), primary education (and possibly secondary education, dependent upon future decisions concerning an existing school), and recreational uses. First included in the original options stages of the plan in 2006/7, the scheme has been described by the Council for much of the intervening period as a 'new settlement'. However, the submitted plan (para 22.1) describes it as 'a large strategic allocation' with 'the potential to expand in the future to continue to

meet housing requirements beyond the current plan period'. The longer term potential for scaling-up development within the land controlled by the promoters is said to extend to some 3,000-3,500 homes.

2.2 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'. In principle there is no reason why ULP should not propose a step change in the size and status of a key village provided that this would be consistent with national policy (NPPF para 182) in securing the delivery of sustainable development in accordance with NPPF policies.

2.3 Bearing in mind the siting of the strategic allocation, ULP effectively proposes a major village expansion; the earlier tag 'new settlement' is not really an apt description. Looking at the present context of Elsenham, other ULP proposals (Elsenham 3-6) are already mostly commitments. These will add about 550 homes to a village which in 2001 (according to EX117) had 922 households. Adding a further 2,100 homes to a village of perhaps about 1,500 existing and committed homes (on the basis of the above figures) would bring Elsenham to a total of about 3,600 homes. Potential future extension of the allocation to 3,500 homes after 2031 would increase the overall size of the village to as much as 5,000 homes. Expansion on either of these scales would bring major change in Elsenham's place in the hierarchy of Uttlesford's settlements. Before embarking upon any part of the Elsenham policy 1 proposals it is therefore crucial to ensure that this is an appropriate location for such expansion.

2.4 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.'

2.5 It is of course a considerable benefit that residents would have the opportunity to use London-Cambridge stopping trains calling at Elsenham. These services operate half-hourly at peak periods and hourly at other times and also serve other destinations such as Harlow and Bishops Stortford. However, as noted in the Highway Impact Assessment of the Draft Local Plan to 2031 (HIA) (March 2014), there has been some reduction in passenger use at Elsenham since 2011/12 when the introduction of Stansted Airport Express brought an extra train per hour to Stansted Mountfitchet and Bishops Stortford, giving these nearby places shorter journey times and increased passenger numbers. Moreover, on all the evidence, travel by train only accounts for a small minority of total trips.

2.6 Another aspect of the railway as a sustainability benefit is that the railway line itself forms a major barrier between the existing village which lies mainly on

the western side of the track and the expansion area situated on the eastern side. The only links between these two areas are at High St/Henham Rd at the southern end of the village and the level crossing and footbridge at the junction of Station Road/Bedwell Road at the northern end of the present village. The illustrative master plan for the new development places the proposed local centre and interchange immediately to the east of this crossing. However, the crossing is closed for 20 minutes or so every hour and has been the site of fatalities. This makes for an unfortunate interface between the western and eastern parts of the village especially as movements across the railway take place at precisely the point which would become the strong focal point of the expanded village. While the allocation could be expected to increase such movements considerably, the future policy of Network Rail towards the continued existence of the crossing appears to be full of uncertainty.

2.7 If the crossing is required to close, vehicles would have to detour via High Street and Henham Road through the southern end of the village and the spine route through the new development. Pedestrians and some cyclists would need to use the challenging existing footbridge linking the station platforms. Although it has been suggested that lifts could be installed it is highly questionable how far this would prove an attractive or acceptable solution or meet the safety concerns of many members of the public, especially after dark. It has also been suggested that other solutions for crossing the railway could be explored. However, the plans being advanced for an early phase of 800 houses would fix the layout of the village extension at this point, especially areas around the local centre/ interchange thus leaving it very uncertain whether or not satisfactory longer-term solutions to growing longer-term issues could be physically and/or viably provided as the expansion proceeded. Opportunity to build in satisfactory integration between the two parts of the village would have been lost.

2.8 There is scope to improve the current infrequent bus services by extending an existing local route to Elsenham, thus providing a 30-minute frequency service to destinations such as Stansted Airport, Bishops Stortford and Harlow with all dwellings within the Elsenham extension within a 400m walk of a stop.

2.9 As for the matters referred to in paras 35, 37 & 38 of the NPPF, appropriate master-planning could help to reduce the need to travel away from Elsenham to access as many services as can be provided viably within the scale of the development, albeit these could still meet only a limited range and quality of requirements. Facilities could also be designed to encourage safe on-site walking and cycling although the attractions of cycling to destinations off-site (already low) would be further reduced by increased traffic on the network.

2.10 However, the HIA records that Uttlesford (and especially Elsenham) residents have above-average car ownership levels and are more likely to use them to travel to work on journeys that are also of greater length than the

national average. It concludes that despite the advantage of potential train travel and improvements to bus services, traffic would increase significantly on the local network of rural roads within which Elsenham is embedded. The distance to the strategic road network is identified as (going west via Grove Hill and Stansted Mountfitchet) 3.5 miles to the A120 at Bishops Stortford and 5 miles to M11(J8) and (going south via Hall Road) 4.5 miles to the A120 and 6.3 miles to M11 (J8). It also notes a number of more minor, tortuous roads which could be used to avoid the Lower Street area of Stansted Mountfitchet particularly during peak periods. These latter options are not significant sustainability 'assets' for the allocation.

2.11 It is widely recognized that a range of physical features including the local topography, the presence of bends with restricted visibility and width, and on-street parking mean that travel via Grove Hill and Stansted Mountfitchet is not, and cannot be rendered, a suitable route for this level of additional traffic. However, the allocation would inevitably cause increased pressures along the route and within the village. The HIA raises the option of bypassing much of the village (although not that part fronting Lower Street) through the construction of a western link from a point west of Elsenham to the B1383. This is estimated at £7.5-10m excluding land. However, the wider implications of such a route, including its environmental impacts, have not been assessed and the HIA recognises that its provision could divert traffic passing along the B1383 towards destinations to the south east via Hall Road.

2.12 The HIA notes that promoters of the scheme have suggested measures to discourage traffic travelling through Stansted Mountfitchet and encourage movements southwards via Hall Road. It notes that journey times by that route may be similar although the distance is greater. The overall conclusion of the HIA is that a more detailed study using a detailed highway assessment route choice model would provide a more confident prediction of the site allocation's impact and enable testing of future routeing proposals.

2.13 Before the hearing sessions the HA, Essex and Herts County Councils and Uttlesford and East Herts District Councils agreed a statement of common ground (SoCG). This mainly covered issues to do with the wider impacts of the allocation on the strategic network which I deal with below. However, it also noted that 'satisfactory alternatives to reducing congestion between Elsenham and Stansted Mountfitchet and discourage use of more minor routes have yet to be identified' (para 12) and confirms (para 26) that 'the cost effectiveness and deliverability (of the mooted western link) needs to be compared with alternative proposals which remain a concern for the highway authority as no satisfactory alternatives have yet been put forward'.

2.14 Recognising the inadequacies of the more direct routes to the strategic network via Stansted Mountfitchet, the promoter's strategy is to encourage traffic to use the longer route via Hall Road. This is not an ideal route to serve a

settlement of the size that Elsenham would become. Traffic moves quite fast in places along this rural road which has variable widths and a number of tight bends one of which is said to be an accident cluster. I note that a condition suggested in the context of the application for a first phase of 800 houses (now subject to a decision by the Secretary of State) would require widening of the entire length of the road between Elsenham and the Coopers End Roundabout to 'a minimum of 6.5m where feasible and appropriate treatment of any accident clusters identified in the Transport Assessment.' However, it is unclear how far it would be 'feasible' to achieve such improvements within present highway limits along the considerable length of Hall Road as far as the roundabout or onwards to Takeley. Having travelled the length of this road on several occasions in both directions (at different times of day and in a range of weather conditions) I am not at all convinced that the approach of such heavy and uncertain reliance on Hall Road is a sound basis for embarking upon large-scale expansion of the village, turning it into one of the principal settlements in the District in terms of its size.

2.15 It is also to be noted that Hall Road runs almost entirely through the 'Countryside Protection Zone (CPZ)', a long-standing special policy in Uttlesford's successive local plans aimed at maintaining Stansted as an 'airport in the countryside'. The policy aim is to restrict development which could cause coalescence between the airport and surrounding development but large-scale improvement of Hall Road would be unlikely to assist the aims behind the CPZ.

2.16 It is therefore a major disadvantage of the plan's policy for Elsenham that the village lies at some distance from the strategic network in a location embedded within a network of rural roads acknowledged as currently unfit to serve expansion on the scale proposed. Public transport is available and can be improved to some degree and the planned growth of local facilities would help to reduce transport demands. Benefits of the latter point would increase with the scale of the planned development. Nonetheless, the development would place substantial increased pressures upon existing unsuitable rural routes. Various proposed mitigation measures and solutions have been proposed for overcoming this disadvantage but these have not been shown either to be clearly able to secure their objectives or to be deliverable. My overall conclusion on the evidence is that there are severe doubts that Elsenham could overcome the connectivity disadvantages of its location sufficiently to be regarded as consistent with national policy or effective in being able to secure sustainable development.

Wider transport implications of Elsenham policy 1

2.17 Further concern about the highway-related soundness of the allocation of 2,100 homes at Elsenham (and any possible future expansion of the allocation) arises from uncertainties raised in the representations by the Highways Agency

(HA) and Essex and Hertfordshire County Councils. The HA's concerns focused on the capacity of M11 (J8). In its view there had been insufficient investigation of the cumulative impact on the strategic network of development in Uttlesford, East Herts, Harlow and Epping Forest. It therefore expressed concern about the risk that sites had been identified before it was clear that deliverable measures to manage any unacceptable impacts were available.

2.18 Essex County Council expressed similar concerns. Two models, the Harlow Stansted Gateway Transportation Model and a local junction model of M11 (J8), do not yet fully determine the operation of the strategic network following the implementation of all the local plan development but indicate that a material impact could occur at a number of critical junctions on that network. The HA and Essex CC recommended further modelling work 'as the plan progresses' to identify the likely extent and location of any necessary mitigation measures. For its part, Herts CC highlighted that traffic increases would have an impact on Bishops Stortford as well as J8.

2.19 After I raised these matters in my initial soundness concerns and questions, UDC indicated that a predictive regional model had been signed off by HA and the County Councils. This was intended to assess traffic flows on strategic and local roads using housing and employment growth data up to 2036. So far this had indicated that material impact could occur at a number of critical locations on the strategic network.

2.20 Before the hearing session on this matter the HA, Essex and Herts County Councils and Uttlesford and East Herts District Councils agreed the SoCG referred to above. This states (para 8) that the representations on the plan represent 'a point in time' but recognises that all the parties in the Duty to Co-operate meetings on transport acknowledge that assessments need to be refined and that 'this is happening'.

2.21 Para 9 of the SoCG refers to interim outputs from a separate piece of work (the M11 J7&8 Headroom Study). This includes allowances for 'all the committed schemes and proposed local plan growth' from ULP, together with schemes included in the emerging versions of the East Herts, Epping Forest and Harlow plans, except for those indicated in para 14 of the SCoG. The study identifies that an interim solution for capacity issues at J8 can be achieved at a combined estimated cost of £5m 'but should not be seen as an overall solution'. It is expected that all developments impacting on the junction would contribute to these works and thereby provide for up to 10 years growth, ie until the mid-2020s. [I note in passing Essex CC's comment in its hearing statement that if the current model had been available earlier it is likely that further contributions would have been sought from the first phase of 800 dwellings at Elsenham and the Bishops Stortford North development. This may illustrate the risks inherent in decision-making on the basis of incomplete evidence.]

2.22 The SoCG records (para 15) that VISUM modelling of the strategic network is to be undertaken over a wide area but will not be fully signed off by HA until 2015. Paras 17 and 18 refer to work being undertaken to assess the impacts of major development proposals at Bishops Stortford just to the west of J8 and close to the East Herts/Uttlesford border. If further improvements were shown to be required beyond those identified above the cost could be 'of a very different magnitude, potentially exceeding £50m and possibly significantly more'. This would need to be part of the Government's co-investment programme between the South East Local Enterprise Partnership and Greater Cambridge/ Greater Peterborough Local Enterprise Partnership Growth Deals.

2.23 Para 24 states that since delivery of more than 800 houses at Elsenham 1 is profiled from 2024/25, this gives the opportunity for highway scheme development and the preparation of business cases underpinned by the required level of highway assignment modelling to enable appropriate mitigation to be identified and provided by the site promoters.

2.24 At para 25 the SoCG acknowledges the risk identified by the HA representations and states that further modelling work will be completed 'within the next 12 months'. This will 'determine the infrastructure requirements to manage the impacts of more than 800 homes north east of Elsenham including definition of the road hierarchy between Elsenham and the strategic route network sought by Essex CC. Cost and other deliverability constraints will then determine the long-term phasing of the development beyond 2024/25.' Reference is made to improvements which may become necessary at some stage if Stansted Airport expands beyond its present cap and which may bring in additional resources for J8 improvements. However, the timing of that is uncertain and could be subject to wide variation from the Airport's present aspirations.

2.25 Para 25 suggests that 'if phasing issues impact on delivery of development north east of Elsenham this can be addressed through monitoring and review of the Local Plan to ensure an adequate supply of deliverable housing land in the period 2024 to 2031. It is important though to have a clear agreed long term objective as a basis for co-operation between the Councils, the HA and the LEPS to find the solution'.

2.26 My initial soundness concerns (EX101) summarised the representations on this matter, together with relevant material in the Duty to Co-operate statement, and observed that these prompted the question: is the present state of evidence sufficient to demonstrate that (when the models under development have been run) the Uttlesford allocations, taken together with those in nearby Districts, will be sound in the sense of being compatible with the capacity of the road network? I am unable to conclude that this question has been answered sufficiently positively. ULP is not constructed on the kind of contingent basis which appears to be suggested in para 25 of the SoCG and in any case Local

Plans are intended to convey certainty that their proposals can be implemented within their timespans. This is an essential element of their effectiveness.

2.27 PPG on 'transport evidence in plan making' indicates (54-005) the importance of having a robust transport evidence base for local plans in place at submission in order to identify any potential measures that may be required to mitigate the negative impacts, particularly those affecting a wider area than a single authority. In the light of all the above I cannot conclude that the plan is effective in this respect.

3 Other matters

3.1 I set out below my views on the other principal topics considered during the examination in order to assist the Council in taking matters forward.

The Duty to Co-operate (DtC)

3.2 Some of the evidence of a clear audit trail in UDC's DtC statement is rather thin and patchy and some is focused rather more on arrangements which will govern future work than what occurred in the period between the dates when the DtC came into operation and the submission of the plan. The DtC statement could also have had greater focus on genuinely 'strategic matters having a significant impact on at least two planning areas' (S33A of the Act) as opposed to some more peripheral matters.

3.3 Past SHMAs covering much wider areas of Essex/North London/Hertfordshire/Cambridgeshire demonstrate that the history of trying to define and get to grips with Housing Market Areas hereabouts has been rather complicated. This gave scope for argument about the extent to which UDC did or did not show evidence of joint working with other authorities to meet development requirements which cannot wholly be met within their own areas (NPPF para 179). However, all UDC's neighbours expressed satisfaction that the duty had been met.

3.4 My overall judgement is that the Council did fulfil its obligation under S33A, albeit somewhat narrowly.

Sustainability Appraisal (SA)

3.5 The Elsenham strategic allocation was chosen as part of the favoured option very early in what has since become a very extended plan making process. This was contrary to the procedure then recommended by the officers for selecting a favoured growth option (ie concentration, dispersal, or a new settlement, and then for selecting a site for a new settlement if that were the option chosen). Transparent consideration of any other 'new settlement' options did not seem to take place before the very high level, broad brush comparative SA of January 2010, acknowledged by the Council as 'not a full SA'. More formal SA of other possible 'new settlements' (ie those discarded as not 'reasonable' in

2010) took place in June 2014 after ULP had been submitted. However, by then the scale of some of the proposals promoted in respect of the other rejected options (as well as those of the Great Chesterford option, the only other 'new settlement' site assessed as 'reasonable' in 2010) were in some cases very different (in terms of proposed housing numbers) with what was considered in the June 2014 SA. The outdated nature of the information considered therefore limits the relevance of the June 2014 SA as a comparative assessment tool, whether or not this retrospective appraisal of options long since rejected was needed or meets the requirements of the SEA Regulations as interpreted by subsequent case law.

3.6 All in all it may be questionable whether the various successive SAs together provide a really transparent audit trail of the endorsement/rejection of the claims of the very many other smaller 'reasonable' candidate locations for growth. It would certainly be an understandably difficult task to maintain a clear thread of narrative between the successive SAs given the length of time the plan took to evolve, the changing background circumstances, the very large number of sites identified in the plan and the fact that so many schemes have evolved from proposals to planning permissions and on to construction throughout the period. Mention at the hearing of the difficulty in following the reasoning behind the adoption/rejection of some specific candidate 'reasonable' option sites seemed to me to show the possible difficulty which could occur in tracing sites' histories by use of reference numbers taken from the SHLAA. However, since it does not appear possible for the examination to proceed to a successful outcome there is little point in my discussing the SA process in any more detail other than to note that future SAs need to ensure that the requirements of the Regulations and the principles established by case law are built-into the process transparently from the outset.

5-year land supply

3.7 My conclusion that the plan needs to address an increased OAN will clearly affect any future assessment of the 5-year supply of deliverable housing land required by para 47 of the NPPF. However, looking at other important aspects of UDC's evidence on 5-year supply I conclude that:

-the table at EX149 indicates that housing delivery performance over the past 13 years has not fallen significantly below appropriate targets for the years in question. The buffer discussed in the NPPF therefore does not need to be increased beyond the 'standard' 5%:

-there is no local or contemporary evidence which would justify the application of a standard 'lapse rate' for outstanding residential planning permissions:

-the Council's evidence on the windfall allowance (set out at H109) uses the stringent criteria of the Essex County Council definition and, at 50pa, is reliably based upon well-evidenced research and consistent with para 48 of the NPPF:

-there is no requirement, as some have urged, to add to the OAN to cater for any 'backlog' calculated against years preceding the 2011 base-year of the plan (see *Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority [2014] EWHC 758 Admin*):

-the Council's housing trajectory (H108) provides a generally sound view of the years during which deliverable/developable land can be brought forward over the plan period, while the high level of potential completions shown in years 3-5 reflects a generally healthy current land-supply situation, with deliverable sites of various sizes controlled by a wide range of house-builders across a good range of locations. Indeed, the controllers of some sites took a more optimistic view of potential delivery than H108. If the out-turn in delivery during years 3-5 were to prove slower than indicated in H108 the evidence does not suggest that this would be due to constraints in-built within the plan (eg unresolvable infrastructure issues or the over-dominance of allocated sites by a small number of house-building companies). It is also notable that the situation reflected in H108 does not rely upon completions on the land north-east of Elsenham during the 5-year period.

Saffron Walden policy 1

3.8 This large 59ha allocation is clearly of strategic importance in the context of Saffron Walden and includes a range of facilities including primary school provision, a local centre, and recreational facilities in association with the nearby leisure centre as well as 800 dwellings including a retirement village. The policy requires development to be implemented in accordance with 'the master plan'.

3.9 In strategic terms this is a sound allocation, although there appear to be some risks to its effectiveness in the way that the scheme is being brought forward. The northern section of the site is subject to a resolution to grant planning permission, while the southern part is the subject of an appeal which is not being contested by UDC although it will be by some third parties. As for the central section, the SoCG signed by UDC and the owners/controllers of the land states that this part of the site will be available for development within the plan period in a manner compatible with the other parts of the site.

3.10 The subsequent outcomes of Development Plan policy resulting from decisions on planning applications are not matters for me. However, from the evidence placed before the hearing there appear to be uncertainties about way that the master plan is evolving in terms of the precise function intended to be performed by the required 'link road' between Thaxted Road and Radwinter Road, two of the main radials leading into and out of the town. I am concerned that the policy is not founded upon a clear enough explanation/understanding by the County and District Councils about this issue. This raises questions about the policy's precise aims and effectiveness and whether or not it provides the authorities with the means necessary to secure their objectives in a situation where the policy is being implemented incrementally by developers with different focuses and timescales for their individual sites.

3.11 The new link's function and specification is unexplained in the explanatory material to the policy although it seems to be regarded as an extension of the present cross-town route between London Road/Audley End Road and Thaxted Road, thus providing increased opportunities for traffic to avoid the historic centre. The potential role of the link (and therefore the need for its route and design to complement that role) could be increased if, as was suggested at the hearing, options are taken forward for traffic management measures in more central areas, including partial road closures.

3.12 The policy's lack of clarity and content about this issue raises concern about the plan's effectiveness. However, if the necessary evidence and clarity about this matter could have been brought forward and a sound approach outlined, this could potentially have been resolvable by consultation upon an appropriate Major Modification.

3.13 Although questions were raised about whether the policy can secure appropriate integrated provision of on-site primary education facilities, in my view the terms of the policy are sufficiently clear about this matter. Again, the outworking of the policy is not a matter for me, but I note that the education authority is satisfied that a workable solution can emerge.

Great Dunmow policies 2-4

3.14 Taken together these policies provide for 400 dwellings and a health centre south of Stortford Road (policy 2), a site for secondary education use on adjoining land (policy 3) and 100 dwellings on the site of Helena Romanes School when it has moved to the replacement site (policy 4).

3.15 From the evidence before me, including that in the first SoCG, I had some concern about the effectiveness of these policies in terms of the financing of the new school which is heavily dependent on S106 contributions from these and other local schemes. However, the second SoCG sets out a more convincing plan of implementation. This appears to offer more reasonable prospects of delivery, albeit this would require foregoing the provision of affordable housing on an as-yet unknown, but definitely substantial, proportion of the total number of dwellings allocated through these policies. This is a material disadvantage of the policies but I consider them generally sound.

The employment strategy (part 9 of the plan)

3.16 The plan's employment target set out in policy SP3 is 9,200 additional jobs for the period 2011-31. This derives from table 27 'predicted Uttlesford job changes by type 2011-2031' in the Employment Land Review (ELR) of April 2011, which is itself based on the East of England Forecasting Model of Autumn 2009. It is unclear what part the expected growth of employment Stansted Airport plays in that total, but current estimates by new owners Manchester Airport Group (MAG) indicate that Stansted could itself provide growth in jobs of that order if its traffic were to increase to 35mmpa over the plan period.

3.17 The ELR indicates that there is little if any discernible linkage between the quantity of housing allocated in the plan and the number of jobs likely to be created over the plan period in recognised 'employment' uses (offices, industry and warehousing), especially given the nature and location of Uttlesford and its travel-to-work patterns.

3.18 More importantly, therefore, the ELR (which is a good example of its kind) provides a clear market-based picture of the types and locations of sites which should (a) be newly allocated, (b) continue to be allocated/safeguarded, or (c) be re-allocated for different uses. The main recommendations of the report are generally taken forward into the plan.

3.19 Stansted Mountfitchet policy 9 allocates 18ha of land to the north east of Bury Lodge Lane for non-aviation business, industry and non-strategic warehousing. This approach is supported in the ELR and consistent with MAG's emerging Sustainable Development Plan. The land in question has long remained vacant or underused and MAG considers it surplus to the operational requirements necessary to facilitate growth of the airport to its current permitted extent of 35mppa and beyond to the full capacity of the single runway, assumed to be 43mppa.

3.20 There is no evidence to suggest that the allocation would have an adverse effect on airport operations and the proposal would make positive use of land which is brownfield in nature and excluded from the Countryside Protection Zone around the airport. Studies for East Herts District Council have concluded that the allocation would not have a negative impact on deliverability of the designated employment areas at nearby Bishops Stortford while some other candidate sites for employment allocations close to the M11 would require the release of Green Belt. As for access, the SoCG referred to above in relation to Elsenham concludes that M11(J8) could cater for movements from development at Bury Lodge Lane subject to junction improvements which are considered deliverable. This is therefore a sound proposal.

3.21 ULP departs from the ELR recommendations in its approach to temporary non-airport uses of buildings in the South Side Ancillary Area. The plan states (Stansted Airport policy 4) that this area shall be 'principally reserved for activities directly related to or associated with the airport'. MAG's emerging plan (Land Use) shows at p38 that 3 buildings have a very high level of vacancy. Indeed a recent appeal decision records that one building (Endeavour House) has had a persistent vacancy level of about 33% since it was built in 1998. However, MAG's document takes a more bullish view of the future, recording increased enquiries for on-airport accommodation and foreseeing the possibility of the existing stock of accommodation being let within the next 5-7 years.

3.22 Development Plan policy must ensure no risk to airport expansion by preventing blocking of on-site accommodation where there is a realistic expectation of a demand from genuine airport-related users. However, it is also important not to hamper the local economy by wasteful and unnecessarily long-

term reservation of underused buildings with potential to serve a useful temporary purpose. Even if the evidence on vacancy levels may suggest a degree of past over-caution, policy 4 does provide the necessary flexibility to make appropriate judgements on this matter by inclusion of the phrase 'principally reserved for'. That stance is reasonable and the plan is sound on this issue. Future application of the policy is a matter for determination in the prevailing circumstances of the time.

3.23 Turning to the plan's proposals for employment sites in Saffron Walden, the general effect of ULP's policies 1, 2, 3, 5 and 6 for the town is to replace a stock of sites for heavier or outworn employment uses with more mixed schemes providing for a wider range of uses, including those catering for different types of employment and providing smaller, more flexible units which are more likely to be taken up by the market, given the limited attraction of premises on the eastern of the town for uses dependent on heavier traffic. This is a sound and practical approach.

Settlement classification (within part 7 of the plan)

3.24 The settlement classifications in table 2 of ULP are based broadly on the level of services available at each settlement. This is a more appropriate evidential base than the system underlying the classification of settlements in the present local plan. There will always be scope for debate about how much weight to apply to one factor or another and the appropriate categorisation for individual towns or villages where their services are at the margin between different classifications. However, the content of table 2 (and the resulting roles of the particular settlements) is generally soundly set out.

3.25 Having said this, where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (eg locally identified demographic and other needs, local constraints and opportunities, patterns of bus services, and inter-relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward.

3.26 Concerning Stansted Mountfitchet, this clearly supplies significantly fewer local services than Saffron Walden and Great Dunmow but more than most of the other key villages. However, in view of the fairly limited nature of its service role and its proximity to the much larger town of Bishops Stortford there is no particular case for amending its place within table 2.

Further matters

3.27 A limited range of other further matters were raised in my initial soundness concerns and at other points during the examination. These would all have been capable of resolution through appropriate Major Modifications along the general lines put forward by the Council, mainly in its response to my initial

soundness concerns but also in further discussions at the hearings. These include the present lack of clarity in the presentation of the information in policy SP7/table 5, issues concerning policies HO1 HO2, HO6 and the need to encourage site availability for self-builders, policy C2, policy SP10, policy HE1, policy HE3, policies SP11 and NE1 and NE2, and policies INF2 and INF3. As for those policies touching upon matters concerning the Government's review of housing standards, these will be clarified when the full outcome of the review is known in 2015.

4 Overall conclusions and the way forward

4.1 Taken together, my soundness concerns about the OAN and Elsenham policy 1 lead to my not being able to recommend adoption of the plan as submitted. Nor, given the extent of change that would be likely to be required to the overall strategy, can I recommend Major Modifications under S20 of the Act to overcome these soundness issues.

4.2 As I indicated on 3 December, my normal strong inclination would be to keep an examination of a Development Plan moving forward wherever possible in order to minimise any disruption to the planning process. However, the scale of work which the Council would need to undertake to propose and consult upon changes to deal with the above matters would (a) be considerably greater than could be completed within the normal maximum 6-month period of a suspended examination and (b) result in a plan fundamentally different in character from that submitted. Suspension would therefore not be appropriate.

4.3 The brief for the new SHMA, currently being prepared for Uttlesford and its 3 neighbour authorities in the 'Harlow/M11 corridor' requires that it should be PPG-compliant. If it is, it should provide up-to-date OAN assessments for these authorities both individually and jointly. This could provide a platform to take forward complementary Local Plans for these areas which are fully consistent with the NPPF and PPG and able to be prepared with full regard to any DtC and/or SA issues which may arise. In Uttlesford's case the plan would no longer need to include the large historical catalogue of allocations that are now commitments, thus simplifying and speeding up the process.

4.4 There appeared to me to be fairly widespread recognition that some form of 'new settlement(s)' may form an appropriate means for catering for the future long-term growth of the District and, if so, that this should be on a scale bold enough to achieve maximum possible sustainable critical mass and a long term solution, especially if there are judged to be limits as to how far relatively small towns with the characters of Saffron Walden and Great Dunmow can grow sustainably, attractively, and in an integrated way through successive phases of peripheral expansion. However, I do not consider it for me to comment further upon this matter.

4.5 Nor is it necessary or appropriate for me to comment on the comparative claims of any of the very many potential alternative development sites, large and small, promoted in representations to the submitted plan or indeed at the other stages during the 8 years which it took for the plan to evolve against changing background circumstances.

4.6 I recognise that my statement on 3 December and the contents of this letter represent **unwelcome news to the Council**. However, in view of all the above it seems to me that **the options for the Council**, after it has considered this letter, **are either to ask me to continue the examination but with the inevitable conclusion that I will not be able to recommend changes which would make the plan sound, or to consider withdrawing the plan.**

Roy Foster
Inspector

19 December 2014